

By: Chief IFC Officer  
To: Technical Panel Kent and Essex Inshore Fisheries and  
Conservation Authority – 30 October 2017  
Subject: Native Oyster Flexible Permit Byelaw  
Classification: Unrestricted

**Background:**

Following public consultation, the Blackwater, Crouch, Roach and Colne MCZ (BCRC MCZ) was designated in November 2013. The conservation objectives include:

- Recovery to favourable condition of native oyster beds (marine habitat)
- Recovery to favourable condition Native oyster (*Ostrea edulis*) (Species of marine fauna).

The concept of this site is to restore native oyster populations allowing them protected areas and areas that can be fished. Local oystermen want to build on the work that they have achieved in their private grounds in rebuilding native oyster populations.

Native oysters are now designated as a conservation feature in the MCZ and are protected under conservation legislation rather than fisheries legislation. The native oyster beds in this area were closed in 2012 under existing KEIFCA legislation due to a lack of young stock. They have been opened a few times since then for short periods but the lack of young stock meant that in May 2015 KEIFCA decided to close the beds until May 2018. Due to the vulnerability of this species any management needs to be precautionary and based on evidence.

KEIFCA has been undertaking its own yearly surveys of the public grounds since 2014 which have continued to show that young stock is not coming through.

The legislation required that the 'population was sufficiently thriving and resilient to enable its recovery'. KEIFCA needs to be able to define a 'thriving and

resilient' population and a 'healthy and resilient' oyster bed/ marine habitat within the BCRC MCZ.

In addition, the site was not just designated for native oysters but also for native oyster beds as a separate feature. Natural England's advice was that core native oyster beds, due to their significantly greater sensitivity to deterioration, and the long period of time they would take to recover would not be open to fishing.

### **Developing oyster management**

If a decision were made to introduce a permit byelaw, any management plan that was developed would lay out a framework, indicating in broad terms when the fishery could be opened and how it would be managed under certain scenarios. An annual assessment of native oyster stocks in the public grounds within the site would be carried out by KEIFCA. If stock levels were above agreed trigger points within the plan, following approval from Authority Members of management recommendations that had been developed with permit holders and an appropriate assessment with NE, the fishery would be opened. Key fisheries data would be required from all permit holders which would include landings, catch rates, number of tows; these returns would feed into any fishery management plan. A meeting would be held with permit holders to discuss the result of the surveys and to advise them of the proposed management recommendations. If trigger points had not been reached the fishery would remain closed and reassessed the following year.

Since February 2017, four meetings have been held with stakeholders to discuss the creation of a native oyster permit byelaw. Details of these have been shared with Members at their Authority meetings on 23 May and 15 September 2017.

### **Talking to the community**

At the meeting held on 15 September, Members agreed to the publication of a consultation document outlining the proposed management options to allow people or organisations that have so far not input into the permit byelaw making process to have the opportunity to do so, with the expectation that all replies would be put into a briefing pack for the technical panel members.

The consultation document was sent to 48 stakeholders with printed copies distributed in Essex by Fishery Officers while on shore patrol to the various ports in the County. A copy of the consultation document is provided for information as Appendix 1.

In total seventeen responses were received from stakeholders. Some responded to all the questions put in the consultation, others responded to one or two in particular, while some acknowledged the consultation but did not intend to respond. These responses have been collated into a document which lists them

against the relative question. This document is provided as Appendix 2. The responses in their entirety are provided as Appendix 3.

### **What are Technical Panels?**

The Authority appoints Technical Panels, made up of Members of the full Authority, to make recommendations to it on any matter which requires more in depth discussion than there would normally be time for at a full meeting of the IFCA. It is important to note that the Technical Panel does not make decisions, but rather makes recommendations as to actions which the Authority may wish to make.

Technical Panels may choose to involve non IFCA Members in their deliberations.

The members appointed by the Environment Agency and Natural England, and the member appointed as an MMO employee may invite a colleague or colleagues to present information with the prior consent of the Chairman.

The CFO, in consultation with the Chairman of the meeting, may allow representatives of other partner agencies to present information.

### **What kind of output will come from the meeting?**

Originally it was proposed legislation wording would be discussed at the meeting however following informal talks and considering the responses to the consultation, it is now considered that the next step should be to consolidate opinion before developing any legal wording. Our intention is to present the recommendations and the draft legislation to Members as an extended agenda item at the next IFCA meeting on 30 November.

### **Managing the restoration box**

Feedback from the consultation as well as informal meetings have raised specific concerns with the rationale, the location and the proposed management of the restoration box. Natural England (NE) are the lead regulator for the restoration box rather than KEIFCA and although they will be attending the Technical Panel there seem to be a number of underlying issues of approach that need to be discussed. For this reason, KEIFCA are trying to arrange a meeting to facilitate discussions between NE and the fishing industry, hopefully before the Authority meeting on the 30<sup>th</sup> November.

**Members of the Technical Panel are therefore requested to:**

1. Review the progress made to-date in making a Native Oyster Flexible Permit Byelaw;
2. Consider the responses to the consultation document;
3. Review and make recommendations as to the structure and mechanisms within the byelaw:
  - the static and flexible components of the byelaw
  - the relationship and mechanism between the byelaw and the fisheries management plan.
4. Scrutinise in detail each component of the consultation questions, and make recommendations or give a specific direction for the Authority to consider.