

Kent & Essex Inshore Fisheries and Conservation Authority

MINUTES of a meeting of the Authority held in the Marconi Room, Chelmsford Borough Council, Duke Street, Chelmsford, Essex at 10.00am on Friday 15 September 2017

Present: Cllr J Lamb (Southend BC), Mr J Nichols (MMO), Cllr T Hills (KCC), Ms E Dixon-Lack (MMO), Mr A Rattley (MMO), Mr S Abbotson (MMO), Cllr A Wood (Essex CC), Mr E Hannam (MMO), Ms B Chapman (MMO), Mr P Wexham (MMO)

Apologies: Cllr A Bowles (Kent CC), Cllr R Binks (KCC), Ms S Allison (MMO), Cllr P Channer (Essex CC), Cllr S Walsh (Essex CC), Cllr H Tejan (Medway Council), Ms C Relf (Natural England), Dr L Fonseca (MMO), Mr C Hazelton (NE)

In Attendance: Mr P Wickenden (Clerk, KCC), Mrs B Gibbs (Financial Advisor), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Ms J Churchill-Bissett (MMO)

The following information was laid around the table:

- Letter from Thanet Fishermen's Association (previously emailed 12 September 2017)

71. MINUTES (A1)

RESOLVED that the Minutes of the meeting held on 23 May 2017 were correctly recorded and that they be signed by the Chairman

72. DECLARATION OF MEMBERS' INTERESTS (A2)

The Chairman requested Members to declare any interests on the Agenda item prior to it being dealt with and advised that those with a disclosable prejudicial interest may not vote on that Agenda item.

The following Members declared interests:

Mr P Wexham – agenda item B4 – personal interest (member of Thames Estuary FLAG project and Leigh Port Partnership)

Mr A Rattley – agenda item B2 and 4 – personal interest (shellfish processor)

73. REVENUE BUDGET MONITORING 2017/2018 (B1)

Members were provided with details of the financial position of the Authority to 31 August 2017. The Financial Advisor informed Members that the underspend for the year was likely to be £37,596 which had resulted from savings in staff, reduction in the number of byelaws likely to be advertised and an increase in income from the opening of the permitted cockle fishery. This was

offset by forecast overspends in cockle survey costs, reports to consultants for Nerissa and additional training.

Members **RESOLVED** that the projected underspend of £37,596 be approved

74. COCKLE FISHERY UPDATE (B3)

Members were advised that the TECFO was opened on 10 July 2017. Yield checks were carried out in each area prior to this date by a representative from the industry, a processor and an IFCA officer. These checks confirmed, that as indicated by the results of the surveys that had been previously carried out by the IFCA, the stocks were low. As a result of this the start of the Fishery was delayed from 26 June to 10 July. On consultation with the Industry, it was also decided that, as catch rates were lower than normal and in order to protect the grounds from damage, the specified landings would not increase to three trips per week as planned, but remain at two. Surveys would be undertaken once again w/c 18 September 2017. Catch rates were low; where the boats would normally catch their quota in two to four hours, this was now taking up to twelve hours. The Industry had requested that the minimum size be reduced to allow faster catch rates, however officers had felt this would reduce the stock that would be able to reproduce. Additional damage rate checks had been carried out on each vessel by the IFCA's patrol vessels and were found to be within accepted levels which suggested that the grounds were within acceptable limits. It was intended to close the TECFO for the period that the Permitted Cockle fishery was opened and then potentially reopen it for up to two weeks to allow the full TAC to be taken. The outlook for the next year was promising. Spat was coming up to minimum size and although some would be lost over the Winter, it was expected that enough would survive.

Members were informed that the Permit Byelaw Cockle Fishery was due to open the first week of October. Forty permits had been issued which equated to one trip per vessel. Bio security checks were due to be completed on all vessels that had applied for a permit by the end of September.

Members **RESOLVED** that:

- i) the management of the 2017 TECFO fishery was approved; and
- ii) the management of the Flexible Byelaw Permit Cockle Fishery was approved

75. NATIVE OYSTER FLEXIBLE PERMIT BYELAW UPDATE (B3)

The Chief Officer informed Members that work in developing this byelaw had begun in February 2017. Discussions had been held with the Industry and other stakeholders. A meeting on 6 July had been used to work through a management plan process with members of the oyster industry, Natural England, NGOs and academics attending. All results from these meetings and the results of a questionnaire had then been presented to a meeting of the Industry on 16 August. This meeting of the Industry had proved to be useful, however it had to be acknowledged that between the seven to ten fishermen that were involved, each had differing business models and

boats. To develop a process to standardise this would be challenging although not unachievable. The Chief Officer advised that a lot of engagement and consultation had been undertaken with the Industry and their feedback had been used. Members were also advised that a consultation document had been developed to be sent to all interested parties. All responses to this document would be provided to Members at a Technical Panel meeting which would be held on 30 October 2017. This Technical Panel meeting would:

- Review the progress made to-date in making the byelaw
- Review the structure and mechanisms within the byelaw (the static and flexible components of the byelaw as well as the relationship and mechanism between the byelaw and the fisheries management plan).
- Scrutinise in detail each component of the byelaw (working from background, to options, to recommendation, to legal wording).

The Technical Panel would then make a series of recommendations on the byelaw and fisheries management plan as well as on the next steps for the Authority to consider at their next meeting.

In response to a question from a Member regarding control measures that could be applied to limit the number of vessels fishing the area, the Chief Fishery Officer advised that the fishery was likely to be on a small scale. An artisan fishery such as this which would operate for between two to five days per year which would limit the number of boats that would want to access it.

In response to a question regarding the dredging of the grounds to limit the number of other species that would breed there, the Chief Officer advised that Members should remember that the primary function of the site was that of a conservation area, not a fishery, with the native oyster as a protected feature. Natural England had said that the ground should not be turned over. In addition, a three-year research project carried out by the IFCA with the help of the Industry had shown that harrowing the areas had no usefulness. The Chief Officer acknowledged that this argument had been made numerous times but ultimately this was Natural England's conservation advice and it should be taken.

Members **RESOLVED** that a Technical Panel should be held on 30 October 2017 to report back to the Authority at its next meeting

76. RESEARCH PROJECTS UPDATE (B4)

Members were advised that a project had been developed with Bangor University and fishermen within the District to look at the size and maturity of whelks. The report was due to be presented on 22 September to the fishermen that had supplied the whelks and would be presented to the Authority Members at their November meeting. Bangor had been asked to measure both the length and width of the samples as riddle size was by width.

Members were also informed that officers had been successful in obtaining a European Maritime and Fisheries Fund application to study the life cycle of whelks, supplied by a local fisherman, over a two-year period.

Discussions had been held with Essex University and the North Thames FLAG project who had suggested that understanding the genetic relationships of whelk stocks could help form management measures for the future. The Chief Fishery Officer added that it was recognised that the stocks off Essex were different to those off Kent. The Chief Fishery Officer would be meeting with the North Thames FLAG project on 29 September for further discussions.

Members were informed that the development of a riddle had not progressed. It was hoped that the new data would allow the Industry to see the impact on the stock. It was also hoped that they would consider forming an Association.

Members commented as follows

- Disappointed that the Industry had not as yet formed an Association. Was aware that the Chief Officer had attended a Thanet Fishermen's Association meeting where this suggestion was made. The whelk industry was possibly one of the main fisheries not to be represented. It was important that the whelk industry worked as a central group.
- Pleased that the Chief Officer had acknowledged that Essex whelks were different to Kent whelks. EMF funding could be applied for to develop a riddle although this would soon run out. A design had been developed with a prototype costing £5,000 to build. An Association across the two counties needed to be formed to allow this to be taken forward as a matter of urgency.

The Chairman commented that the IFCA could help to facilitate the development of an Association but could not lead it. This would be up to the Industry to do so.

The Chief Officer informed Members that the funding for the SUMARiS (Thornback Ray) project had been confirmed with the first meeting due to be held in the Autumn.

A Member requested that the IFCA be updated on the progress of the programs listed in the Research Plan.

Members **RESOLVED** that:

- i) £5000 from research reserves be used to fund and resource a genetic study within the district; and
- ii) Updates provided within the report be noted

77. SOUTH EAST MARINE PLAN

The Chief Officer informed Members that over the last 7 to 8 years that had been a large increase in the amount of infrastructure and works that were happening in the Thames Estuary. Of necessity focus had been on MPAs and spatial management within the District. As this workstream started to reduce then it had become important to look at the District in its totality; MPAs were just one component of managing that habitat. A key component of managing the District to provide the habitats and ecosystems that would help the fisheries to thrive was to manage it as a seascape. The way that the Government was addressing this was to develop

Marine Plans. The Marine Plan for the South East covered most of the Kent & Essex District. It was of concern to the local industry as to how this broader seascape would be managed to provide a healthy ecosystem that supported the fish that they exploit. Members had been provided with a letter from Thanet Fishermen's Association (TFA) that explained the issue as they saw it. The South East had always been an area where some construction had taken place and was an area with big national infrastructures that supported the UK. One of the major concerns for the Industry was that they were trying to understand the impact of these constructions in totality. A lot of effort was put in by individual constructors as to their impact but there was very little research that looked at the spatial element and nobody was collecting data to understand those impacts.

Members were provided with a presentation by Jessica Churchill-Bissett from the Marine Management Organisation (MMO) on Marine Planning & the South East Marine Plan. They were advised that Marine planning sought to provide a strategic and considered approach to regulating by making the best use of space and resource for a marine plan area and to do so in a way that was sustainable. This required considering social, economic and environmental agendas when making decisions in order to ensure provision for the diversity of use and to minimise conflict between users.

Marine Plans informed decision-making related to a plan area. The Marine Policy Statement did this in the absence of a Marine Plan. Section 58 of the Marine and Coastal Access Act 2009 stated that all public bodies making authorisation and enforcement decisions which affected or might affect the UK marine area must be made accordance with the Marine Policy Statement and Marine Plans or state its reasons why not

The proposed South East Marine Plan covered an area from Dover, Kent to Felixstowe, Essex from the high water mark out to 200nm or territorial boundaries. Stakeholder engagement had begun in April 2017 with a further two sets of engagements to take place in April 2018 and April 2019. Public consultation would begin in August 2019 with approval of the final Marine Plan in June 2020.

Until the Marine Plan was adopted then any marine planning must have regard to Section 3.8 Marine Policy Statement (2011) which stated:

- "The UK has a long history of fishing both inshore and offshore waters, which the UK Administrations wish to see continue."
- "Continuing our move towards more sustainable fisheries management that will improve the state of the stocks should provide more stability for industry, avoiding drastic cuts in quotas and providing for a more profitable industry as well as a healthier marine environment."

It was accepted that areas where fisheries were important should not be overdeveloped, however it was difficult to get data from the fishing industry to show this. Ms Churchill-Bissett advised that the letter from TFA showed a need to reconsider. The MMO wished to work closely with the IFCA to look at evidence and data.

The Chief Officer provided Members with a presentation which showed the changes to the District since 2009. In 2009 there were four SACs and the Kentish Flats Wind Farm in the Thames Estuary area. In 2017 the Thames had:

- 16 SPAs
- 5 SACs
- 4 MCZs
- 9 rMCZs
- 4 wind farms
- 4 dredging and firing ranges
- 2 legacy aggregate dredging licences
- 7 disposal at sea sites
- Connectors and interconnectors

Members were informed that this was why the fishing industry felt marginalised. Some of these developments were among some of the biggest infrastructure projects in the world. This background of development was the challenge that the communities faced to protect to the seascape and habitat; a challenge on a districtwide and regional scale. The existence of the MPAs provided a level of protection and showed that there were key habitats and features in the District that needed to be protected. The London Array windfarm was one of the largest in Europe. There were now four windfarms in the district, having been developed over the last five years in which fishermen could no longer fish. Each had their own Impact Assessment but very little had been published on how they interacted together. The London Gateway Project had had a massive impact on the sole fishery in the Thames. At the time of its development this was due to be a one-off dredge which would not need to be done again. This had not been the case and had resulted in an area of the Thames that was in a constant state of high winter exposure in key areas that produced the nursery areas for key fish. The IFCA was facing an ecosystem which he felt was under significant stress. While individually a huge amount of work had gone into some surveys, red throated diver being one; the sampling in respect of fish would normally be a four week pre-survey, maybe an intermediate survey and then a post survey, in total probably 20 days.

The Fishing Industry had worked with the IFCA to develop fisheries management within the MPAs. Over the last three years this had resulted in 10% of the district not being available to trawling. This had made a significant impact on the local industry of small boats. The issue was one of how was this ecosystem going to carry on providing a reliable function in the future. All the windfarms were looking to extend over the next 2 to 3 years. Connectors and interconnectors formed a patchwork across the sea bed linking the area to Europe, a national infrastructure that was required.

The South East Marine Plan at the moment had no way of resolving these issues. Aggregate dredging was taking out key habitats. The Marine Plan must rectify this. The model that had been

presented is better than we have, currently there was nothing. It was important to work with the new constructions to show detailed data had been collected, as had been done with the Red Throated Diver

The matter was discussed in detail and the following questions raised/comments made:

- For terrestrial planning, if a planning application was made then it was possible to request s106 funding to use within the community. The Marine Plans did not appear to have that facility. Was there a way to obtain funding for research to see the effect of the works being carried out and to allow the big companies to feed back into maintaining the marine environment?
 - ❖ In response Ms Churchill-Bissett advised that discussions were being undertaken to see if a more general levy could be introduced to fund research. She was aware that in Plymouth a housing development had been required to provide funding for marine research
- The East Marine Plan was perceived as very passive and not empowering. Information/anecdotal evidence had not been accepted as it was deemed not scientifically valid but no support had been given to make it valid. This Marine Plan should provide guidance on how to deal with conflict, how to prioritise and where the "hard lines". It would appear that no mention has been made of lessons learnt from previous Marine Plans; how to change and how to feed back into the system
- DP World had dredged out a sole hatchery and nursery that had not recovered. There was no funding available to help that recover unless the money came from the company itself. They had helped to fund surveys, but there was no requirement for them to do so. The equivalent of s106 funding should not go to the Local Authorities but to the IFCA's themselves
- s106 agreements were quite general and could be used quite widely to support wider infrastructure; new schools, better sewage. This was not being seen in the marine environment. There was no further requirement to contribute to the community other than potentially a survey being undertaken.
- The Thames Estuary was devoid of major species, aside from skate and spotted dog. The Estuary was being destroyed not through fishing but through development which could not be allowed to continue. This week alone three more possible interconnectors would be coming into the Estuary, two more dredging applications had been made. Dredging had started the previous week just outside the District which would take 40 million tonnes of aggregate over 15 years from a feeder area for sole into the Thames Estuary. As an IFCA it was necessary to ask who we were conserving for. Our seas and habitats were being destroyed in front of us. The IFCA were supposed to be looking after the area but appeared to have no say in the national interest of it. Funding was required, the IFCA could not deal with this on its current budget. It was important that the IFCA ensured that it was feeding in the points raised from this meeting to include suggestions from the Industry.

- There were so many activities in limited space. As an IFCA it was important to welcome MPAs to create healthy areas but it was important to find a balance. Uncomfortable to see them portrayed on the map as a constraint. A lot of the areas did not make a difference to the fishing industry. MPAs made sure that deregulation of the marine environment would not continue.
- The IFCA should write to the Secretary of State to advise him of our concerns regarding the cumulative effect of development in the Thames Estuary. More science was required to establish what these developments were doing to the structure of the Estuary.

The CFO informed Members that the IFCA had a commitment to work with the MMO to create the South East Marine Plan. He would like the opportunity to talk to the MMO and other regulators to address major concerns and to develop a framework. It would be useful to develop data acquisition to show where key stocks were and to talk in a united way with the construction organisations to see how concerns could be addressed and offset.

Members **RESOLVED** that:

- (i) A letter be sent to the Secretary of State registering the concerns of the IFCA and requesting that the issue of additional funding through a marine equivalent of S106 be considered; and
- (ii) The CFO arrange and attend a meeting with the MMO regarding the South East Marine Plan to put forward the concerns raised by them at this meeting

78. BREXIT UPDATE (B5)

Members were provided with a background briefing paper developed by the Commons Library. They were advised that a Fisheries Bill was due to be published although at present there was no information on the website as to when that would be. It would need to be actioned sequentially after the Great Reform Act, which would suggest it would be in by 2019. The CFO informed Members that he had met with the MMO to discuss how to work together in the future, although these discussions were at an early stage. The Chairman commented that it was important that the IFCA were ready from day one. The MMO and IFCA needed to provide enforcement wherever they could. The Vice Chairman advised that he had spoken to Michael Gove one month ago and had extended an open invitation to come down to the area.

Members **NOTED** this report

79. ANNUAL REPORT (B6)

Members were provided with a copy of the Annual Report for 2016/17. As the Report was required to be provided to the Minister by 30 November, Members were asked to provide any comments direct to the ACFO by the end of October.

69. MATTERS FOR REPORT

Members received:

- Quarterly Report of the Kent IFCO (C1)
- Quarterly Report of the Essex IFCO (C2)
- Quarterly Report of the Patrol Vessel 'Tamesis' and 'Blue Jacket'(C3)
- Quarterly Report of the Patrol Vessel 'Nerissa' (C4)
- Sea Angling Report (C5)
- Enforcement Report (C6)

12:35 Meeting closed to the public

Members resolved that the exempt minutes of the meeting held on 23 May 2017 were correctly recorded and were signed by the Chairman.

Members were provided with an update on the discussions that had been held with Blyth Boatyard together with the next actions that could be taken

Members were asked to approve the creation of a three year temporary post of RIB Coxswain/MPA Compliance Officer and to enter into discussion with Essex University to consider the creation of a Junior Scientific and Conservation Officer. They were also asked to approve the amendment of two existing posts of Inshore Fisheries and Conservation Officer to Scientific and Conservation officer (same pay band) and to Lead Compliance Officer at pay band 9. Members approved these changes to the staffing structure.

13:00 Meeting closed

Chairman