

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 Thursday 30 November 2017

Present: Cllr J Lamb (Southend BC), Mr J Nichols (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), Cllr R Binks (KCC), Cllr P Channer (Essex CC), Dr L Fonseca (MMO), Ms C Relf (Natural England), Cllr H Tejan (Medway Council),

Apologies: Cllr A Bowles (Kent CC), Ms S Allison (MMO), Cllr S Walsh (Essex CC), Cllr T Hills (Kent CC), Mr C Hazelton (EA), Ms E Dixon-Lack (MMO)

In Attendance: Mr J Lynch (Clerk, KCC), Mr J Cook (KCC), Mrs B Gibbs (Financial Advisor), Dr W Wright (Chief IFC Officer), Mr D Bailey (Assistant Chief IFC Officer), Mr R Dyer (LS&CO), Mrs D O'Shea (Office Manager), Mrs K Woods (Admin Assistant)

By Invitation: Dr J Bremner (Cefas)

The following information was laid around the table:

- Email from Paul Gilson and articles from Fishing News regarding Pulse Beam Trawling

The Chairman advised Members that Dr Julie Bremner from Cefas would be providing the IFCA with a presentation on research carried out by Cefas regarding pulse beam trawling.

The Chairman also advised Members that the Clerk to the Authority, John Lynch, would be retiring in December and this would be his last meeting with the IFCA. The Chairman thanked Mr Lynch on behalf of Members for his assistance and work carried out for the IFCA. The new Clerk to the Authority would be Mr Joel Cook who was in attendance.

The Chairman informed Members that as the Chief Fishery Officer had been delayed due to travel problems the Agenda would be taken in a different order to that laid out to allow the CFO to present these items on his arrival.

81. DECLARATION OF MEMBERS' INTERESTS (A1)

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:

Ms B Chapman – agenda item B5 – personal interest
Cllr P Channer – agenda item B5 – personal interest (Maldon DC representative)
Dr L Fonseca – agenda item B4 – personal interest (Defra employee)

82. MINUTES (A2)

RESOLVED that the Minutes of the meeting held on 15 September 2017 were correctly recorded and that they be signed by the Chairman

83. REVENUE BUDGET MONITORING 2017/2018 (B1)

Members were provided with details of the financial position of the Authority to 31 October 2017. The Financial Advisor informed Members that the underspend for the year was likely to be £4,475 which was a decrease to that reported in the previous monitoring report. This variation had resulted from the purchase of two additional quad bikes that would not be capitalised combined with no amounts required to be spent on byelaw advertising. There was also a reduced fuel spend on Nerissa of £50,000 which would reduce the amount that would be required to be taken from reserves.

In answer to a question from Members the Financial Advisor confirmed that the insurance claim for the two quad bikes that had been lost at sea had been allowed and payment received. The IFCA now had four quad bikes rather than two to allow compliance with the revised risk assessment for cockle surveys on the Maplin Sands.

In response to a question from the Chairman regarding the reduction in budget for fuel for Nerissa, the ACFO advised that the work on the trim of Nerissa had improved fuel burn. The budget for fuel had been put together based on estimates from the original fuel burn estimates.

Members **RESOLVED** that the projected underspend of £4,475 be approved

84. COCKLE FISHERY UPDATE (B3)

Thames Estuary Cockle Fishery Order

Members were advised that the TECFO had been opened from 10 July to 29 September 2017, when it was closed to allow the Permitted Fishery to be fished and then reopened from 9 October to 20 October 2017. The TAC of 4053 tonnes remained unchanged and although meat yield was low and growth poor, this had also been reported elsewhere in cockle fisheries in the North Sea. Surveys had been undertaken in September which indicated that spatfall appeared to be good, with the highest normal spatfall seen since 2007. Members were advised that the weather was a key factor as a hard winter would take out weak stock. The Spring cockle survey would assess these survival rates and the stock available for the 2018 fishery.

Permitted Cockle Fishery

The ACFO informed Members that prior to its opening, 35 applications had been received for the Permitted Cockle Fishery which with a TAC for 482 tonnes equated to one trip per vessel. As this was the first year that the fishery had operated under the new byelaw officers had spent a lot of time with the vessel owners/skippers to ensure that they knew what would be required in respect of the biosecurity and technical measures of the byelaw. During inspections in August and September it was clear that some of the Wash (Norfolk) boats would not be coming down to take part in the fishery as they felt it was not cost effective to do so for one trip. In total 25 vessels took part in the fishery who all had passed biosecurity inspections. KEIFCA had been asked if it would increase the number of trips allowed considering the reduction in numbers but were unable

to allow this as there were not sufficient missing vessels to allow this. The cockles that were caught were reported to be of relatively good quality. Most vessels fished well and landed their full quota of 13.6m³ with 300 tonnes of cockles landed. Surveys would be carried out on the beds with the IFCA hopeful that the stocks would recover sufficiently to allow the fishery to be opened next year. The Kent stock was showing signs of improving so it was hoped that more areas would be able to be opened in the future.

Manila clam stocks

The ACFO informed Members that fishermen had reported catches of manila clams during both cockle fisheries. These clams had been mainly found on the same beds as the cockles, although sometimes separate. Members of the Industry had contacted the IFCA to enquire if they would be allowed to fish for them. Natural England's formal advice was that they required a full Habitats Regulations Assessment to be carried out as the area was in a Marine Protected Area. Members were advised that at present the harvesting of the clams was prohibited under the TECFO and Cockle Fishery Flexible Byelaw legislation. In addition, the cockle beds were not currently classified under Shellfish Waters legislation for the harvesting of clams so they could not be sold on.

Officers had started to carry out surveys of the areas with the Industry assisting them in identifying the beds they had been found in. It was unlikely that Natural England would provide advice that allowed harvesting in the winter months due to overwintering birds.

Members asked that officers monitored the proposed extension for Thanet Wind Farm and other major works in the Pegwell Bay area due to the potentially increased number of cockles that had been found there. It was also pointed out that the water classification status had not been monitored for the past 3 to 4 years. If cockles were likely to be harvested then the Local Authority would need to carry this out for them to be sold on.

In response to a question regarding the monitoring of food sources within the Thames Estuary the ACFO advised that this was not research that the IFCA undertook. Other agencies did carry out this research, however it could only be accessed if it were made public. The ACFO informed Members that the decrease in meat yield was not just an issue in the Thames Estuary but had been replicated in Holland and further up the North coast of England.

With regard to the potential for a manila clam fishery, Members requested that officers considered the impact on the MPA before authorising the opening of any fishery and that they required the fishery to be fished sustainably, possibly using a permit system.

Members **NOTED** this report

85. NATIVE OYSTER FLEXIBLE PERMIT BYELAW UPDATE (B5)

Members were informed that since the last meeting the consultation document had been distributed throughout the District. Seventeen responses had been received which had provided agreement on some issues and provided alternative proposals for others. A Technical Panel had met on 30 October to discuss the responses and the management options available and made a

series of recommendations that could be translated into the legal wording of a byelaw if Members approved. Discussion regarding the activities that could take place within the Native Oyster Restoration Box was not held as the Panel ran out of time. It was intended to hold a meeting with the Industry and Natural England on 11 December to discuss this in full. The ACFO advised Members that a further Technical Panel would be held w/c 5 February 2018 to review the legal wording of the proposed byelaw and comment on a draft byelaw impact assessment.

In response to a question from a Member regarding the restoration box the ACFO advised that the Industry had suggested that the box be managed by Natural England and E-NORI with E-NORI applying for funding to allow it to work within it laying cultch and harrowing. The box was next to the West Mersea/Tollesbury Several Order so would receive brood stock from there. He reminded Members that the Native Oyster was not a fishery but a conservation feature in this area that could become a fishery, and at present no Native Oyster beds were to be found in the box. Native Oysters took five years to reach minimum size and currently there was no spatfall on site.

In response to a question regarding whether the requirement to use IVMS was consistent with the approach of other IFCAs, the ACFO advised that there was a pilot scheme going ahead in the Devon & Severn IFCA area with the next stage due to take place in the Eastern IFCA district. The MMO was looking to standardise its byelaws and although the introduction of IVMS was not happening as quickly as was wanted, the wording of the requirement to use IVMS mirrored that used in the cockle legislation.

It was confirmed that the public beds were closed until May 2018, but that the closure could be extended until the new byelaw was approved.

Members **RESOLVED** that:

- i) The recommendations of the Technical Panel be approved; and
- ii) a Technical Panel should be held w/c 5 February 2018 to review the legal wording of the byelaw and comment and input into a draft byelaw impact assessment document.

86. ANNUAL REPORT (B7)

Members were advised that the draft Annual Report for 2016/2017 which had been presented to them at the previous meeting for comment had been submitted to the Secretary of State on 30 November. No amendments had been made to the draft.

Members **APPROVED** the Annual Report

87. PULSE BEAM FISHING

Dr Julie Bremner from Cefas provided Members with a presentation on the work they had been commissioned to carry out on behalf of Defra to review existing evidence in relation to pulse beam fishing. She reminded Members that Cefas worked on behalf of Defra, they did not set

policy and were a neutral body. Pulse beam fishing involved the passing of an electrical current through the seabed which caused the fish to rise when they were then caught by a net. The Dutch converted to this type of fishing 10 years ago when it accounted for 5% of all fishing, this figure was now higher. Evidence reviewed was that of peer reviewed reports predominately from Dutch research together with some Belgium, mainly on sole, plaice and cod. Cefas looked at catches, landings and discards, non-target animals, physical impact on the seabed and the socio-economic impacts.

The presentation had been provided to Fishermen in Ramsgate and Lowestoft to inform them of their findings and how they could engage with Cefas in the future to contribute to their work.

In respect of reports of catches, landings and discards current research had found that there was a decrease in the total catch per fished area per hour than through conventional beam trawling. Reports showed no difference in sole landings per area and no substantial difference in the discard rates for plaice and sole. These reports suggested that there was little difference in the effectiveness of catching fish between beam trawling and pulse fishing.

In respect of non-target species, research in this field had been mainly laboratory based experiments which had focused on dogfish, cod and starfish. The work here looked at what happened to the animals when exposed to an electrical pulse; did they survive the initial exposure and did they then survive when brought on board. This suggested that exposure did not have an effect on these species, however there was not enough evidence to show what happened when they were brought on board. There was some behavioral effect on dogfish but no clear evidence was available of the extent. There appeared to be day long behavioral changes in cod, although it was not clear how bad this was. There was no explanation why some suffered with cramp and some had seizures. It appeared cod could be injured by pulse trawling – hemorrhages or spinal damage caused due to mussels contracting. However, there was uncertainty as to how much of a problem this was.

There was not sufficient data to comment on the effect of pulse fishing on reproduction in these species. With regard to illness/disease again there was either very little information on the effects or inconsistent results.

In respect of physical impacts on the seabed, Cefas had compared 2014/15 with 2008/09. Fishing effort had shifted south and west and in particular to the mouth of the Thames Estuary. It had not been possible to fish in muddy areas with beam trawling, but with pulse fishing the trawl did not touch the seabed and could therefore be used over muddy areas.

There were clear economic benefits to pulse beam fishing; less fuel was used as the gear was lighter and more aerodynamic and they were able to fish slower. This decreased costs.

In conclusion Dr Bremner stated that the subject was complex. There were fifteen different variables to describe an electric pulse. In Cefas's view there had not been enough studies carried out to establish whether this type of fishing was positive for the fishery and/or the environment and they believed there was an ongoing need to understand the wider effects on the eco-system. Defra had asked Cefas to provide proposals for work that they considered should be carried out. She advised Members that the French had raised a concern over this method of fishing. ICES had provided advice which had prompted the Dutch to start a four-year research project in 2016.

Defra had to decide if it was happy for the research to come from the Dutch or whether they wanted the UK to carry out its own research.

Fishermen in Lowestoft had not seen any direct effects of this type of fishing, however the fishermen in Ramsgate were very angry over the effects they were seeing.

In response to a question from Members regarding the potential tainting of fish and its consumption, Dr Bremner advised that there was no suggestion of a risk to public health but that fishermen would receive less money for any damaged fish as the quality would be perceived as not as good. All fish could be damaged to a certain extent by any fishing method, it was whether this was ethically acceptable.

12:00 Cllr Tejan joined the meeting

The following pertinent comments were made:

- the Dutch has brought in this type of fishing without reference to anything else. They fished to the 12nm limit, however boats could come further in if they had grandfather rights.
- The Brown Shrimp industry in the East Coast and Belgium were now seeing the worst fishing for the last 20 years. There appeared to be no effect on the eggs but no research had been carried out on adult stock. The Thames sole fishery was a concern as there had been none for quite a few years. No one had knowledge of what was happening to the juveniles. Defra should finance a major study into pulse beam fishing as a matter of urgency
- Concerned that cost was driving the increase in this type of fishing without any information to know what damage was taking place to the fish and their reproduction.
- Local Authority members should push their MPs to request that Defra commission the required research
- Catch landings are not correct and a lot more fish is being landed than recorded. If small cod could be injured then what would this do to sole. Fishermen were seeing a lot of dead fish and worms and sterile ground. The biggest intensity of fishing took place just outside the 12nm limit. The southern North Sea was the most important breeding ground for sole. The Dutch catch them on the way in and out of the Estuary. Pulse beam fishing was a very effective method and cheaper way of fishing but it was having a massive impact on local stock. If it continued then it must be dispersed over a larger area.

In response to a question from a Member regarding the involvement of the Industry in prioritising any research, Dr Bremner stated that three different programmes had been proposed to Defra who would decide which went ahead. It was clear to Cefas that any work they carried out must involve working with fishermen and that they hoped to go on board their vessels as observers. She stated that Cefas were aware of the concerns of fishermen but they needed to take those concerns and turn them into evidence. It was not possible to use observations to make policy.

The Chairman invited Merlin Jackson from Thanet Fishermen's Association to address Members on this matter.

Mr Jackson stated that with regard to the size of the catches, although data suggested that it had remained the same, Thanet fishermen were aware of pulse beam vessels taking up to 50 tonnes of fish per vessel in 7 days. Over the same period Thanet vessels were catching 3 boxes (127 kg). Intense fisheries had scientific observers on board paid for by the fishing industry. It was important that individual landing data for each vessel was available. Thanet fishermen wanted to work with Cefas to develop the surveys as they believed this type of fishing to be the most intense threat they had against them.

The Chairman thanked Dr Bremner for her presentation. He stated that it was important that the IFCA went to Defra to encourage them to give Cefas the remit to do the additional work that was required.

88. MARINE PLAN UPDATE (B6)

The CFO informed Members that since the previous meeting officers had been in contact with the MMO, NE and Essex University regarding the development of marine plans. A meeting was held with the MMO on 23 November to discuss how the IFCA could be involved in the shaping of the South Eastern Marine Plan. This meeting was attended by members of Thanet Fishermen's Association (TFA) and was constructive with a healthy exchange and understanding of points raised. TFA put forward general and specific points and asked how the industry could be involved in the licensing process. The four main points as detailed in the agenda papers were put to the MMO. The Environmental Impact Assessment (EIA) for the Goodwin Sands was used as an example of the need to consider the range of influence of the impact caused by work being undertaken. This EIA covered North Foreland to Dover, however if it had covered the whole South Eastern area then other dredging activities in the Thames and Wind Farms would need to have been part of the assessment.

The CFO advised Members that mitigation funds had been discussed (marine equivalent of section 106 payments). It was accepted that a number of projects could be perceived to be in the national interest however it would be necessary to compensate fishermen, possibly through a community fund.

Members **NOTED** this report

89. WHELK UPDATE (B2)

The CFO advised Members that Mr Craig would not be attending this meeting but would be coming to the January meeting when he would have more evidence to present to them. He advised Members that the IFCA tried to work constructively with the Industry and had taken on board comments made by Mr Craig in his letter. Consultation regarding the whelk fishery would be expanded to encompass more than just whelk permit holders. Research had been commissioned from Bangor University that would be presented in detail at the next Authority meeting.

Members **NOTED** this report

90. BREXIT UPDATE (B4)

The CFO advised Members that there continued to be very little firm detail to report. Defra had written to IFCA's on 26 October to request that they collaborate with the MMO to develop a joint working strategy. Members were also provided with a draft policy statement from the AIFCA in respect of working with the MMO.

The Chairman advised Members that IFCA's were working very hard with Defra and the MMO through the AIFCA. It was important to carry out this work as it was necessary to be ready for day one.

In respect of the draft statement, a Member expressed concern that it did not convey sufficient detail and was a little bland. He felt it would be helpful to set out what was known.

Members **NOTED** this report

91. MEETING DATES 2018/2019 (B8)

Members were asked to note the meeting dates for the year 2017/2018 as follows:

Friday 14 September 2018
Friday 30 November 2018
Wednesday 29 January 2019
Tuesday 21 May 2019

92. MATTERS FOR REPORT

Members received:

- Quarterly Report of the Kent IFCA (C1)
- Quarterly Report of the Essex IFCA (C2) – Members were asked to note that the entry for sole on page 3 had been deleted
- 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)

13:00 Meeting closed to the public

Members resolved that the exempt minutes of the meeting held on 15 September 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

13:10 Meeting closed