

By: Dominic Bailey, Assistant Chief Fishery Officer

To: Kent and Essex Inshore Fisheries and Conservation Authority – 21 May 2019

Subject: **Byelaw progress update**

Classification Unrestricted

Summary:

An update is provided on the progress of the two KEIFCA byelaws currently in the process of being made and a report on a proposal by Sussex IFCA regarding a netting byelaw

Recommendations:

For **NOTING** and **COMMENT** only

Native Oyster byelaw update

The Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone Native Oyster Flexible Permit Byelaw was made by the Authority on 22nd May 2018, after an extensive informal consultation process. Following formal consultation, the byelaw was submitted to Defra for confirmation by the Minister in late October 2018.

Unfortunately, the majority of Defra staff were then enveloped within EU Exit preparations and little progress has been made. Officers contacted MMO in April 2019 to enquire on the status of the byelaw and were told that the byelaw is currently being reviewed by Defra legal. Officers have contacted Defra regarding this and to offer information or assistance but to date no reply has been received. Officers will continue to follow up progress on this byelaw and will start working through the AIFCA to reach a resolution.

Vessel length byelaw

At the 30th November 2018 quarterly meeting, Members approved the recommendations of a Technical Panel meeting and agreed that the exemptions to the proposed byelaw as detailed within the report would apply. Members also

approved the wording of the draft byelaw subject to consultation with stakeholders. Officers resolved that the proposed byelaw and Impact Assessment would be circulated for consultation.

Following the meeting, the first draft Impact Assessment and Byelaw wording were sent to the MMO byelaw team for review ahead of consultation in early December 2018. These were received back from the MMO byelaw team in mid January 2019 and the MMO advised that the Impact Assessment needed to be resubmitted in a new format. In early 2019 however, the majority of KEIFCA day to day work then was overtaken by EU Exit preparations, most notably because of the KEIFCA District position on the Channel coast and the proximity of our vessels and assets to the median line. As a result, the changes and advice provided by MMO could not be implemented immediately.

The advice provided by MMO resulted in a revised new Impact Assessment being written and the this together with the byelaw wording were resubmitted to MMO on 8 April 2019, along with officer comments regarding the timeframe available ahead of this meeting. Unfortunately, at this time comments from MMO have not been received, although officers have been told the documents are with MMO legal.

Once they are returned from MMO, officers will then be able to undertake the next stage which is an informal consultation of the specific wording of the byelaw and IA. The intention would be to then bring the byelaw to the September 2019 meeting for the byelaw to be made.

Sussex IFCA netting byelaw

Sussex IFCA are currently in the process of reviewing/making a 'nearshore trawling and netting byelaw' and have progressed the development of that Byelaw review to a point that; for much of the Sussex District the proposals are taking clear shape and the byelaw wordings are being drafted.

The boundary between Sussex IFCA and KEIFCA is in the middle of Rye Bay, following the county boundary, where it was moved to from Dungeness Point when IFCA's were established.

Given that Rye Bay is a single geographic area, and previously part of the Sussex SFC District, Sussex IFCA have made initial approaches to KEIFCA officers to explore whether KEIFCA would be prepared to work with them to include the Sussex proposed measures for the part of Rye Bay now contained within the KEIFCA District.

This can be done by either KEIFCA making its own legislation which copies the Sussex IFCA byelaw or by entering into a Section 167 agreement (from the Marine and Coastal Access Act), which would allow Sussex IFCA to make a byelaw which covers that part of the KEIFCA district.

The Sussex proposals are in summary as follows:

- A permit system for netting
- A year round prohibition on trawling within 1km of MHWS

Sussex IFCA have undertaken liaison with Rye fishers which they report as being significant and presently it appears trawler operators are comfortable of the proposed management.

The Sussex IFCA Chief Officer has asked that KEIFCA consider this and that he is more than happy to set up a stand-alone meeting, or to attend the next quarterly meeting to speak to members.

Recommendations:

To **NOTE** and **COMMENT** only.