

Call for Evidence: Report to Parliament about Inshore Fisheries and Conservation Authorities' (IFCAs) conduct and operation

The Heritage Alliance

24th August 2018

DEFRA [has issued a call for evidence](#) on 'Inshore Fisheries and Conservation Authorities' conduct and operation' between 2014 and 2018.

IFCAs were established in April 2011 as a new type of regulator to work with stakeholder groups to achieve the common long-term goal and vision of healthy seas providing 'ecosystem services' for the future.

The information gathered in the call for evidence will be used to compile a statutory report into the conduct and operation of IFCAs that the Secretary of State is obliged to lay before Parliament every four years. It is anticipated that the next report will be released in 2019.

In the consultation, DEFRA highlights what it terms 'five high level objectives' against which IFCAs will be assessed. These objectives (or 'success criteria') focus on how IFCAs:

- Are seen within their wider community, if they work jointly and collaboratively with partner organisations and contribute to the development of regional and national marine policy;
- Make appropriate and effective use of assets and comply with Regulatory requirements; if their enforcement practices meets clear standards of conduct and skill;
- Manage well their local fisheries resources and meet their environmental obligations;
- Appoint their general committee members on merit; if funding is used appropriately and transparently; and
- Train their staff, if staff are appropriately skilled and whether they can make fair management decisions and engage in relevant research.

The call for evidence set out the questions below, based on the areas of success:

1. IFCAs are recognised and heard, balancing the economic needs of the fishery whilst working in partnership and engaging with stakeholders

-Is the IFCA a visible, respected and trusted regulator within your community?

-Are activities and communications between IFCAs co-ordinated?

-Has the IFCA held public meetings?

-Can you tell what the IFCA does? Do you know what work the IFCA has delivered over the previous year by reading its Annual Plan and Annual Report?

-Do you know what your IFCA's objectives and priorities are?

It is important that all the authorities have established contact with heritage stakeholders to avoid any inadvertent damage to heritage. This should ensure effective communication with the relevant regional and national advocacy groups, or others with the relevant expertise, as soon as an issue arises.

We are pleased to note that, several IFCA's already have people with archaeological experience within the authority, and that some have taken a more active role towards archaeological matters. For example, Sussex IFCA has run schemes for fishermen to report archaeological discoveries, funded by the Heritage Lottery Fund. They have also collaborated on a project funded by Historic England on 'fishermen's fasteners', which are seabed features previously reported by fishermen.

Northumberland IFCA has also been noteworthy in its help with seabed survey data.

Government should encourage all IFCA's to adopt this best practice.

2. IFCA's implement a fair, effective and proportionate enforcement regime

-Does the IFCA have an enforcement policy statement that is easy to understand and which describes how sanctioning decisions are made and applied?

-Has the IFCA carried out inspections professionally and in accordance with its Code of Conduct?

-Does the IFCA provide advice and guidance to people who might carry out activities that are regulated and subject to an enforcement regime?

-Are the IFCA's byelaws and enforcement policy consistent with neighbouring IFCA's?

-Has the IFCA used other management options, e.g. voluntary local agreements to manage, protect and promote the recovery of fish stocks from the effects of exploitation?

The Heritage Alliance's key concern is that the enforcement regime to protect the ecosystem is appropriately applied to ensure that the Historic Environment is also protected, not just in policy, but in actions too. The current framework for enforcement [here](#) for does not deal with marine heritage or any damage caused. This is a missed opportunity which should be rectified.

3. IFCA's use evidence based and appropriate measures to manage the sustainable exploitation of sea fisheries resources and deliver marine environmental protection within their districts

-Has the IFCA demonstrated that it uses evidence in its decision-making processes?

-Has the IFCA demonstrated proactive and adaptive methods for marine conservation and for the management of marine protected areas?

-Has the IFCA demonstrated sustainable marine management best practice?

-Has the IFCA prioritised any issues affecting fish stocks within its District and, if

appropriate, developed a suitable management plan for them?

-Is the IFCA having an effective and positive impact within the District?

The Government is under a legal obligation to recognise the interests of cultural heritage. Sections 117(7) and 117(8) of the Marine and Coastal Access Act 2009 provide a statutory basis for the appropriate authority to have regard to the consequences of designating MCZs for any sites of historic or archaeological interest within proposed MCZs. Moreover, there is also a general duty on public authorities – when taking decisions affecting the UK marine area – to have regard to appropriate marine policy documents, which include the UK Marine Policy Statement. The UK MPS includes clear policies on the historic environment (section 2.6.6), encompassing sites of historic or archaeological interest as set out above.

Yet, the cultural heritage of the marine environment is still too often over looked by Government. For example, opportunities to better protect marine heritage were missed in the recent White Paper on Fisheries.

Broadly speaking, IFCAs appear reasonably open to heritage concerns. However, they have so many other responsibilities that they cannot give it enough weight, especially considering their new and complex regulatory environment. We understand that where exercised, the IFCAs' responsibilities that relate to the historic environment, such as their ability to regulate activities within Marine Conservation Zones through byelaws, can be beneficial. IFCAs and marine heritage would benefit from increased investment to allow more attention to be given to the sector so that our irreplaceable marine heritage is not lost.

Furthermore, given that IFCAs are either committees or joint committees of the local authorities that fall within an IFCA district, there is definitely a need for greater co-ordination with local authority archaeologists. In particular, local authority Historic Environment Record (HER) data should be made available to their respective IFCAs, and HERs should encompass at least the six-mile extent of IFCAs.

4. IFCAs have appropriate governance in place and staff are trained and professional

-When you have met IFCA staff do they appear professional, fair, interested in their jobs and consistent?

-Have you attended any IFCA meetings? Are these meetings well run?

-During IFCA meetings, has each person had a fair opportunity to make their observations? Have different viewpoints been considered and discussed?

-Do you know where to find notices and documentation of IFCA meetings?

Does the IFCA make good use of its financial resources, staff and assets?

5. IFCAs make the best use of evidence to deliver their objectives

-Has the IFCA consulted on, developed and published a strategic research plan?

-Has the IFCA developed an in-house capability to collect, analyse and interpret

evidence to inform its decision-making?

-Does the IFCA have in place research initiatives that contribute to the greater understanding of the marine environment?

-Does the IFCA have measures in place to ensure the delivery of a cost-effective management of sea fisheries resources?

-Does the IFCA share its research findings with its partners?

It is important that in the pursuit of their individual objectives (in terms of fishing targets etc.) that IFCAs do not side-line the case for heritage. Economic objectives can be met while considering the safeguarding of marine heritage sites.

Any other comments:

The Heritage Alliance is England's biggest coalition of heritage interests, bringing together nearly 130 mainly national organisations supported by over 7 million members, friends, volunteers, trustees and staff. From historic buildings and museums to canals, historic vehicles and steam railways, the Heritage Alliance's diverse membership owns, manages and cares for the vast majority of England's historic environment and forms a key part of the cultural sector.

The Alliance has recently convened an interest group to co-ordinate responses on marine issues. This response has been produced to share their concerns.

As the 25 Year Environment Plan acknowledges in the opening sentence of Chapter 5, 'Our seas and oceans are an integral part of our history'. We wish to see cultural heritage consistently recognised as an integral part of our marine environment in the same way that DEFRA has acknowledged that our cultural heritage is part of the environment on land.

We have been very pleased that DEFRA are working closely with the heritage sector to ensure any future replacement of CAP maintains the protections needed for heritage sites on land, and that the opportunities presented by Brexit are exploited in a mutually beneficial way. It would be very welcome and potentially beneficial to both DEFRA and the sector, if this approach could be translated across to the marine environment.

The re-examination of IFCAs, as well as the establishment of Marine Conservation Zones are key opportunities to employ this approach.