

MEMORANDUM OF UNDERSTANDING between Inshore Fisheries and Conservation Authorities (IFCAs) and Natural England

1. Aim of the Memorandum

This Memorandum creates a framework for a coordinated approach to the sustainable management and regulation, conservation and enhancement of our inshore seas, based on active engagement, shared information and effective collaboration between Inshore Fisheries and Conservation Authorities and Natural England.

2. Purpose of the Memorandum

- 2.1. The Marine and Coastal Access Act 2009 places a duty on Inshore Fisheries and Conservation Authorities (IFCAs) to cooperate with public authorities that regulate or enforce activities in the sea within their districts. This includes Natural England one of IFCAs' key delivery partners.
- 2.2. This MoU addresses the important relationship between Natural England as the Government's adviser and statutory consultee on the 'natural environment', and IFCAs as the managers and champions of a sustainable marine environment.
- 2.3. The primary purpose of this MoU is to facilitate working relationships between the Parties by promoting co-operation and communication, therefore contributing to the protection and enhancement of the natural environment.
- 2.4. The IFCAs and Natural England will, so far as possible co-operate by using the resources and powers at their disposal in all areas where they have a mutual interest.
- 2.5. This memorandum establishes the responsibilities of both parties and the general principles for their cooperation.
- 2.6. This Memorandum is not intended to create a binding legal obligation between parties
- 2.7. This Memorandum does not fetter the statutory rights, powers and duties of either the IFCAs or Natural England or require either of the parties to act in any way inconsistently with its statutory duties.

3. Roles and functions of the signatories

3.1. Inshore Fisheries and Conservation Authorities (IFCAs)

- 3.1.1. There are 10 inshore fisheries and conservation districts in England, made up of county and unitary authorities and their corresponding seaward areas out to a limit of 6 nautical miles. Each inshore fisheries and conservation district is served by a corresponding Authority (IFCA), whose vision is to *"lead, champion and manage a sustainable marine environment and inshore fisheries within their district, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry"*.
- 3.1.2. IFCAs work through the guidance of Committees, whose balanced membership reflects their districts' economic, social and environmental needs

and gives them local democratic input and accountability. The Committees have the right level of representation from the communities they serve to be able to make effective decisions on the sustainable management of sea fisheries resources within their districts. They have the backing of constituent local authorities and provide the strategic direction to ensure the long-term sustainability of the marine environment in and around their districts.

- 3.1.3. IFCA's develop and enforce distinct local policies but also operate within, and contribute to, the national framework for managing the marine environment. They work across district boundaries, engaging with Local and Central Government and key partner organisations at a national level, to the benefit of IFCA's and their local communities as a whole.

3.2. Natural England

- 3.2.1 Natural England is a non-departmental public body established under the Natural Environment and Rural Communities Act 2006 (NERC Act). It is charged with the responsibility to ensure that England's unique natural environment, including its flora and fauna, land and seascapes, geology and soils, are protected and improved. Natural England's general purpose as outlined under section 2 of the NERC Act is to *'ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development'*.
- 3.2.2 Section 311 of the Marine and Coastal Access Act 2009 (the 'Marine Act') amended Section 1 of the NERC Act to clarify that, in relation to the geographical extent of Natural England's functions, those functions are exercisable *'in relation to England including, where the context requires, the territorial sea adjacent to England'*.
- 3.2.3 As the Government's statutory nature conservation adviser in the inshore marine area around England out to 12 nautical miles, Natural England gives advice on the marine environment under its general purpose (sections 2 & 4 of the NERC Act), and on Marine Conservation Zones specifically under Part 5, Chapter 1 of the Marine Act. In respect of European Marine Sites, Natural England is the appropriate nature conservation body under the Conservation of Habitats and Species Regulations 2010.

4. Principles of working together

- 4.1. A close working relationship between IFCA's and Natural England is critical for them both to perform their functions effectively. IFCA's and Natural England will work closely together based on common principles governing their approach and conduct, both at a national and a local level. Those principles are:
- IFCA's and Natural England each recognise the independence and remit of the other party, but will seek to collaborate and cooperate in the achievement of their shared and respective objectives in the marine environment.

- Both organisations will operate transparently while undertaking their responsibilities and will share successes as well as problems.
 - In all joint working, staff from both organisations will be respected and trusted for the expertise they offer.
 - Both organisations will involve and work with each other in areas of shared interest or concern, with other relevant delivery partners included where the IFCAs and Natural England both agree that this would be appropriate.
 - The parties will use reasonable endeavours to keep each other informed of any data, research, collected information or other work or development that might influence the decisions or activities of either party, to the fullest extent possible, taking account of their respective obligations under the law.
- 4.2. Through the observation of this Memorandum, all parts of IFCAs and Natural England will ensure, so far as possible, that their respective responsibilities are performed consistently in keeping with these common principles.
- 4.3. Nothing in this Memorandum shall fetter the statutory rights, powers and duties of either the IFCAs or Natural England or require either of the parties to act in any way inconsistently with its statutory duties.
- 4.4. The individual IFCAs and Natural England commit to developing annual work plans which will set out detailed collaborative working using the guiding principles in this Memorandum. These will be signed off and agreed to within 4 weeks of the start of quarter 1 of the financial year.

5. Methods of joint working

- 5.1. IFCAs and Natural England will share principles and work together on areas of mutual interest in accordance with the principles set out in section 4, and will explore further opportunities to expand the principles and shared work in the future. This will wherever possible be enhanced by regularly exchanging information, collaborating on research, data- and evidence-gathering at national and local levels, sharing environmental issues and intelligence and pooling expertise and resources. .
- 5.2. Both parties will build on the good working relationships that existed between the IFCAs' predecessor bodies, the Sea Fisheries Committees, and Natural England by being open, constructive and working together at all levels, respecting each other's views and, where these differ, ensuring proper understanding of the reasons for any such differences.
- 5.3. There will be a "no surprises" policy, based on consulting each other on areas where there are significant announcements and developments in policy. IFCAs and Natural England will highlight areas of interaction and set out what each expects of the other, minimising duplication of activity wherever possible and informing stakeholders about their relationship.
- 5.4. Subject to clause 4.3, where they have a common approach, and particularly on nature conservation and enforcement, IFCAs and Natural England will endeavour to agree consistent and coordinated messages when working with Government, delivery partners and the public. Their respective advice and regulatory activities will advocate the sustainable development of the marine environment.

5.5. IFCA's and Natural England will work together at the local and national level to ensure that UK and EU marine protected areas in the inshore marine environment are effectively managed, including Marine Conservation Zones, Special Protected Areas and Special Areas of Conservation.

5.6. IFCA's and Natural England will create and maintain a powerful joint voice for the marine environment through collaborative influencing; they will ensure regular contact throughout both organisations at all levels, to build relationships and facilitate honest and open dialogue.

5.7. IFCA's and Natural England will support each other in their respective roles in the administrative function for, and active membership of, IFCA Committees.

6. Data Management

6.1. The exchange of data and confidential information will be the subject of a separate data sharing agreement between the parties.

7. Access to Information Requests

7.1. The Parties each acknowledge that the other Party is subject to the requirements of the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR") and the Parties shall each assist and co-operate with each other as necessary to comply with the requirements of that legislation.

7.2. In responding to a request for information, the Party receiving the request will use its reasonable endeavours to consult with the other Party. Notwithstanding this the Parties acknowledge that they may each disclose information without consultation, or following consultation with the other Party having taken its views into account

7.3. The Parties shall provide all necessary assistance as reasonably requested to enable each other to respond to a request for information within the time for compliance.

7.4. Both Parties acknowledge that any statutory and other constraints on the exchange of information will be fully respected, including the requirements of the Data Protection Act 1998 and the Human Rights Act 1998.

8. Continuous Improvement

8.1. The IFCA's and Natural England commit to twice-yearly meetings (these may be via video or telephone conferencing) to review and explore the shared wider strategic context of the environment in which they operate and actively explore opportunities for the continued development of joint working practices. These strategic reviews will be in addition to local discussions on collaborative working at IFCA Committees.

9. Review and appraisal of the Memorandum

9.1. This Memorandum is jointly owned by IFCA's and Natural England and will be reviewed annually (i.e. by March 31 each year), and, if necessary, following any pertinent changes to the policies, procedures or structures of the parties concerned. Any changes to this Memorandum will only be effective if set out in writing and signed by all parties.

10. Primary Contacts

- 10.1. The IFCAs and Natural England will each nominate a lead contact. These primary contacts will be responsible for supporting good working practices between the IFCAs and Natural England, coordinating the regular reviews of this Memorandum, resolving any disagreements and ensuring that this Memorandum is implemented to the fullest extent possible.

11. Signatories

- 11.1. The following parties agree to the terms set out in this Memorandum.

Natural England	
	Chief Executive

Inshore Fisheries and Conservation Authorities		
North Western IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Devon and Severn IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Cornwall IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Isles of Scilly IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Southern IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Sussex IFCA		

	Chief Executive	Chairman
Kent and Essex IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Eastern IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
North Eastern IFCA	Chief Inshore Fisheries and Conservation Officer	Chairman
Northumberland IFCA	Chief Executive	Chairman
Association of IFCAs	Chief Executive	

ANNEXES

- **Annex 1 – Overall working arrangements for IFCAs and the Natural England**
- **Possible Annexes 2-11 – Specific working arrangements between individual IFCAs and Natural England regional officers**

ANNEX 1 - Overall working arrangements for IFCA's and Natural England – planner 2011-12

NOTE: The contents of this table are suggested examples only at this stage and will need detailed discussion, addition and agreement in the coming months

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
1 <i>Marine Nature Conservation – Habitats Regulations</i> <i>(including Marine Conservation Zones)</i> <i>[this work area could be combined with No.2 below]</i>	Development and implementation of management measures for new Natura 2000 sites, including byelaws. IFCA's to review conservation objectives and advice from NE for the new sites, once designated. Informed by such evidence, IFCA's will assist with delivering the management measures (including byelaws) in dialogue with Natural England.	New Marine Natura 2000 sites have effective management measures in place	Measures in place by Dec 2012	<i>Helen Stevens?</i>	
	Review of conservation & management measures of existing Marine Natura 2000 sites. IFCA's to	Existing Marine Natura 2000 sites have effective management measures in place	2010 onwards	Michael Coyle (Evidence)? Or Helen	

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
	review advice from NE on EMS Review. Informed by such evidence, IFCA's will deliver the management measures (including byelaws) in dialogue with Natural England, and other relevant bodies.			Stevens?	
	Enforcement of management measures to be discussed between NE and IFCA's (and others) and agreed on a case by case basis.	Effective enforcement of site management measures	Ongoing following designation	Alison Flowers (Regulatory Services & Access)??	
<i>2. Marine Nature Conservation – Marine Conservation Zones</i>	Designation of new MCZs. IFCA's to sit on the MCZ Regional Steering Groups and to provide data to the groups as appropriate	Regional MCZ groups have the data and expertise of the IFCA's in order to assist with the site selection process	April 2011- June 2012	Jamie Davies (Regulatory Services & Access) plus Natural England leads for each Regional MCZ	

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
				project	
	Establishment of Management measures. IFCAs to review evidence collated by the Regional MCZ groups and within the impact assessment. Natural England lead on assessing what's needed (both outcomes and generic management measures) to protect the features of each site, providing evidence where available/appropriate. IFCAs deliver the necessary management measures (including byelaws), for the sites within their jurisdiction.	Byelaws are introduced where appropriate and in time for MCZ site designation or as soon as possible after	2012 and ongoing	Sarah Wiggins (Regulatory Services & Access)??	
	Enforcement of management measures to be discussed between Natural England and IFCAs and are to be agreed on a case by case	Effective enforcement of site management measures	2012 and ongoing	Alison Flowers (Regulatory Services & Access)	

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
	basis.				
	Effectiveness of Management Measures IFCAs and Natural England to jointly review the effectiveness of the agreed measures and enforcement and improve/amend where needed.	Management is effective in the long term	2013 and ongoing	Sarah Wiggins (Regulatory Services & Access) ??	
4 <i>Byelaws</i>	<i>IFCAs will require assistance and timely input from Natural England when making byelaws, particularly those that cover marine protected areas</i>				
	<i>Natural England will require guidance on IFCA byelaws that cover 0-6 (and potentially 0-12 nm) and their enforcement</i>				

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
4	Consultation and communication	Agree a mechanism for ensuring that both parties are consulted on all developments that are relevant to them	<ul style="list-style-type: none"> • Clear procedures for consultation between IFCA and Natural England • Effective two-way liaison • Two-way Information exchange 		
			•		
5	IFCA Committees	Suitable Natural England representative attends all IFCA Statutory meetings and relevant sub-groups, as applicable	<ul style="list-style-type: none"> • Natural England are able to input fully to IFCA Committees and their decision-making • IFCA Committees are fully functional 		
		IFCAs ensure that Natural England representatives are supported in their work as Committee members	<ul style="list-style-type: none"> • Natural England committee members are kept up to date with committee work • IFCA committees are fully functional 		
	Natural England	Natural England has a statutory role in advising on	<ul style="list-style-type: none"> • Its clear when Natural England is giving 		

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
<i>statutory advice</i>	<i>operations that are likely to damage SSSIs, N2K and MCZs. Need to agree how this will be taken account of in relation to NATURAL ENGLAND having a seat on a IFCA committee</i>	<i>statutory advice and when they are providing advice as a IFCA committee member</i>			
6 <i>Data collection, monitoring, analysis and reporting</i>	<i>Establish data-sharing agreement between IFCA's & Natural England to support sea fisheries resources management, marine planning, conservation</i>	<ul style="list-style-type: none"> • <i>Procedures for data sharing</i> • <i>Agreed formats for data sharing</i> • <i>Exchange of data</i> • <i>Regular reporting on monitoring activities</i> • <i>Access to necessary databases for input and reporting</i> • <i>UK-wide picture of marine management and enforcement activities</i> • <i>Sharing equipment, where possible</i> 	<i>To be taken forward through the Technical Advisory Group?</i>		<i>Chairman of the Technical Advisory Group</i>

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
	<i>Joint or coordinated marine sampling and/or survey programmes for ensuring marine conservation objectives for marine protected areas are met</i>				
7 Training	<i>To agree and organise joint training on areas where IFCA's and Natural England have a common approach, particularly around nature conservation and prosecutions for nature conservation offences</i>	<ul style="list-style-type: none"> <i>Officers trained to a similar standard in areas of common interest</i> 	<i>To be taken forward through the Joint Training Working Group?</i>		
8 Evidence – research and advice	<i>Work collaboratively where possible on common research needs</i>	<i>Collaboration of research</i>	<i>To be taken forward through the Technical Advisory Group and working closely with Defra Marine Science team?</i>		<i>Chairman of the Technical Advisory Group</i>
9 Marine Planning	<i>Establish mechanisms for engagement between IFCA's and Natural England on marine plans to ensure joined-up input and support, where possible</i>				

Work Area	Activity	Output	Status	NATURAL ENGLAND contact	IFCA contact
10 <i>IFCA four-year reviews</i>	<i>Natural England will need to provide an informed and objective input to the four-yearly review of IFCA's</i>				

Annexes –individual work plans between each IFCA and the regional Natural England office

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