

## **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. 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.
- 2.2. 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.
- 2.3. 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.
- 2.4. This Memorandum establishes the responsibilities of both parties and the general principles for their cooperation.
- 2.5. This Memorandum is not intended to create a binding legal obligation between parties
- 2.6. 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 membership is designed to reflect their districts' economic, social and environmental needs and gives them local democratic input and accountability. The Committees should 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 should also have the backing of constituent local authorities to provide the strategic direction to ensure the long-term sustainability of the marine environment in and around their districts.

- 3.1.3. IFCAs have duties to develop and enforce distinct local policies but also operate within, and contribute to, the national framework for managing the marine environment. They can work across district boundaries, engaging with Local and Central Government and key partner organisations at a national level, to the benefit of IFCAs 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 IFCAs and Natural England is critical for them both to perform their functions effectively. IFCAs 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:
  - IFCAs 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. 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 plans should be agreed by end April each year

## **5. Methods of joint working**

- 5.1. IFCAs and Natural England will work together on areas of mutual interest in accordance with the principles set out in section 4, and will explore opportunities to expand joint action in the future. Where possible joint work will 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 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. 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. IFCAs 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 joint voice for the marine environment; 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 in which the other party has an interest, 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 yearly review discussions to explore the shared policy environment in which they operate and explore opportunities for the continued development of joint working practices. These 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 by March 31 each year. 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 IFCA's and Natural England will each nominate a lead contact. These primary contacts will be responsible for supporting good working practices between the IFCA's 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**
- **Annexes 2-11 – Annual plans between individual IFCAs and Natural England**

## ANNEX 1 - Overall working arrangements for IFCAs and Natural England – planner 2011-12

Work Area	Activity	Output	Status/Timescale
Habitats Regulations	<b><u>New Natura 2000 sites</u></b> Development and implementation of management measures for new Natura 2000 sites, including byelaws. Natural England will provide the conservation objectives and advice for the new sites. IFCA will work with NE and other relevant and competent authorities to identify and put in place appropriate management measures.	New Marine Natura 2000 sites have effective management measures in place	Measures in place by Dec 2012
	<b><u>Existing Natura 2000 sites</u></b> Review of conservation & management measures of existing Marine Natura 2000 sites. IFCAs to review advice from Natural England on EMS Review. . IFCA will work with NE and other relevant and competent authorities to identify put in place agreed management measures.	Existing Marine Natura 2000 sites have effective management measures in place	Ongoing
	<b><u>Enforcement of management measures</u></b> to be discussed between NE and IFCAs (and others) and agreed case by case.	Effective enforcement of site management measures for N2K sites	Ongoing following designation
Marine Conservation Zones	<b><u>Designation of new MCZs.</u></b> IFCAs to provide data and advice to guide site selection.	Regional MCZ groups have the data and expertise to support site selection.	April 2011- June 2012
	<b><u>Establishment of Management measures.</u></b> Natural England to provide conservation advice, list activities which could damage the site, assist with impact assessments and suggest generic management measures IFCAs to work with all relevant and competent authorities to identify and implement management measures required, using the evidence collated by the Regional MCZ groups	Measures introduced in time to meet Government timescales	2012 and ongoing

Work Area	Activity	Output	Status/Timescale
	and associated impact assessments.		
	<b>Enforcement of management measures</b> to be discussed between Natural England and IFCAs and agreed case by case.	Effective enforcement of site management measures	2012 and ongoing
	<b>Effectiveness of Management Measures</b> IFCAs and Natural England (and if necessary other relevant authorities), to review the effectiveness of the agreed measures and enforcement and improve/amend where needed.	Management is effective in the long term	3 ongoing
Data collection, monitoring, analysis and reporting	Establish data-sharing agreement between IFCAs & Natural England to support sea fisheries resources management, marine planning and conservation	Procedures for data sharing Agreed formats for data sharing Exchange of data Regular reporting on monitoring activities Access to necessary databases for input and reporting UK-wide picture of marine management and enforcement activities Sharing equipment, where possible	To be taken forward through the Technical Advisory Group
	Joint or coordinated marine sampling and/or survey programmes for ensuring marine conservation objectives for marine protected areas are met	Effective, value for money monitoring is undertaken	2011- onwards
Evidence , research and advice	Work collaboratively where possible on common research needs	Collaborative research	To be taken forward through the Technical Advisory Group
Training	To agree and organise joint training on areas where IFCAs and Natural England have a common interest, particularly around nature conservation and prosecutions for nature conservation offences	Officers have a full understanding of each organisations duties and roles	2011 onwards
Review of MoU	Natural England and the IFCAs will have an annual review discussion of the effectiveness of the MoU at a national level, as well as about how we can improve our joint working practices.	We have a MoU which enables effective joint working.	Feb 2012

Work Area	Activity	Output	Status/Timescale
	Natural England will organise the first review meeting.		

**Annexes 2-11 –individual work plans between each IFCA and Natural England**

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