

Date - 19th April 2012

MEMORANDUM OF UNDERSTANDING between the 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, within the framework of our statutory roles and responsibilities and based on active engagement, shared information and effective collaboration between the 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 as member of the IFCA committees; and the IFCAs as the Government's and Local Authorities' statutory managers and champions of a sustainable marine environment.
- 2.2. The primary purpose of this MoU is to facilitate effective working relationships between the Parties by promoting co-operation and communication, thereby contributing to the protection and enhancement of the marine environment.
- 2.3. 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 confirms the responsibilities of both the IFCAs and Natural England and the general principles for their cooperation.
- 2.5. This Memorandum does not create a binding legal obligation, and 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 inconsistent 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 corresponding seaward areas out to a limit of 6 nautical miles. Each inshore fisheries and conservation district is managed by an Authority (IFCA). All IFCAs have the same vision set by Defra which 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. IFCA membership is set out in the Marine and Coastal Access Act 2009 and the IFCA Orders 2010. Their work priorities are designed to reflect their districts' economic, social and environmental needs. 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 inshore European Marine Sites, Natural England is the appropriate nature conservation body in England 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 to perform their functions effectively. They will work towards a common set of shared delivery objectives as set out in annex 1. Joint working will be based on common principles governing their approach and conduct. Those principles are:

- IFCAs and Natural England each recognise the independence and remit of the other party, but will seek to collaborate in the achievement of all their objectives for the marine environment.
- Each organisation will operate transparently and will share successes as well as problems.

- In all joint working, staff from each organisation will be respected and trusted for the expertise they offer.
 - Each organisation will involve the other in areas of shared interest or concern. Other partners/bodies may be included where the IFCA and Natural England both consider that this would be appropriate.
 - The parties will 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 IFCA and Natural England will ensure, so far as is possible, that their respective responsibilities are performed consistently in keeping with these common principles.
- 4.3. The individual IFCA 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. IFCA 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 work together at all levels by being open, constructive, 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 delivery. IFCA 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. Natural England will provide IFCA with nature conservation advice. Having due regard for this advice, IFCA will develop and implement measures, as appropriate; to discharge their statutory responsibilities for marine protected areas and the sustainable management of inshore fisheries resources. This includes Marine Conservation Zones, Special Protection Areas, Special Areas of Conservation, Ramsar sites and SSSIs.
- 5.5. In accordance with the IFCA Orders 2010, Natural England members will play a full and proactive role on the IFCA Committees. They will provide advice to the Authority in accordance with their statutory duties. The Natural England members of the IFCA Authorities will have delegated authority to provide Natural England's advice verbally and in writing. The Authority will record and have due regard for Natural England's advice.

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. This will form an addendum to this MoU once completed.

7. Access to Information Requests

7.1. IFCA and Natural England acknowledge that they are subject to the requirements of the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR"), and will assist and cooperate with each other as necessary to comply with the requirements of that legislation.

7.2. Each 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, review and appraisal of the Memorandum

8.1. IFCA and Natural England will review implementation of the Memorandum and plans that underpin this Memorandum annually. Any changes to this Memorandum will only be effective if subject to agreement in writing.

9. Primary Contacts

9.1. IFCA and Natural England will each nominate a lead contact who will be responsible for supporting good working practices between each IFCA 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.

10. Signatories

10.1. 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	 Vice 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	 Vice Chairman
Association of IFCAs	 Chief Executive	 Chairman

ANNEX 1 - Overall working arrangements for IFCAs and Natural England

Work Area	Activity	Output	Status/Timescale
<p>1. European Marine Sites</p>	<p><u>New Natura 2000 sites</u></p> <p>Development and implementation of management measures for new Natura 2000 sites, including byelaws.</p> <p>Natural England will provide the conservation objectives and advice for all of the new sites (i.e. submitted to the EC in August 2010) by December 2012; and for all new SPAs within 12 months of classification.</p> <p>IFCAs will work other relevant and competent authorities to identify, put in place and enforce appropriate management measures.</p>	<p>New Marine Natura 2000 sites have effective management measures in place that monitoring shows protect designated features and enable them to achieve conservation objectives.</p> <p>Effective enforcement of management measures for Natura 2000 sites.</p>	<p>Measures in place by December 2016</p>

Work Area	Activity	Output	Status/Timescale
	<p><u>Existing Natura 2000 sites</u></p> <p>Review of conservation advice and management measures for existing marine Natura 2000 sites.</p> <p>IFCAs will implement agreed actions following the EMS Risk Review (November 2010).</p> <p>Natural England will complete a review the conservation objectives and advice for 45 existing sites, and provide revised advice by March 2015.</p> <p>IFCAs will work with other relevant and competent authorities to identify, put in place and enforce appropriate management measures.</p>	<p>Existing marine Natura 2000 sites have effective management measures in place that monitoring shows protect designated features and enable them to achieve conservation objectives.</p> <p>Effective enforcement of management measures for Natura 2000 sites.</p>	<p>Ongoing to complete by December 2016</p>
<p>2. MCZs</p>	<p><u>Designation of Marine Conservation Zones (MCZs)</u></p> <p>IFCAs to provide data to inform the Impact Assessment (IA).</p>	<p>Regional MCZ project economists have the activity data they need to complete the IA.</p>	<p>Present to 17 July 2012</p>

Work Area	Activity	Output	Status/Timescale
	<p><u>Establishment of Management measures</u> Natural England will provide the conservation objectives and advice for all MCZs within 12 months of designation.</p> <p>IFCAs will work with other relevant and competent authorities to identify, put in place and enforce appropriate management measures.</p>	<p>MCZs have effective management measures in place that monitoring shows protect designated features and enable them to achieve conservation objectives.</p> <p>Effective enforcement of management measures for MCZs.</p>	<p>2013 and ongoing to complete by December 2016</p>
<p>3. Sites of Special Scientific Interest and National Nature Reserves</p>	<p><u>Establishment of Management measures</u> In accordance with the requirements of the Wildlife and Countryside Act 1981 (as amended 2000) Natural England provides conservation advice to the IFCA.</p> <p>Natural England and IFCA agree appropriate lead authority for management of risks to sites conservation objectives.</p> <p>Agreed lead authority will identify, put in place and enforce appropriate management measures.</p>	<p>SSSIs and National Nature Reserves in the marine area have effective management measures in place that monitoring shows protect designated features and enable them to achieve conservation objectives.</p> <p>Effective enforcement of management measures for SSSIs and National Nature Reserves in the marine area.</p>	<p>Ongoing</p>

Work Area	Activity	Output	Status/Timescale
4. Data collection, monitoring, analysis and reporting	<p>Establish data-sharing agreement between IFCA's and Natural England to support MPA management, monitoring and enforcement; management of sea fisheries and the wider marine environment (i.e. outside MPAs), marine planning and licensing and consenting by regulators.</p> <p>Work in partnership on collaborative monitoring and research programmes that deliver both Natural England's and the IFCA's objectives for MPAs and the wider marine environment, and contribute to evidence gathering priorities across the Defra marine area.</p>	<ul style="list-style-type: none"> • Procedures for data sharing. • Agreed formats for data sharing. • Exchange of data. • Regular reporting on monitoring activities (e.g. MPA monitoring is carried out to 'Common Standards' as part of the JNCC led Marine Biodiversity Monitoring and Surveillance Programme, and contributes to the UK Marine Monitoring Assessment Strategy). Access to necessary databases for input and reporting. • UK-wide picture of marine management and enforcement activities. • Sharing equipment, where possible. <p>Effective, value for money monitoring and research is undertaken to time and quality assurance requirements.</p>	<p>To be taken forward through the IFCA Technical Advisory Group</p> <p>2011 onwards</p>

Work Area	Activity	Output	Status/Timescale
5. Training	IFCAs and Natural England agree and organise joint training on areas where they have a common interest, particularly around nature conservation, enforcement and prosecutions for nature conservation offences	Officers have a full understanding of each organisations duties and roles	2012 onwards
6. Review of MoU	IFCAs and Natural England 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. Natural England will organise the first review meeting.	MoU which enables effective joint working is subject to annual review and ensures delivery of agreed outputs.	Annual