

AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on Tuesday, 6<sup>th</sup> December 2011

PRESENT – MEMBERS

T. R. Glover (Chairman)	Sefton Council
T. Beaumont	Liverpool City Council
J. Butler	MMO appointee (Shellfish sector)
M. Byram	Cheshire West and Chester Council
J. A. Clark	MMO appointee (Marine Science)
B. Crawford	MMO appointee (Anglers and Recreation)
W. Darbyshire	Environment Agency
C. Frid	MMO appointee (Marine Science)
D. Grunshaw	MMO appointee (Shellfish aquaculture)
T. Jones	MMO appointee (Shellfish sector)
S. Leadbetter	Lancashire County Council
C. Lumb	Natural England
A. Maltby	MMO appointee (Fisheries Management)
M. R. Owen	MMO appointee (Fishing Industry – North West)
N. Robinson	MMO (Officer)
A. C. Ross	Cumbria County Council
A. Thornton	Lancashire County Council
P. Williams	MMO appointee (Recreation)
C. J. Woods	MMO appointee (Fishing Industry – North West)

OFFICERS

S. M. Atkins	C. Dobson
K. Atkins	R. A. Houghton
H. Ake	M. Knott
I. V. Andrews	H. Thinnesen
S. Brown	S. J. Waite
D. Dobson	

IN ATTENDANCE

R. Harbourne	Marine and Coastguard Agency
C. Platt	Fylde Borough Council
J. Staples	Liverpool City Council
M. Walker	Fylde Borough Council

Apologies

R. Graham	MMO appointee (Fishing Industry – Cumbria)
M. Hawkins	MMO appointee
A. J. Markley	Cumbria County Council
T. McInerney	Halton Borough Council
Y. Yadi	MMO appointee (Marine and Recreation)

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS

Agenda Item 6. Fisheries and enforcement: August to October 2011. Mrs. J. Butler, Mrs. M. R. Owen, M. C. J. Woods

Agenda Item 7. Ribble and Wirral cockle stocks. Councillor T. Beaumont, Mrs. J. Butler, Mrs. M. R. Owen.

Agenda Item 12. Dee Mussel Fishery. Mr. C. J. Woods.

68 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman announced apologies for absence and welcomed new member Mr. D. Grunshaw (MMO appointee).
2. The Chairman announced an amendment to Minute 53 of the NWIFCA meeting held on 30<sup>th</sup> September. This had been tabled.
3. A Supplementary Report on the Ribble Cockle Fishery (Agenda Item 7) and Report on Budget and Levy 2012-13 (Agenda Item 10) had been tabled.
4. The Chairman announced a Supplementary Agenda (Dee Mussel Fishery). With Members' permission this would be taken at Agenda Item 12.
5. The Chairman informed members that the first meeting of the Vessel Sub-Committee would take place at the Carnforth office on Monday, 9<sup>th</sup> January 2012.

69 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 30<sup>TH</sup> SEPTEMBER 2011

RESOLVED. Following an amendment to Minute 53 that the minutes of the NWIFCA meeting held on 30<sup>th</sup> September 2011 be approved and signed as a correct record.

70 MATTERS ARISING

There were no matters arising.

71 REPORT ON MEETING OF TECHNICAL SCIENCE AND BYELAW SUB-COMMITTEE HELD ON 18<sup>TH</sup> OCTOBER 2011

The report on the meeting of the Technical, Science and Byelaw Sub-Committee held on 18th October 2011 was presented by its Chairman, Dr J. A. Clark. Items discussed included the proposed Byelaw 3, progress towards establishing a Community of Practice website and a report on the gas storage proposals at Preesall. Updates were provided on the Technical Advisory Group (TAG) meeting held on 6th October and the Sea Angling Project 2012. Two operators working on the cockle transplantation trial were present and the TSB Sub-Committee approved the experiment and draft method statement. A presentation on MPAs had been given by the ISCZ Project Manager, Dr Greg Whitfield. The final item on the Agenda was progress with the Sustainable Fisheries Review. A number of items had been raised under AOB. These were National Grid proposals for cabling, enquiries about sourcing of cockle and scallop shell and recreational fishing for sea bass and the TSB were recommending a byelaw be put in place to prohibit fishing in the Heysham Bass Nursery Area.

Mrs. Owen reported that despite assurances from the MCZ team, the Morecambe and Heysham Fishermen's Association was most disappointed to see the final report from the ISCZ included a very large zone stretching offshore from Fleetwood. Dr. Clark said questions had been raised about the designation procedure. There would be further consultation in 2012 and an opportunity for fishing communities to voice their concerns. Mrs Owen reported that Mr Trevor Owen, Chairman of the Morecambe and Heysham Fishermen's Association, had attended a meeting of the NFFO in Lancaster the previous day and had brought the matter to their attention.

The Chief Executive reported that extra survey work was being commissioned where there was insufficient scientific evidence or where the Science Advisory Panel had advised that relatively few sites had enough evidence to fully justify the sites immediately. He expected most of the sites in the NWIFCA area would need some additional surveys before they could go forward. The IFCA had made its representation to the ISCZ and the sites selected had been published by them at the end of the project. Consultation on those sites for which there was sufficient evidence would take place in 2012 and it was not known at this stage if the site referred to would be included. Members would be kept informed on sites Government were promoting.

RESOLVED.

The report be received.

72 FISHERIES: AUGUST TO OCTOBER 2011

The Enforcement Director reported on two overriding conditions with regard to offshore fisheries during the last quarter that had centred firstly on the long spells of extremely poor weather and secondly on the much reduced offshore enforcement capability due to major engine problems with "Solway Protector". The poor weather conditions had resulted in considerable loss of earnings for most fishermen in the inshore fleet. Onshore enforcement had centred on the Ribble cockle fishery, with much of the fishing activity taking place on the Foulnaze cockle bed. The inaccessibility of the bed resulted in few occasions when enforcement could be carried out and since the emergency byelaw closing the Ribble and Wirral fisheries was implemented on 7th November Officers had worked long hours at unsocial times to enforce the emergency byelaw. One incident of offences against the emergency byelaw was being investigated and it was expected the case file would be completed within the next few days.

In response to a question from Prof Frid on how many cautions had been issued, how many formal warnings issued and how many prosecutions had been taken since the IFCA was established, Mr Dobson said he did not have the figures available. Prof Frid suggested it would be useful information to routinely report as part of the enforcement report and the Chairman said that it would be included in the report in future.

Mr Woods made the point that the report emphasised the stress that enforcement officers were coming under but felt the stress also faced by the fishermen at this time should also be considered.

RESOLVED

The report be received.

73 RIBBLE COCKLE FISHERY

The Chief Executive welcomed visitors to the meeting and said the purpose of the item was for Members of the Authority to consider future cockle fishing on the Foulnaze bed in the Ribble Estuary in particular, and any new management measures required to properly manage the fishery. Dr. Atkins said that IFCA was acutely aware of the parlous state of fishing, the economic difficulties faced by fishermen and the few opportunities for good fishing throughout the District. The only way IFCA could achieve decent long term fishing was by making sure it was managed as sustainably as possible. Before the Foulnaze bed could be reopened the IFCA needed to consider three aspects. Firstly safety, which was the reason for the closure on 7th November, secondly to look at the enforceability of the byelaw, and thirdly stock management and environmental factors. Safety incidents had occurred during the period of

fishing which had attracted media attention and the involvement of local councils and MPs. The Fisheries Minister was forced to recommend a closure, which had left the IFCA with no option but to close the fishery at that point. IFCA was not in a position to reopen the fishery until it was sure that effective controls of the fishery were in place and all options had been considered such as the making of an emergency byelaw to include a requirement for all users to hold recognised fishermen's safety qualifications such as Sea Survival, Fire Fighting, First Aid and Health and Safety, and for all vessels to carry approved safety equipment. The second issue was enforceability of Byelaw 5. There had been Health and Safety concerns due to adverse weather conditions that had prevented IFA Officers from going out to the Foulnaze bed to make checks on permits and carrying out routine enforcement. The provision to take 5kg per day without a permit had created a loophole and abuse of the byelaw. MMO had confirmed it should be possible for NWIFCA to introduce an emergency byelaw where a cockle fishing area could be defined for a limited period and all persons fishing that area would need to be in possession of a Byelaw 5 permit. The third issue was that of stock management. Officers had examined the quantity harvested in the two months of high intensity fishing since 1st September and the amount left on the bed and it was estimated that only 1,700 tonnes was left of sized cockles. Most of the sized stock had been fished and it was felt that the remaining undersized stock should be allowed to grow to size. Officers had received reports of a bed to the south west of the Foulnaze bed with substantial stocks of cockles but Officers had not yet had an opportunity to survey that bed. Surveys of the Foulnaze bed would be carried out in February. An emergency byelaw would need to be drafted, in consultation with MMO lawyers and Coastguard, which would contain the safety and enforcement measures referred to earlier. The byelaw would be brought into force once the stock was considered to be sufficient to reopen the fishery. There were no plans at the moment to allow suction dredging on the bed. Other issues that had previously been discussed were for a District-wide Regulating Order and of holding a workshop for Environmental Health officers to agree common standards and a system that was workable. MMO lawyers had also been asked to consider whether IFCA could charge a reasonable fee for permits issued under Byelaw 5, also the inclusion of an apprenticeship scheme and of limiting permits by postcode.

The Chairman thanked all those involved in enforcement on the cockle beds up to the closure on 7th November, not only IFCA Officers but also police and other organisations that had provided assistance. He asked for his thanks and comments to be recorded.

Mrs. Owen agreed that suction dredging should not be allowed because of the potential impact of that method on the environment. She had previously suggested ways of identifying permit holders by the use of a fluorescent sash that could be worn at any time of year, would not be cumbersome, could include the permit number on the back, and make the wearer easily identifiable to enforcement officers. She did not agree with the proposal not to allow loaders on the bed or on the boat as it was impossible for a person to load cockles and transport them to the boat on their own. Her proposed system would use two different colours for the sash, one colour for the fisherman and a different one for the loader.

Mr. Woods said that the safety incidents that had occurred on the Ribble would happen again. The particular bed in question had been known about for some considerable time before it was opened and he felt situations were not addressed quickly enough as and when they occurred. Mr. Woods suggested that the question of who had an entitlement to a permit should be based on their track record of how much time they had spent in the fishery, their background in fishing and their credentials, irrespective of where the permit holder lived. Mrs. Butler was of the opinion that in view of the discussions on safety being paramount and the proposed safety qualifications, that applications for shellfish permits should require fishermen to have a track record and fishing background and provide evidence before a permit was issued. The Chairman said that that was one of the suggestions being made for future reference.

With regard to the proposal for an apprenticeship scheme, Mrs. Owen said that fishermen she had spoken to about the scheme were all in favour of the proposal. An apprenticeship scheme had been set up on the Dee and the person who had set up the scheme would be prepared to share his knowledge and information about the EA scheme with IFCA officers. The scheme had worked well in the River Dee and she felt the scheme should be high on the list of proposals for the NWIFCA.

Councillor Beaumont suggested that the report proposed a logical road map through to the opening of the beds that seemed to address the main issues in a reasonable manner.

The Chairman brought the discussion to a close by saying if any of the visitors wished to discuss the item after the meeting he would be happy to meet them.

### RESOLVED

1. The report be received.
2. Members approve actions to date to close the fishery and investigate options to improve regulation and management.
3. The emergency closure enacted on 7<sup>th</sup> November to protect the safety of boat users be maintained, recognising the advice of the Marine and Coastguard Agency.
4. The closure to protect reduced density and undersize stock following scientific survey of the main Ribble estuary beds be maintained.
5. Management options for the remainder of the cockle season and beyond be approved

### 74 SCIENCE AND ENVIRONMENT REPORT

Mr Houghton reported that the main feature of the scientific work during the quarter had been the Ribble cockle fishery. With regard to mussels the most significant event was the release of raw sewage from Heysham into Morecambe Bay that had led to a temporary closure of the mussel beds around that area. Hygiene sampling had resumed and as soon as the local authority had lifted the prohibition the IFCA would be in a position to open the beds. The question of the River Dee mussels would be taken at Agenda Item 12.

With respect to cockles, Foulnaze remained the most significant stock within the District and also the focus of attention and priority for the science team. The second section of the report dealt with project work, much of which related to marine renewables which were becoming an increasingly important part of the science team's work. MCZs had been covered elsewhere on the Agenda, as had progress on the cockle transplant experiment and Sustainable Fisheries Review. The Scientific Officer would provide a report on the Preesall Gas Storage proposal.

In response to a question from the Chairman as to whether any further information was available on the Canada to Ainsdale Emerald SubSea Cable, Ms Ake said a formal consultation would be undertaken after data of the surveys done along the length of the cable route had been reviewed. Members would be kept informed of developments.

Ms Knott said she wished to comment on some of the other fisheries sections. Firstly with regard to the Sustainable Fisheries Review, the working party had met at the end of November to try and make progress with the review. The major priorities had been identified and the first review to be undertaken would be the cockle fisheries within the District and to look at securing

funding to carry out the review in a thorough way. It was considered that the views and contribution from the fishing community to the process was vitally important and all stakeholders would have the opportunity to contribute. It was felt that the IFCA needed to work together with the industry in order for any kind of fisheries management to work.

With respect to the Morecambe Bay Fishery Order, a positive response had been received from Defra. Defra had consulted with Cefas, MMO and NE on the Order and all responses had been supportive of a Fishery Order for Morecambe Bay. Some suggestions for minor changes to the management plan had been made and it was hoped progress on that could be made by the New Year and the next phase started.

With regard to the Preesall Gas Storage proposal, Ms Knott said the background to the proposals was given in Annex B to the report. The IFCA had put forward a written response outlining its concerns about the discharge consent and it was felt the dispersion modelling data was outdated. Discussion on those concerns had been held between the IFCA and representatives of NE, MMO and EA and it was agreed that the cost of remodelling would be too prohibitive. It was also agreed that MMO and EA would have more input into the ongoing monitoring that would be put in place. Ms Knott said she had subsequently met with EA and NE to discuss monitoring and it had been agreed that there should be a marine monitoring group of Defra partners to work at a robust and stringent monitoring procedure, to draw up that procedure and be involved in the monitoring and also any enforcement that should be required. A letter had been lodged with the EA Discharge Consent to ensure that should there be a delay in the start of the operations the development and undertakings were not mislaid. Members were informed that Halite had submitted an application to the IPC for development consent on 1st December and the IPC had 28 days from that date to decide whether to accept or reject the application. If accepted the application would be examined by IPC Commissioners and at that point the document would be made public.

With respect to Item 9 in the report on the Western HVDC cable, Mr Graham asked if there was any information on this and with progress on burial of the cables. Ms Ake said she did not have the information to hand but agreed to check on the situation. Mr Graham also asked if it would be possible to find out if any research had been done on the effects of electro-magnetic fields on cockles and marine life. Ms Ake informed Members she had carried out some research on that issue, Cefas had carried out some work on electro-magnetic fields which she thought might relate to white fish rather than to cockles. A FLOWW meeting recently attended by Ms Ake was drawing together a complete list of research projects relating to marine renewables including electro-magnetic effects, also a new study would be started in 2012 for a 3 year period, which again would incorporate that type of information. Ms Ake agreed to look at work that been conducted to see if any had been done on cockles and species other than white fish.

Mrs Owen raised concerns over the report of the release of raw sewage into Morecambe Bay and informed Members she had written to United Utilities on behalf of the Morecambe and Heysham Fishermen's Association requesting compensation for the fishermen. A response had been received and United Utilities would be looking in depth into the claim for compensation. She agreed to pass the letter to Dr Atkins and asked for it to be brought up as an Agenda item for the March meeting of the IFCA.

In response to a point raised by Mrs Butler on the Sustainable Fisheries Review suggesting that Members should arrange a separate meeting with fishermen, Dr Clark said the TSB sub-group set up to look at the review wished to arrange a series of workshops and engagements and talks with fishing communities. It would be an ongoing dialogue with all interested parties.

## RESOLVED

The report be received.

### 75 CHIEF OFFICER'S REPORT

The Chief Executive presented the report informing Members of current priorities and policy issues. Items covered in the report included Marine Conservation Zones, which had been discussed earlier, the Defra Inshore Fisheries Review, review of the Common Fisheries Policy and funding for the West Cumbria Fishing industry.

With respect to the Inshore Fisheries Review, Defra had been consulting on the reform of inshore fisheries management in England during 2011. A summary of responses had been published. The NWIFCA had provided information on structure of the fishing fleet in the District, numbers and types of boats, and the type of fishing that took place. Proposals for the next step included pilot projects on proposals for community quotas set up around the country. Members would be kept informed of any further information on whether there would be the potential to set up a pilot project in the NWIFCA District.

The consultation on the review of the CFP had closed on 10th November. The NWIFCA had not submitted an individual response to the Defra consultation but the Association of IFCA response had been circulated to Members. Members would be kept informed of any developments with the review.

A report on funding for West Cumbria fishing industry had recently been published on the BBC website recently and the report was provided at Annex C for Members' information. It was felt to be a useful opportunity for funding of the fishing industry in the Whitehaven/North Cumbria area.

## RESOLVED

1. The report be received.

### 76 FINANCIAL REPORT AS AT 31 OCTOBER 2011

In presenting the report the Chairman informed Members that the Budget and Levy for 2012-13 had been discussed at a meeting of the Finance Sub-Committee held the previous day. After a lengthy discussion, and bearing in mind the financial constraints faced by all the councils at the present time, the sub-committee had agreed to recommend a 1% increase in the levy for 2012-13.

Mr Crawford queried inconsistencies in the name of the Committee shown on both the Annual return and Issues Arising report. Some of the papers showed North West and others North Western. Mrs Atkins confirmed it should be North Western and that the incorrect wording had been used by the external auditors. Mr Crawford felt that the reports should give the correct name of the Committee and Mrs Atkins said she would make that point to the auditors.

## RESOLVED

1. The report be received.

2. A 1% increase over the 2011-12 budget be approved for 2012-13.

3. The completed annual Return for NWSFC for 2010-11 be approved and accepted.
4. The Issues Arising Report for NWSFC for 2010-11 be noted and the action plan approved.

77 DATES OF MEETINGS 2012

Members discussed the proposed dates of meetings 2012 and it was

RESOLVED

1. The report be received.
2. Dates of NWIFCA meetings for 2012 be as follows:  
  
Friday, 16<sup>th</sup> March 2012  
Tuesday, 12<sup>th</sup> June 2012  
Friday, 28<sup>th</sup> September 2012  
Tuesday, 11<sup>th</sup> December 2012
3. The date of the next TSB Sub-Committee be agreed as 17<sup>th</sup> February 2012.

78 ANY OTHER BUSINESS

1. Mrs Owen said she had received a request from fishermen present to ask when the cockle beds were likely to be reopened. There was a feeling amongst those fishermen that despite a lengthy discussion the issue had not been resolved. The Chairman pointed out that the beds could not be reopened until legislation was put in place to control the fishery.

Dr Atkins said given the state of the stocks following surveys carried out since the emergency byelaw was introduced and the safety requirements it would be unrealistic to consider reopening the fishery before Christmas. When best to reopen the beds was still to be decided but before that decision could be made surveys would need to be done, a byelaw put in place and negotiations on enforceability and safety requirements carried out.

Mrs. Owen said she would pass that information on to the fishermen but was disappointed at the outcome for them. Fishermen relied on the fishery to supplement their income and she asked for it to be noted that the closure of the cockle fishery, combined with the current closure of the mussel beds in Morecambe Bay had made it a very difficult time for the fishermen.

2. Dee Mussel Fishery

Ms. Knott presented the report and provided Members with the background to this item and to the management issues facing the IFCA. The IFCA had taken over responsibility for certain aspects of the Dee in April 2011 and in particular mussels. Management of cockles remained with the Environment Agency under the Dee Regulating Order. The byelaws inherited from EA specified a Minimum Landing Size of 57mm and also specified the method of fishing. At present there was a substantial stock of mixed mussels all under 57mm at West Kirby on a bed historically classed as a cockle bed. The EA would like to see the mussels fished to provide an opportunity for the cockles to

grow back. A request had also been received from industry to remove the undersized mussels. The bed, which usually had a 'C' classification was currently closed under a temporary Prohibition Order due to a pollution incident. There was provision within the Dee Conservancy byelaws for a derogation against the byelaws to allow the taking of undersized mussels. An assessment of likely significant effect was required as the Dee Estuary was within a European Marine Site, an SAC and a Ramsar site and Officers were progressing that assessment. One issue that had arisen was the potential for the accidental transfer of Chinese Mitten Crab which was believed to be established in the Dee Estuary and that issue would need to be resolved. Once the samples tested were clear of the pollution the beds would be reopened and Officers were finalising arrangements for the issuing of authorisations for the removal of undersized mussels once the temporary prohibition had been lifted. It would then be for the IFCA to manage the fishery as it saw fit.

Mr. Matlby asked if at a future meeting a presentation could be given on frequency, numbers and location of shellfish beds closed to pollution. He felt the question of shellfish beds being lost to pollution events that did not necessarily need to happen was unacceptable and something that the IFCA should start to address. Dr. Atkins informed Members that the Food Standards Agency produced lists of all classified beds and their current classification. The information was available on the FSA website. He suggested that information on any known pollution incidents could be provided in the Science Report for future meetings.

#### RESOLVED

1. That report be received.
2. The actions of Officers be endorsed by the Authority.

There being no further business the Chairman wished the Members all the best for Christmas and New Year and declared the meeting closed at 1215 hours.