

**NWIFCA Technical, Science and Byelaw  
Sub-Committee  
7 February 2014: 10:00am**

**Report  
Number  
7**

**BYELAW 6 (PROTECTON FOR EMS FEATURES): UPDATE**

**Purpose of the Report:**

**To inform members of the progress of NWIFCA Byelaw 6: Protection of European Marine Site Features since its making at the Authority meeting on 6<sup>th</sup> December 2013.**

**Recommendations:**

- 1. That the report be received.**
- 2. That members pass on the information that the formal consultation is now open.**

**Background:**

1. At the Authority meeting on 6<sup>th</sup> December 2013 NWIFCA Byelaw 6: Protection of European Marine Site Features was made. This byelaw addresses the requirement from Defra that all fishing activities that are categorised as "Red risk" (i.e. a high risk of causing damage) for specific EMS sub-features were prohibited in these areas.

**MMO suggested amendments:**

2. After additional feedback from the MMO on the Byelaw after its making, some minor alterations to the wording and formatting of the byelaw have been made. For example a definition of hand worked fisheries has been added for clarity. Additionally the requirement for fishing authorised under the grandfather rights clause to remain "at the same frequency as were used in fishing prior to the introduction of this byelaw" has been removed as this was deemed to be immeasurable and unenforceable.

**Habitats Regulations Assessment:**

3. After receiving comments from Natural England on the Habitats Regulations Assessment completed to accompany the grandfather rights clause and after further investigation of the current fishing activity in the area, this document has been amended and re-submitted to Natural England. Natural England's final comments and sign off are awaited.

**Consultation:**

4. The finalised Byelaw and supporting documents, including Regulatory Impact Assessment, have been submitted to the MMO and can also be found on the NWIFCA website.
5. The Byelaw has also been advertised in Fishing News, Cumberland News, Lancashire Evening Post and Liverpool Echo and the consultation will close 28 days after these publications.
6. A Press Release has been sent to local press and an e-mail update will be sent to NWIFCA mailing list subscribers and other interested parties involved in the informal consultation for this byelaw.

7. Officers are working on guidance for fishermen wishing to apply for an authorisation to fish in the Lune Deep closed area which outlines the evidence that is required to be submitted with such an application.

**Next Steps:**

8. At the TSB Sub-Committee meeting on 6<sup>th</sup> December 2013 it was suggested that the final paragraph of the report on Byelaw 6 which detailed the 'Next Steps' for fishing activity in the Lune Deep area be reworded to clarify how future applications from new entrants to the fishery could be addressed. A revised paragraph is suggested below:

"In the future, developments in the local fishing fleet and fishing practices could mean that new fishermen / vessels may want to fish on the sandy bottom within the Lune Deep closed area. These fishermen will not be granted an authorisation under the grandfather rights clause. Instead the Authority could grant access to fishing via a derogation from Byelaw 6. Like any new fishing activity in the district, granting of such a derogation would require thorough investigation of the proposed fishing practice and the completion of a new HRA in consultation with Natural England. This HRA would have to demonstrate that the proposed activity would not have an adverse effect on the integrity of Shell Flat & Lune Deep cSAC."

**Abigail Leadbeater**  
**Science Officer**  
**30<sup>th</sup> January 2014**