



**North Western
Inshore Fisheries and Conservation Authority
Meeting 2
8 February 2011. Bootle Town Hall, 10.30 a.m.**

Agenda Item 9

PROPOSED MORECAMBE BAY HYBRID FISHERY ORDER

Recommendations:

1. **That members endorse the actions of officers to progress the application to Defra for the Morecambe Bay Hybrid Fishery Order.**

2. **That the report be received.**

Background

1. The North Western Sea Fisheries Committee intends to apply for a Hybrid Fishery Order (made under the Sea Fisheries (Shellfish) Act 1967 [as amended by the Marine and Coastal Access Act 2009]) to govern shell fishing in Morecambe Bay and the Duddon Estuary (see figure 1). For ease of understanding and due to the fact that the Order will not come into effect until after the change-over to IFCA, the grantee organisation will hereinafter be referred to as the NWIFCA (the Authority).

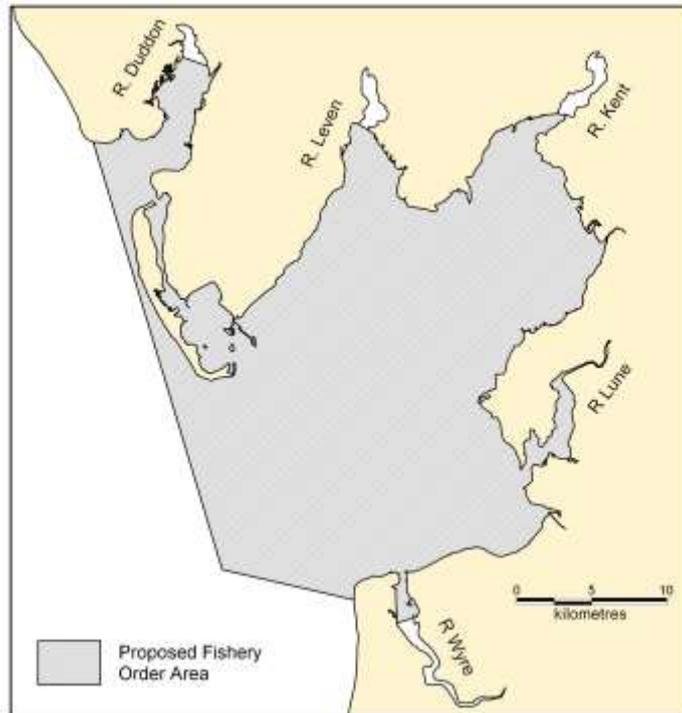


Figure 1. Area of the proposed Hybrid Morecambe Bay Fishery Order.

2. Due to changing economics over recent years, managing mussel and cockle fisheries through byelaws alone has become increasingly difficult, costly and burdensome in terms of enforcement and administration.
3. The Order will enable the Authority to control fishing intensity and better balance the interests of stakeholders. The objective is to develop a modern, professional and sustainable molluscan bivalve fishery, with provision for the development of cultivation and aquaculture.
4. SFC records show discussions among officers about a Fishery Order to manage shell fishing in Morecambe Bay started around 1995. In July 2006, a Fishery Orders Development Officer (FODO) was appointed to work specifically towards planning and applying for an Order.
5. An original application was submitted in December 2007. However this was held up pending the resolution of other legal proceedings relevant to this application involving the Crown Estate.
6. The Crown Estate case was resolved in 2009 with a judgement from the Appeal Court which cleared the way for the Fishery Order to proceed further. At this point the Authority recommended work on progressing the application.

Progress to Date

7. Previous consultation revealed a high degree of support for the Order. Since August 2010 progress has been made with meetings with Defra and the Environmental Forum (Natural England, RSPB, Wildlife Trusts and Arnsdale and Silverdale AONB) to assist in developing the draft Management Plan and Appropriate Assessment for the first five years of the Order (anticipated as being 2011 – 2016).
8. A briefing on the application and Management Plan went out to public consultation in November 2010, with the full draft Management Plan or an abridged summary available from the Carnforth office. The main measures proposed for the management of the fishery were documented. Stakeholders were invited to send any comments, observations, objections or letters of support to the Carnforth office.
9. The office received nearly 60 calls, mainly from existing Byelaw 5 permit holders anxious to know whether they were likely to be amongst the first tranche of licence holders. When answering their queries, efforts were made to engage them in further discussion to gauge their level of support. Generally long-standing fishers welcome the moves to a more professional and regulated hand-gathering fishery.
10. Requests for full copies of the draft Management Plan were received from the North Morecambe Bay Fishermen's Association and the Morecambe Bay Fisheries Association, Seasealter (Walney) Ltd, Dick Langley and Chris Woods from the NWIFCA committee, and the Crown Estates.
11. Energy and utility companies with interests in the Bay were also contacted and following requests for further information more details were sent out to Centrica Renewable Energy, National Grid, Nautical Petroleum plc and Dong Energy with invitations to meet if deemed necessary.

12. The local fishing associations raised some serious concerns about the proposals and strongly objected to the planned number of licences to be issued, and the cost of the licence fee.
13. A briefing and invitation to meet were sent to all MPs around the Bay. David Morris, MP for Morecambe and Lunesdale, requested a meeting where he expressed his support in principal for the Order. However he was concerned as to whether local fishers were in support and offered to help facilitate the consultation process by attending a joint meeting between the NWSFC officers and representatives of the associations.
14. This meeting took place on Friday 3rd December at Morecambe Town Hall and was attended by officers from the SFC and eight representatives from local fishing associations. The issues of major concern were discussed and agreement reached by the time David Morris arrived as he was held up due to the snow. He agreed to request on our behalf a meeting with the Fisheries Minister, Richard Benyon and representatives from the fishing associations and the Committee, to put forward the case for financial support from Central Government for the Order, along with the reasoned arguments behind the proposals.
15. Subsequently a letter has been received from Tim Farron, MP for Westmorland & Lonsdale, raising concerns put to him by fishermen in his constituency. He has also stated his intention to attend the meeting with the Fisheries Minister. A reply has been sent to him welcoming his involvement and answering the concerns raised.

Next Steps

16. Efforts are now being directed into incorporating amendments into the final draft of the Management Plan. Officers are concerned about the resource implications for the NWIFCA of increased enforcement demands and associated costs when cockle stocks are high and illegal fishing activity is rife. In order to manage these consequences it is proposed to include adaptive measures in the Management Plan. In particular, changes are to be made to:
 - the number of licences issued (50 instead of 200), with the provision that in years when there are exceptional stocks of cockles that up to a maximum of 150 additional temporary licences may also be issued;
 - the licence fee, which will be variable depending on stock levels but be based on a flat rate of £300, and a levy for NWIFCA issue cockle / mussel bags.
17. Further to the consultation process, a robust, fair and transparent allocation procedure will be incorporated into the Management Plan whereby applicants for licences will be obliged to provide Assessment Information in support of their application which must demonstrate:
 - a) the extent to which the applicant has actively and materially participated in the Morecambe Bay shellfish fishery; and
 - b) the extent to which that participation was as a commercial fisherman.
18. The next step will be to submit the application to Defra as soon after the meeting with the Minister as possible. Defra will then produce a Draft Order, which will be subject to formal consultation. Should there be no significant objections, it will be approved by the Fisheries Minister and laid before Parliament to become law, hopefully by September 2011. However if significant objections are raised, the Minister can order a Public Inquiry.

19. It is fully acknowledged that, in light of the fact that over 400 Byelaw 5 permits were issued in 2010, there are likely to be a large number of people who will not be allocated a licence and so will consequently raise objections. It is hoped that these will be minimised by the incorporation of a flexible management regime under the Order that is able to take into account the variability of shellfish stocks and react accordingly.
20. It is also hoped that the meeting with the Minister will help to avoid the possibility of a Public Inquiry by having explained the rationale behind the decisions to him at an early stage.

MANDY KNOTT
Scientific Officer
25th January 2011

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

List of Background Papers

1. Draft Morecambe Bay Fishery Order Management Plan (+ Appendices)
2. Draft Appropriate Assessment for Morecambe Bay Fishery Order.