

## Annex B



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29 August 2014

**Nigel Gooding,**  
**Defra**  
**Email only.**

Dear Nigel,

### **Your letter 7 August: EMS project**

I was on leave for the meeting on 26 August so am responding for NWIFCA.

1. Please consider IFCA individually. In the NW we are tackling the project as originally conceived. Thus we have completed a screening (numbers below) and a light TLSE for 850 interactions which do not occur in the District.
2. The use of the term 'screening process' in your letter seems unclear. Is it a rapid scan through all the outstanding gear feature interactions to estimate the number of AAs expected? or is it the completion of TLSE for all interactions to get a precise list of actual AAs? We have done the former (see figures below) but the latter will take a lot longer.
3. NWIFCA screening gives:

|      |   |      |
|------|---|------|
| i.   | Total TLSE NWIFCA District  | 1523 |
| ii.  | Total interactions which do not occur : TLSE completed            | 850  |
| iii. | Full TLSE required  | 704  |
| iv.  | These 704 interactions are grouped into separate TLSE assessments | 81   |
| v.   | Of the 704, the total full AAs expected are                       | 260  |
| vi.  | AA also to be grouped into separate assessments                   | 53   |
4. These AAs will be addressed according to local risk priorities as follows:
  1. Cockle and mussel fisheries
  2. Bait collecting
  3. Bottom towed gear
5. Re your question para 1 page 2, In the NW, the science team of 3 officers will do AAs as part of the overall process **in parallel** with ongoing TLSE. Assessments to be grouped by gear type and by site as per day to day work. Each fishery (gear) will be assessed against each site (and all the features within it) where it is active.

### **Speeding up the project**

6. In our view two main factors limit delivery by end 2016: Officer time and availability of data. Data acquisition is largely outside IFCA control.

7. Available time for EMS in NWIFCA is approximately 1.5 FTE. Local fisheries take priority in summer. 6 AAs are now being done to allow short term shell fisheries to take place. It is frustrating that these do not add to the EMS project. This is an indication of the failure of the EMS project as it is structured to address real conservation issues 'on the ground'.
8. The Project Board suggested that the TLSE stage could be speeded up. But if the TLSE stage is hurried, tests will be less detailed having taking account of less data. This will lead to more tests concluding that a full AA is required. AA takes longer than TLSE so speeding up TLSE will make delivery by 2016 less likely. Completing TLSE to the highest possible standard so a minimum of AAs are generated, is the most efficient approach.
9. Similarly if AAs fail to use best possible data, more AAs will conclude that activities must be prohibited on grounds of precaution. All prohibitions require byelaws. Making byelaws is the longest stage so delivery will be delayed. Moreover byelaws which are not fully evidenced are most open to challenge.
10. Subcontractors will require IFCA and NE to supply all the data and information. This would be expensive and disruptive to IFCA work. If finance is available more IFCA science officers at a cost of approx. £35K each per year would be better trained and better value. Secondments into IFCA from other departments or agencies could be an option. Just £1M shared among IFCA per year for 3 years would probably ensure delivery of this project by end 2016.
11. With reference to the role of NWIFCA members, Defra should consider that few members are engaged with or understand the EMS project. However, many are concerned about the extent to which this national project has come to dominate the local IFCA programme with no additional resources. It is left to Officers to incorporate EMS work into IFCA day to day work plans. The Authority is becoming increasingly aware that it is using Local Council funding to support a programme of little benefit to its District.
12. As you will be aware, current financial constraints, leave no freedom to increase levies. Inflation has reduced NWIFCA funding for 5 years. Science and survey to support local fisheries has been cut to the bone. The Authority considers that any infraction threat over EMS management should be addressed nationally by ensuring IFCA have the resources to complete the work in time.
13. It may be possible to speed up the project by clarifying the precise requirements of the Directive in respect of Arts 6.2 & 3 of the Habitats Directive and whether it is necessary to assess ongoing activities on sites which have been found to be in favourable condition and given a 'maintain' conservation objective. Defra may wish to share the procurement of a Legal Counsel opinion on these points.
14. Please do not underestimate the time it takes to conclude TLSE and AA with Natural England. It is their role to test IFCA assessments and seek out flaws. New possible impacts, most notably 'in-combination' effects are raised frequently creating iterations of documents that can seem endless. Each requires re-examination of data, redrafting of text, re-consideration of conclusions, and re-submission to NE. Assessments are not done more quickly with time. Often each takes longer than the last. Attempting to complete this work within deadlines which appear unachievable with no additional resources is frustrating and demoralising. The greatest risk to delivery is that science officers are placed under too much pressure leading to loss of irreplaceable staff.

I hope these points are useful. I am of course happy to supply further information if needed.  
Best regards

Stephen

Cc Stephen Bolt