

PRESENT – MEMBERS

Councillor A. J. Markley	(Chairman)	Cumbria County Council
Dr E. Baxter		MMO appointee (Marine Environment)
Mr R. Benson		MMO appointee (Fishing Industry – North West)
Councillor K. Brown		Lancashire County Council
Councillor M. Byram		Cheshire West and Chester Council
Dr J. A. Clark		MMO appointee (Marine Science)
Mr W. Darbyshire		Environment Agency (Officer)
Mr R. Graham		MMO appointee (Commercial)
Mr D. Harpley		MMO appointee (Marine Environment)
Mr R. Littleton		MMO (Officer)
Councillor B. Mooney		Wirral Council
Mrs M. R. Owen		MMO appointee (Fishing Industry – North West)
Ms P. Taylor		MMO appointee (Marine Environment)
Dr P. Williams		MMO appointee (Recreation)
Ms H. Ake		Natural England (Officer)

IN ATTENDANCE

Mr A. Newlands	MMO (Officer)
Mr S. Benson	Lancashire County Council
Mr D. McAleavy	Sefton Council
Mr S. Molyneux	EA (Officer)
Mr D. Bedworth	EA (Officer)

APOLOGIES FOR ABSENCE

Dr S. M. Atkins	Chief Executive
Mrs K. Atkins	Finance Officer
Councillor T. Beaumont	Liverpool City Council
Councillor L. Beavers	Lancashire County Council
Mr B. Crawford	MMO appointee (Anglers and Recreation)
Prof C. Frid	MMO appointee (Marine Science)
Mr. T. Jones	MMO appointee (Commercial/Aquaculture)
Councillor J. J. Kelly	Sefton Council
Councillor K. Little	Cumbria County Council

253 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman welcomed new Members Councillor B. Mooney (Wirral Council) and Mr D. Harpley (MMO appointee), also Ms H. Ake attending as a substitute for Mr C. Lumb.
2. The Chairman welcomed Mr A. Newlands, MMO, also Mr S. Molyneux (Environment Agency) who would be giving a presentation on Fracking. A copy of the presentation had been tabled. The Chairman also welcomed Mr D. Bedworth (Environment Agency)
3. The Chairman announced apologies and welcomed visitors.
4. The Chairman reported that the date shown in paragraph 2 of the Financial Report (Agenda Item 5) was incorrect and should say 30th June 2014.

5. The Chairman announced that Mr D. Dobson and Mrs J. Butler have both tendered their resignation from the NWIFCA. Mr Dobson was previously Chief Officer of Cumbria SFC and then Enforcement Director with NWIFCA until his retirement in 2012. Mr Dobson was well respected by the fishing community and all those connected with the inshore industry. Mrs Butler was appointed to the NWIFCA in October 2012 and she was a member of the TSB Sub-Committee. Their contribution to the work of the Authority will be missed.
6. Agenda Item 10. A note of the resolutions from the Vessel Sub-Committee meeting held on 15th September 2014 had been tabled.

254 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 2)

No pecuniary or non-pecuniary interests in Agenda items were declared.

255 TO RECEIVE MINUTES OF THE NWIFCA ANNUAL MEETING HELD ON 13th JUNE 2014 (Agenda Item 3)

Councillor Byram had not been included in the list of those present. The minutes were amended accordingly. Proposed Mrs M. R. Owen, Seconded Councillor K. Brown.

RESOLVED

Following an amendment to include Councillor M. Byram in the list of those present, the minutes of the NWIFCA Annual Meeting held on 13th June 2014 be approved and signed as a correct record.

256 MATTERS ARISING (Agenda Item 4)

Mr Graham pointed out that there had been a proposal at the last meeting for the question of appointment of MMO representatives to be placed on the Agenda for today's meeting but this had not happened. He suggested that it should be placed on the Agenda for the December meeting.

The Chairman said the existing appointments will be extended until early 2015 and appointments will be reviewed at that time. In response to a question from Dr Clark as to whether MMO are currently advertising for new members for NWIFCA, Mr Littleton confirmed the vacancies have been advertised and some applications received.

257 FINANCIAL REPORT (Agenda Item 5)

In the absence of the Finance Officer the Chairman introduced the report and drew attention to the recommendations. Approval of the recommendations was proposed by Councillor K. Brown.

RESOLVED

1. The Budget Review to 30th June 2014 be approved.
2. The completed Annual Return for NWIFCA for the year ended 31st March 2014 be approved and accepted.

258 QUARTERLY REPORT (Agenda Item 6)

The Head of Enforcement reported on fishing activity for the period 1st May to 31st July 2014. The quarter had been dominated by *Nephrops* activity in the Northern District and there had been light effort in the mussel fishery in the Duddon. Heysham Flat seed mussel

fishery was opened for hand gathering on 26th August and about 30 fishermen had fished each tide. Compliance in avoiding the *Sabellaria alveolata* reef has been satisfactory. The South America dredge fishery started on 31st August with 3 vessels receiving authorisation. A stricter enforcement regime presence had been introduced. As expected, fishing had been quite poor. The number of Byelaw 3 permit holders has reduced this year and to date 67 permits have been renewed. The 2nd May meeting of the TSB agreed to enforce the requirement for returns. This has now been put in place and compliance has been good. The question of cross warranting has been discussed with EA and by the TSB at its meeting in August.

Mr Deary reported recent court cases involving non-payment of FAP and non-attendance at interview which resulted in the court appearance of two fishermen who each received a fine of £325. Costs of £75 and victim surcharge of £32.50 were also imposed. One further case outstanding is for alleged obstruction and the case will be going to trial in early November. Concerns were raised at the low level of fines imposed. Mr Graham said this did not go unnoticed and the particular case raises a number of questions. The statement of income given to the court by the defendants is taken into account by the judge when imposing fines and it is possible that the information provided may not be accurate. It is felt that this situation should be pursued and the Chief Executive and Head of Enforcement are looking further into this. Mrs Owen said the EA require applicants to declare any criminal offence and the Chairman said perhaps the Authority should also be looking into the possibility of introducing that requirement.

Mr Graham drew attention to the report by Senior IFCO E. Thinnesen on trawling which refers to the high level of earnings that can be achieved by visiting twin riggers working up to the 6 mile limit jurisdiction of NWIFCA. He said it is important for patrols to be carried out by 'Solway Protector' or her replacement to monitor the activity because of the impact this type of fishery can have up to 6 miles.

RESOLVED

The report be received.

259 CHIEF OFFICER'S REPORT (Agenda Item 7)

In the absence of the Chief Executive the Chairman introduced the report.

Defra policy. With respect to EMS work Dr Clark asked what the current situation is concerning the issue of resources raised in paragraph 1. The Chairman said at the last AIFCA meeting he had raised the question of resources and had received a very bland answer. The .4 year report on conduct and operation looking at the sustainability of IFCAs is awaited and that report will probably provide more information on resources. Other IFCAS have raised the same issue and it will be raised again at the next AIFCA meeting on 23rd September.

In response to a question from Councillor Byram as to when the 4 year report is likely to be published the Chairman said he did not know the exact date but would check this with Defra.

RESOLVED

The report be received.

260 REPORT ON TSB SUB-COMMITTEE MEETING HELD ON 15TH AUGUST 2014 (Agenda Item 8)

The Chairman of the sub-committee, Mr R. Graham, presented a verbal report. Members had been provided with a copy of the minutes for information. Items discussed included

Potential Mussel and cockle fisheries, Morecambe Bay Hybrid Fishery Order – Issues to be Discussed, Byelaw Review, Byelaw 3 Cockle and Mussel returns, EA/NWIFCA Cross Warranting and a Summary Report on the work carried out by the Science Team over the last quarter.

Potential Mussel and Cockle Fisheries. There had been a lengthy discussion on this item. As in previous years, it was agreed that Officers should have delegated powers to make non-controversial decisions to manage mussel fisheries quickly without referring all decisions back to TSB. With limited seed mussel on South America skear this year seed mussel fishery it was agreed that only 4 authorisations should be issued to those with the longest track record. Heysham Flat seed mussel fishery was approved for opening to hand gatherers and is now being fished. An area of mussels on Knott End skear has now become accessible and officers had sought a safe access route avoiding *Sabellaria alveolata* reef. A request to dredge seed mussel on Perch Scar, Fleetwood was considered. Little interest from hand workers was expected as fishing was available elsewhere however officers were asked to give Byelaw 3 permit holders a chance to fish first after which the area may be opened for dredging.

Byelaw Review. Progress in developing the following Byelaws was reviewed: Byelaw 1 (Minimum Landing Size), Byelaw 2 Vessel size and gear restrictions, Byelaw 7 (Non-commercial potting regulations), Byelaw 8 (Prohibition of foul hooking) and Byelaw 9 (Restrictions on fishing for shrimps and Prawns).

Cross Warranting. Joint patrols are being carried out by EA and NWIFCA Officers. Some further work needs to be done before cross warranting can be agreed.

Science Report. Concerns were raised about mortality rates at Heysham Power Station and the amount of fish being taken through the cooling water intakes. Mr Darbyshire (EA) and Mr Littleton (MMO) had agreed to investigate this.

Razor Clam Progress Report. The Cefas Fisheries Science project looking at the idea of using electric pulse technology to encourage clams from the sea bed was originally to be trialled in Liverpool Bay. Due to lack of stocks the project will now likely be trialled off Walney Island.

Mr Deary said TSB had been informed of a problem with access to the seed mussel fishery at Perch Scar, Fleetwood now resolved following a meeting with the council. IFCO S. Brown said he has not yet been able to inspect the bed but is hoping to do this within the next week. The bed will need to be assessed as to whether it will be a viable fishery for hand gatherers and Mrs Owen said at the last TSB when the proposal was put forward for dredging she had argued the case for hand gatherers. Members of the sub-committee were told there was no interest by hand gatherers but it later transpired that fishermen had visited the office to register an interest.

Dr Clark raised the point that she had asked why the survey equipment received from Defra had not yet been utilised and had been informed this was due to lack of staff training in its use. She asked if the necessary training has now been put in place. Mr Deary reported that IFCO M. Burdekin has attended a sidescan sonar course but further work on installing and operating the equipment is needed and will be done as soon as resources allow. Mr Graham said the question of equipment arose in connection with a meeting with Silloth fishermen on 11th August to discuss a request to use a local boat to survey mussel beds in the Solway Firth. It was noted that had the NWIFCA equipment, been installed on 'Solway Protector' and officers trained in its use, it might have been of use in that survey. Dr Clark requested that officers move forward with the necessary training and implementation of the equipment. Mr Deary was asked to clarify the situation and report back.

Dr Clark said she is pleased to see discussions on cross-warranting is continuing. She asked if a more in-depth discussion could be given at the next meeting and this was agreed.

RESOLVED

1. The report be received.
2. The Head of Enforcement be asked to clarify the current situation concerning training and use of scientific equipment.
3. The Head of Enforcement be asked to report on cross warranting at the December meeting.

261 SCIENCE REPORT (Agenda Item 9)

The Science Report was presented by Scientific Officer Ms Sarah Temple. Ms Temple reported that some of the items in the report had already been discussed under other items on the Agenda.

Survey and Fisheries Work

Mussels

West Kirby. This mussel bed was surveyed in July. No spatfall was observed and there were small quantities of old barnacled mussels.

Leasowe Bivalves. Ongoing bivalve collection was at Leasowe was inspected and it was found that small quantities of razor and otter clams were being taken for personal consumption. The situation will be monitored but it is expected the activity will reduce during autumn and winter.

South America. Various inspections of the seed mussel area have been carried out and much of the area has been covered by sand in the last 12 months. The TSB took the decision to open the area to a maximum of 4 operators based on track record. An increase in enforcement has been implemented.

Heysham Flat. This bed was surveyed in July. There were high levels of recruitment and dense coverage of seed mussel smothering the main *Sabellaria alveolata* reef. Officers worked with local authorities to open a hand gathering fishery on 26th August with a demarcation line and exclusion zones to avoid the reef area.

Perch Scar. Officers inspected this bed and found dense mussel there. In previous years it has been gathered by hand for both size and seed mussel. The TSB agreed to authorise a small dredge fishery if there was no interest from Byelaw 3 permit holders to prosecute the bed.

Foulney Mussels. This bed has had dense mussel settlement and officers feel that some of the seed should be harvested by Byelaw 3 permit holders or much of it may otherwise be lost by smothering and erosion.

Duddon Estuary Mussel Fishery. The size mussel fishery has continued at a low level.

Solway Firth. Mussel settlement has been found on both Ellisons and Low Hagstock scars with a range of sizes there. Mixed age cockles were also found on Beckfoot flats and officers are working with industry to carry out surveys of this cockle bed and Middle Bank bed using a suction dredge. Should high densities of cockles be found this will be reported

to the Authority. Following a decision by the TSB a dredge survey of the Solway subtidal mussel bed found no mussel.

Assessment of Fishing Activities in European Marine Sites. TLSE assessments have been done. IFCOs will be obtaining more data on fisheries activities to assist in the assessments.

North West Coast Connections. Members have been notified about the NG consultation on the preferred option routing corridors for the high voltage cabling for the new power station at Moorside. Members with an interest are encouraged to register for updates, events and information regarding the consultation.

North West Energy Squared. The Senior Scientist has been made aware of proposals to generate tidal power in every estuary within the District and to incorporate a high speed rail route from Prestatyn to Stranraer. Ms Knott has discussed the proposals with the representative from Peel Holdings who is of the view that none of the schemes will go ahead. Members will be kept informed on this.

Other items in the report included a PhD proposal with Lancaster University, use of limestone in sea defence, the possibility of developing FLAG for Morecambe Bay, Wildlife Trust Marine Graduates, proposed MCZ sites within the District and Bass Management Measures. Other items included Heysham Power Station and fish mortalities and the Cefas Fisheries Science Partnership Project which had been discussed earlier in the meeting.

Morecambe Bay Hybrid Fishery Order. The TSB is considering the future of this Order and a meeting will be arranged in the near future in order for due consideration to be given to all the issues involved.

Mrs Owen asked if hand gatherers would be given authority to fish for mussel seed on South America skear. Ms Leadbeater said interest has been received from industry to extend the dredging area into the more intertidal areas. This is a contentious issue and outside officers' delegated powers. The matter will be further investigated and taken to the TSB Sub-Committee for a decision.

Dr Clark proposed that that the Authority should write to the developer of the proposal to put barrages on every estuary within the NWIFCA District to ask them to explain how they intend to work with other regulatory authorities on assessing the environmental impact of these proposals. This was agreed.

Mr Graham said a separate consultation was needed for the fishing industry to get an idea of what impact the NW Coast Connections proposals might have on fisheries in Morecambe Bay. The Senior Scientist was asked to make this request to National Grid. Mrs Owen asked for the two local Fishermen's Associations to be kept informed.

Mrs Owen said that that recreational sea anglers and angling trusts are lobbying Defra to bring in new bass management measures. Morecambe Bay has a specific bass minimum landing size that is not found in other Districts. She voiced concerns that new management measures could wipe out the fishing industry in the Bay. Dr Clark asked if the Chairman could urge other IFCAS to appreciate there are local differences that need to be addressed in any discussions about local measures as opposed to national measures.

Mr Bedworth (EA) asked if the Authority is aware of the increasing pressure that salmon stocks have been under over the summer. Information on mortality rates at sea has just been announced and he asked members if they felt the TSB would find it useful to have a report on salmon stocks within the District. This suggestion was supported by both Dr Clark and Mrs Owen, who asked if the TSB could also look into the problems caused by seals around Morecambe Bay

Mr Moulton gave a communications update. Four community stakeholder meetings had been held which had mixed attendance depending on the area in which they were held and led officers to believe that future meetings should have a targeted audience or agenda. A stakeholder meeting to discuss the Foulney mussel bed was very successful and well attended. This led on to two meetings on the beach with fishermen to assess the situation.

RESOLVED

1. The report be received.
2. The Chief Executive be asked to write to the North West Energy Squared group to ascertain if the group intends to consult with the regulatory authorities on the proposals to generate tidal power from every estuary in the NWIFCA District.
3. The EA be asked to provide a report on salmon stocks within the District to the TSB Sub-Committee.

261 REPORT ON VESSEL SUB-COMMITTEE MEETINGS HELD ON 25TH JULY AND 15TH SEPTEMBER 2014 (Agenda Item 10)

The Chairman summarised the tabled resolutions from the Vessel and Finance Sub-Committee meeting held on 15th September. It had been brought to the attention of the sub-committee that the funding available to the Authority for the purchase of a new vessel is not sufficient for the size of vessel agreed previously which was 20m registered length. CEO was asked to investigate specifications of vessels in aluminium and GRP which could be procured within the NWIFCA budget of £1.3M. CEO was also asked to investigate crewing requirements for boarding operations.

Mr Graham reported that the report to the last sub-committee proposed procuring a vessel within a budget of £1.3M.

Dr Clark voiced concerns at the delay in purchase and reports that more estimates are needed when estimates have already been received. The Chairman said that estimates to date were based on an unachievable budget considering the current level of funding available to the Authority. Councils have indicated they are unable to provide further funding. Another meeting will be held shortly to discuss the conclusions of those investigations and to progress the matter.

Dr Clark asked if the Authority would be pursuing the resolution to investigate the requirement for a 6 man crew. The Chairman said the sub-committee had been made aware of a possible HSE requirement and the Chief Executive was asked to make further enquiries to clarify the situation;

RESOLVED

The report be received.

262 PROPOSED DATES OF MEETINGS 2015 (Agenda Item 11)

The Chairman introduced the report outlining dates of meetings for 2015.

RESOLVED.

1. The report be received.
2. Members agree the proposed dates of meetings for 2015 as outlined in the report.
3. Members agree venue for future meetings of the NWIFCA as outlined in the report.

263 ADJOURNMENT OF MEETING

The Chairman proposed an adjournment until 1315 hours and this was agreed.

264 MEETING RECONVENED AT 1315 HOURS

265 ENVIRONMENTAL AGENCY PRESENTATION ON FRACKING

Mr Steve Molyneux (EA) provided a presentation on Managing the Environmental Risks from Shale gas Exploitation. A copy of the presentation had been tabled.

Mr Molyneux outlined the EA role in regulating shale gas extraction and environmental risks. Fracking is an industrial process and all such processes carry risk. Regulatory authorities must minimise risk & maximise protection. A sample of shale rock was shown and processes in exploratory shale gas operations explained. One consequence of drilling is that water released back has to be treated and disposed of. Before drilling can commence the industry has to comply with criteria and obtain licences from the Department of Energy and Climate Change. Once a licence has been granted by DEC the company must obtain planning permission from the local authority. A licence is also required from EA which looks principally at four issues. Firstly, a permit is required under the Ground Water Directive to ensure ground water protection, secondly a Management Waste permit to ensure waste is dealt with appropriately, thirdly a permit is required under the Industrial Emissions Directive to ensure waste gases are dealt with appropriately and finally a permit is required under the Radioactive Substances regulations to ensure radiation material can be dealt with and managed safely. All EA permits are site specific. Risk assessments are done for each site and consultation carried out on the permit application so that the public can see what the EA decision is around those permits. Following issue of a permit EA officers are on site throughout the specific activities in setting up the drill and high level engineering has to be put on site to make sure environmental interests are protected. Joint inspections are carried out with HSE and any breach of the regulations can result in enforcement sanctions such as suspending operations or revoking the permit. Overall the EA position is that shale gas operations are at an early stage of development. In Lancashire the first two applications are going through the permit process. They are both in low risk areas and EA believes it has the necessary valid controls in place. The UK government Select Committee has asked EA and Defra to keep the regulations under review during its exploration phase to see if additional regulations are needed for any production phase. The EA continues to work closely with government regulators. Consultation on the two permit applications in Lancashire, Preston New Road and Roseacre Wood has now closed and the permits are being determined prior to further public consultation if the EA believe permits can be issued.

Members then had an opportunity for questions.

Mrs Owen asked how long the waste water would be stored for. This activity is likely to require a vast amount of water and she asked if, in cases of drought, whether the fracking companies will get priority over the water supply. Mr Molyneux said water storage is one of the risks associated with this activity. Some of the problems experienced in the USA comes from storing water in open lagoons. Under UK legislation lagoons are not allowed and all waste water coming from a site is stored in solid containers on site and removed from site for treatment and disposal. Disposal is through waste water treatment. The water has high salinity, high levels of dissolved minerals and is not classed as hazardous waste. Water generated at Preesall went through primary and tertiary treatment before being discharged back into the environment. The waste management plan has to set out how the company will store, treat and dispose of the water and the EA has to be sure there is no risk to the environment.

Mrs Owen raised concerns about the hazards of radioactive material produced by the activity. Mr Molyneux said fracking is one of the activities that will generate radioactive material and is very low risk but it has to be dealt with correctly. Under the Radioactive Substances permit an assessment of the risk has to be done before a permit is issued.

Dr Clark asked if there is a maximum diameter around each drilling site as to how far horizontal drilling can go out. Mr Molyneux said this depends on the technology available and whether it is commercially viable to do that. The further you drill horizontally the more pressure and the more energy needed, there is a possibility of gas fracturing. It will be a commercial decision as to how far horizontal the company wants to go.

Dr Clark asked if companies have to specify how far they want to drill out when applying for permits. Mr Molyneux said this is not part of the EA remit and would come under the planning regulations and assessments. The Chairman suggested this is perhaps a relevant question for councillors to ask in planning committee meetings as to how far from the well head they can drill as a radius. Councillor Byram proposed that clarification be sought on that question and this was agreed.

In response to a question from Councillor Mooney as to whether EA advises planning departments on this question and the implications of it, Mr Molyneux said the EA did not advise planning departments. The Agency is the competent authority for protection of ground water, how waste protection is being dealt with, naturally occurring radioactive material and how emissions are flared. It is responsible for ensuring those aspects are managed. There is a legal process to apply for permits and the EA makes its decision based on those aspects. The EA does not regulate activity and cannot say how far out they can drill.

The Chairman suggested it might be relevant for the Authority to write to Council planning departments asking that when looking at planning applications for this activity, they keep the NWIFCA informed on any applications received that might indicate the radius of the drilling activity.

Dr Baxter asked what the final salinity is of the treated effluent that goes back into the sea. Mr Molyneux said it doesn't necessarily go back into the sea, usually the discharge is into inland water courses and it depends on the consent limits for the receiving water courses. If the treatment works being used is somewhere else in the country and discharged into the sewer there will have to be a trade effluent agreement with the supplier and consent to discharge into the main sewer. Consent limits are very site specific depending on the size of water courses and where the discharge is.

The Chairman then brought the discussion to a close and thanked Mr Molyneux on behalf of the members for his informative presentation.

RESOLVED

1. The Head of Enforcement be asked to seek clarification on how far offshore horizontal drilling is permitted.
2. The Chief Executive write to local authorities within the District asking them to inform NWIFCA on any planning applications received that indicate the radius of the drilling activity.

There being no further items of business the Chairman thanked members for attending and closed the meeting at 1410 hours.