

NWIFCA Quarterly Meeting

28 September 2012: 11.00.a.m.

**AGENDA
ITEM NO.
8**

CHIEF OFFICER'S REPORT TO SEPTEMBER 2012

Purpose

To report staff and management changes and the main policy developments since the last meeting

Recommendations

1. Receive the report
2. Note the implications of the new Defra policy on marine protected areas
3. Note the progress with the NWIFCA work programme in the updated annual plan.
4. Consider and agree any plans tabled for a reopening the Foulnaze cockle fishery

Health and Safety

1. There have been no H&S incidents since the last meeting and no changes to the Health and Safety policy.

Staff Changes

2. Enforcement Director Mr David Dobson retires on 28 September 2012. The Authority will wish to thank David for his work over the last 18 months helping the NWIFCA to become established. And for many years previously as member of the Cumbria Sea Fisheries Committee; Master of the CSFC patrol vessel and as Chief Officer of the CSFC until merger with the NWIFCA.
3. Ms Abigail Leadbeater MSc joined the science team in June returning the group to full strength.
4. Inshore Fisheries and Conservation Officer Mark Dobson resigned in August.
5. The posts of Head of Enforcement and IFCO are under recruitment.

IT changes

6. The transfer of the NWIFCA computer system into a hosting contract with the Lake District National Park is underway. The internet link to the Carnforth Office is being upgraded and the link to the Whitehaven Office will be reviewed.
7. The aim of the change is to provide a much more secure and powerful IT system which will support more flexible and efficient working.

Small industrial Unit to be leased at Barrow

8. The potential to lease a small unit in Barrow is being investigated. This is required to use as a base in that area and a store for an inshore patrol vessel, quadbikes and other equipment.

Defra MPA policy

9. A new approach to the management of all European Marine Sites (EMS) in the UK has been signalled by Defra. A policy change has been forced on the Government by a legal challenge mounted by Marine Conservation Society and Client Earth that the UK Government has not properly managed these sites. Defra's legal advice is that it could not win the challenge in the face of the strict interpretation of the Habitats Directive which the European Court would be expected to take.
10. The new policy will require an immediate comprehensive assessment of the environmental impact of all fisheries on all EMS. As yet we cannot estimate the impact this will have on commercial fisheries in the District because we do not know where new impacts will be identified. However with approximately 80% of the NWIFCA District designated EMS we must expect that there will be further restrictions on commercial fishing with consequent socio-economic impacts. The main sites affected in the District are the Solway Firth SAC, Morecambe Bay SAC, The Ribble SPA, The Mersey SAC and the Liverpool Bay SPA.
11. Defra has set up a project to deliver the policy in England including an implementation committee including 3 IFCA members which will meet at fortnight intervals to prepare an implementation plan. This frequency of meetings shows the urgency which Defra considers is required to deliver this policy.
12. The project is now examining all fisheries on all EMS in England to determine which sites will require further assessment. Where sites have sensitive reef features subject to damaging towed fishing gear, the policy will require fishing to be banned from the site. A large number of sites with less sensitive features and less damaging fisheries will be subject to an Assessment of Likely Significant Effect (ALSE). The NW has 3 sites with reef features. These are Morecambe Bay, Solway Firth and Lune Deep. These features are not threatened by towed fishing gear on any of the sites.
13. Defra plans that IFCA, as the lead regulator in inshore waters, should contribute to the planning of the work, carry out the assessments in their District and then make and implement any regulations required to manage the sites into the future. The regulations are likely to include new byelaws to limit fishing deemed to be damaging or potentially damaging to conservation site features.
14. I expect this project to have a major impact on the workloads and priorities of NWIFCA Officers over the next 3-4 years. The project could lead to a reduction in the amount of science and survey work which the NWIFCA is able to undertake. Even enforcement activity may have to be curtailed in order to complete the assessment work within the tight deadlines set by Defra. It would be perverse if the outcome of attempts by the conservation movement to increase protection resulted is less data collected and less enforcement while officers are at their desks writing assessments.
15. It is not clear that the change of policy will bring any measurable conservation benefit except in a few sites which do not yet have full EMS protection in place, mostly in South West and Eastern England. As far as I am aware all sites in the NW are considered to be in favourable condition.
16. Once we know the scale of the work required, all IFCA will be approaching Defra for the additional resources which are expected to be needed but as yet no new money to meet the costs has been indicated.
17. For interest, it was noted by MMO Officers at a meeting attended by the CEO recently that only Holland of all EU member states is adopting a similar high level of protection to the UK for all EMS in its coastal seas. This does not reflect well on the conservation movement in the UK. While it campaigns for ever increasing restrictions in the UK and Holland, the rest of Europe and the wider global environment continues relatively unprotected. Much more could be achieved for conservation if conservation organisations directed their resources at areas of the globe which still remain outside the bounds of any conservation legislation.

18. A letter from Defra to IFCA Chairmen, explaining the new approach is attached at Annex A.

Foulnaze Bank Fishery in the Ribble estuary.

19. Following the NWIFCA resolution at the June meeting, this fishery was opened in August 2012 under derogation from Byelaw 14 (Cockle closed season). A Habitats Regulations Assessment (HRA) was drafted by the science group and advice was received from Natural England that a total allowable catch (TAC) of up to 750 tons could be removed without damage to the site.
20. A limited Byelaw 14 permit was issued to all Byelaw 5 permit holders who applied. Use of byelaw 14 allowed a comprehensive set of management regulations to be attached to the permit including safety training, restrictions on the days and tides fished and controls on how boats were used.
21. The fishery was strongly enforced with the full resources of the NWIFCA deployed for the period of the fishery. Other agencies including the Police, Gangmaster Licensing Authority, Coastguard and Fylde Council supported the enforcement operation. All permits were checked at the Seafield Road, Lytham slipway, on every day of the fishery and Officers checked permits and other regulations on the Foulnaze Bank. The number of fishermen each day ranged from approximately 120-160. Enforcement staff worked to full capacity over 4 weeks to ensure non-permit holders were excluded and all safety conditions were met. We believe that a much higher level of compliance with the regulations was achieved than with previous cockle fisheries.
22. A number of factors added to the strength of the enforcement of this fishery. Firstly, all the cockles had to be landed to Preston dock on registered fishing boats. This enabled close monitoring of the catch and registration documents. Secondly merchants became GLA licensed and therefore had to apply GLA regulations and standards. This made merchants responsible for the safety of all cockle pickers from whom they purchased cockles. This licence and the scrutiny by the GLA made the purchase of cockles from non-permit holders much more difficult than it had been in the past. Secondly the key Environmental Health services imposed a rigorous system of recording catches by all gatherers and linked them all to merchants on an effective system of registration documents. The data collected provides a good record from which further investigations of compliance with regulations can take place and are being followed up.
23. After 9 days fishing the total harvest amounted to just over 800 tons worth approximately £1.04M at first sale. Fishermen made on average approximately £7000 each.
24. As reported by the Science Team, the Foulnaze Bank has been resurveyed in September. There still remains a significant stock available to commercial fishing. Officers are working with the multiagency committee to consider if the fishery can be reopened but it is proving difficult to develop a set of regulations which will be acceptable in the shorter days and adverse weather of October and November. Any progress with a reopening will be reported at the meeting. The priority of all parties is to ensure safety as far as regulatory powers allow.

Introduction of Byelaw 3

25. Following the making of this byelaw at the June meeting the byelaw was advertised throughout the District. The byelaw was also placed on the website and a 1 month public consultation took place according to Defra's byelaw making guidance. Four objections were received and responses sent. The byelaw was signed by the Minister and came into force in August. Byelaw 3 replaces NWSFC bylaw 5 and consolidates the cockle and mussel regulations of the NWSFC, CSFC, and EA. As at 20 September 65 permits have been issued and approximately 30 are being processed.
26. The low number of applicants compared with the 450 Byelaw 5 permit holders indicates that the increased training requirements, requirement to demonstrate tax registration and

the cost of permits has had the Authority's desired effect of reducing the number of commercial shell fishermen to a more manageable number within the NWIFCA District. It also appears to have selected only those willing to become professional, trained fishermen. There is still demand for permits from those on the Byelaw 5 waiting list and others who applied after the waiting list was closed. Officers will monitor the numbers of permits for 3 months. Members are invited to consider if the number of professional shell fishermen is now below the carrying capacity of the District to support and if further permits should be issued to those on the waiting list.

Annual Plan update

27. The NWIFCA has an objective to review the Annual plan at the September meeting. Accordingly the work programme at Annex B has been updated to reflect work done since April 2012.
28. In summary the great majority of ongoing work is on schedule. Progress with the main priorities in section 3 of the plan is as follows:
29. **Byelaw review:** The completion of Byelaw 3 marks significant progress with our byelaw review. It replaces Byelaw 5 making use of our new powers to use permit scheme and consolidates all the SFC cockle and mussel byelaws. A total of 15 SFC byelaws are revoked by Byelaw 3.
30. **Achieving compliance with shellfish regulations:** The Foulnaze cockle fishery in August 2012 demonstrated that the NWIFCA in collaboration with other agencies, specifically GLA, Mersey and other EHS, the police, Local Authorities and the Coastguard could manage cockle fishery with high levels of compliance. We want to extend this to other fisheries in the District in future.
31. **Review of fisheries sustainability:** The NWIFCA has contributed data to Project inshore and is also running a sustainability trial of clam and razor fisheries with developers.
32. **Morecambe Bay Fisheries Order:** The order is now with Defra legal officers for drafting. The next stage is completion of the draft order and a public consultation.
33. **Marine protected Areas:** Announcement from Defra on which (if any) MCZ will be progressed towards designation in 2013 are awaited. Any other programme of MPA within the District may be subsumed in the Defra change of policy outlined above.

Meetings and Presentations

34. Chairman and CEO attended an AIFCA meeting in July. CEO attended Chief Officers meetings in June and September and continues to act as secretary to that Committee.
35. CEO and Chairman gave a presentation to and led a discussion with the EA Regional Management Team in Preston in August.
36. CEO gave a presentation to the North West Coastal Forum about the potential development of an Irish Sea Marine Forum in July

Chief Executive
20 September 2012