

North Western IFCA Quarterly Meeting

28 September 2012: 11.00 a.m.

AGENDA
ITEM NO.
10

MORECAMBE BAY HYBRID FISHERY ORDER

Purpose of Report

To update Members on the progress of the application to Defra for the MBFO, and industry interest in Several Areas.

Recommendation

1. That the Authority endorses the actions of Officers in progressing the Order and furthering the development of Several Areas within the Order area.
2. That the report be received.

Details

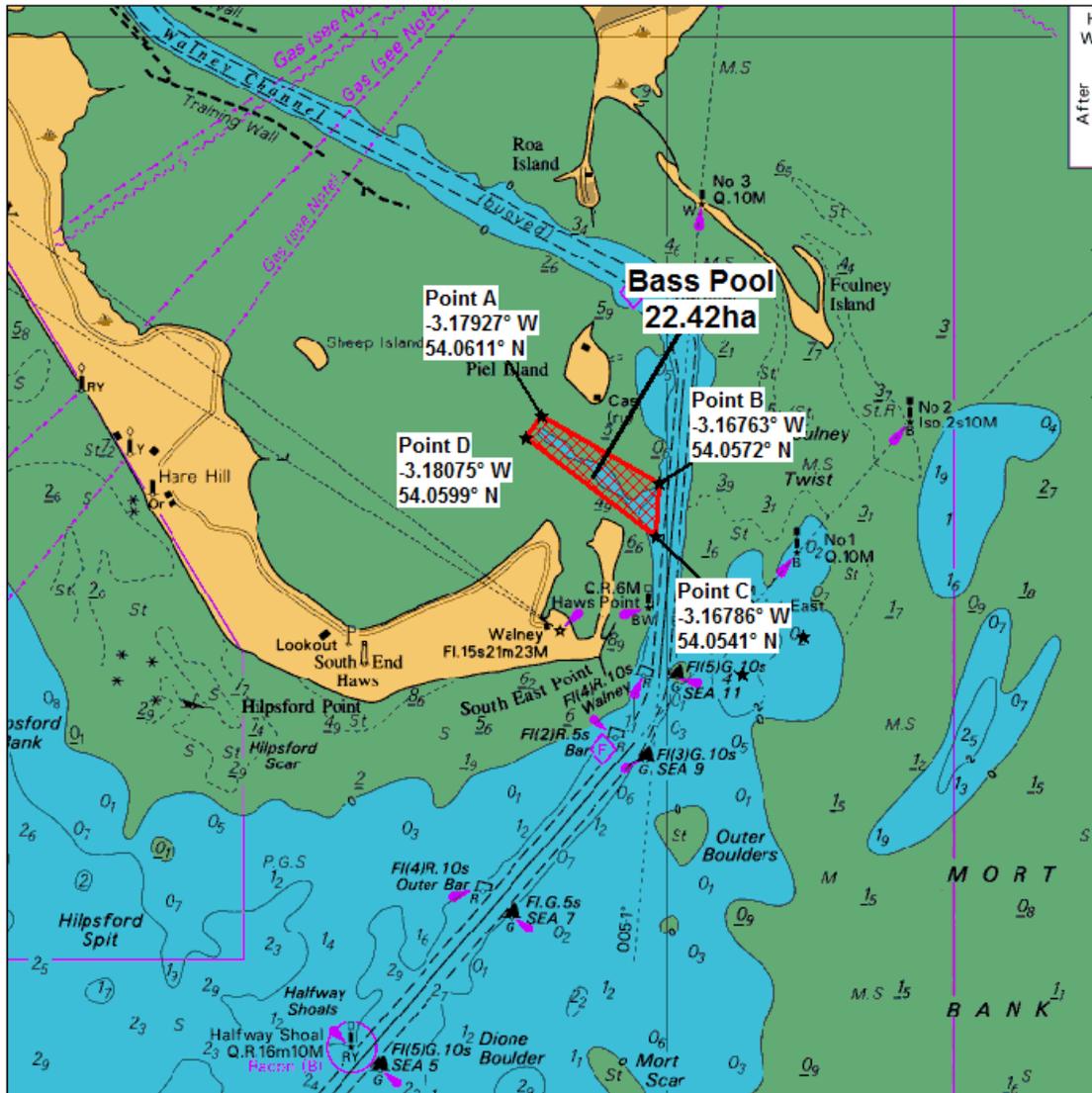
1. The application is now reaching its final stages and has been sent to Defra Legal for drafting the Statutory Instrument. Once this has been returned the NWIFCA must publicise the draft Order and the formal consultation period of one month will begin. Assuming that no outstanding substantial objections or issues are received in writing by the Minister during that month, he will then make the Order.
2. An overlapping application has been sent to Defra for a Several Order for the North Walney Channel. The landowner for this area and much of the Walney Channel is Boughton Estate, who have a long-standing working relationship with the company applying for the Several Order and consider them suitable operators for developing mussel relaying in the North Walney Channel.
3. There has been a long-standing discussion between the old SFC / Authority and Boughton Estate regarding the existence of private sea fishery rights over their land. There is a lack of conclusive evidence on the matter and the Authority's position has been that all of the area concerned remains within the public fishery. We have therefore continued to manage all sea fisheries taking place on Boughton Estate land according to the Authority's management policies and applying the Authority's Byelaws. Hitherto, the Boughton Estate has been content for the Authority to act in this way. Although they have continued to maintain that they own the right of fishery, they have not sought to exercise any such right.
4. The NWIFCA requires the consent of all landowners for the MBFO to be made. Defra are minded to allow the consultations on the two applications to run concurrently.
5. Officers have been in correspondence with the land agent for Boughton Estate to discuss a mutually agreeable way forward. The following have been proposed:
 - the NWIFCA will make it a priority to progress the establishment of Several Areas within the Walney Channel as soon as the Order is made;
 - due to their long-standing interest and investment in trialling mussel relaying in the respective areas, the Authority will agree leases for mussel lays to Kingfisher Seafoods

in the North Walney Channel, and Deepdock Ltd in the area known as Barrow I (near Foulney Twist);

- to include provision within the Order (if necessary) for landowners to charge a ground rent for Several Areas on their land.

6. Officers are hopeful that agreement of these provisions will ensure the smooth progress of the Order application and remove any possible substantial issues that could cause lengthy delays.

7. A request from Kingfisher Seafoods has been received for the trialling of mussel cultivation in an area known as “Bass Pool” which lies in the southern end of the Walney Channel between Piel Island and Walney Island, and within the Order area. A map is attached showing the 22.42ha area of interest (Fig. 1).



Map is illustrative not definitive.
All points referenced to WGS84 datum.
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Fig. 1. Area of Interest for Mussel Relaying Trials at Bass Pool, Walney.

8. It is understood that there have never been any mussel cultivation trials in this part of Morecambe Bay, and nobody has previously indicated any interest in the area. Officers request any information about the area of interest should be supplied to them.

9. The applicant has submitted a formal expression of interest in carrying out cultivation trials in this area and (if they were to prove successful) in establishing a Several Area for mussel cultivation here. Officers recommend that mussel cultivation trials be approved providing the operator carries out the following:
- a. undertake consultation with fishermen's associations, other shellfish operators likely to have an interest in the area and the local Authority and report back to NWIFCA Officers;
 - b. work with the NWIFCA and Natural England to carry out a Habitats Regulations Assessment and to determine a scheme of environmental monitoring (both before and after relaying) for the site. The scheme should ensure relaying on existing mussel beds does not occur.
10. Two other formal expressions of interest in Several Areas under the Fishery Order have been received, one from the Morecambe Bay Fisherman's Association for cockle cultivation in north Morecambe Bay, and one from C-Fresh Mussels Ltd for mussel cultivation (no area specified). The map in Figure 2 illustrates the areas of interest known to Officers to date, which all fall within north Morecambe Bay.

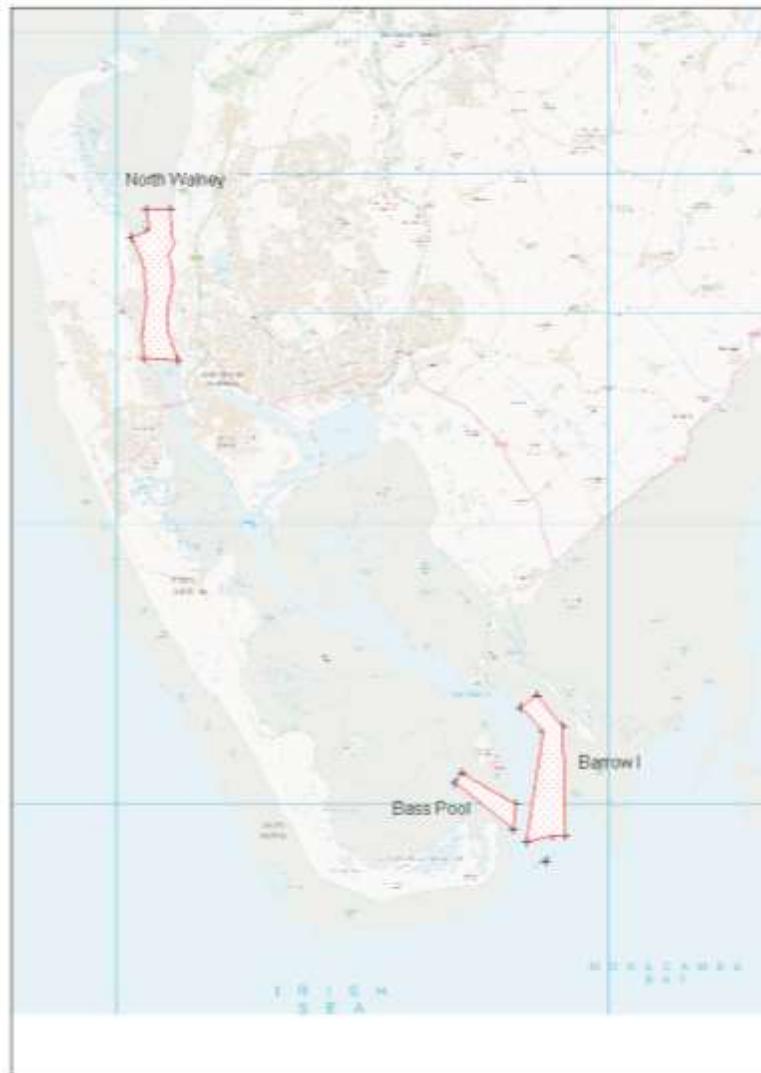


Fig.2. Illustration of industry interest in Several Areas in Walney Channel, Morecambe Bay August 2012

11. Any further developments relating to these issues will be reported to Authority Members.

SCIENTIFIC AND MORECAMBE BAY FISHERY ORDER OFFICER
7th September 2012