

AT A MEETING OF THE NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY held at Morecambe Town Hall on Friday, 30<sup>th</sup> September 2011

PRESENT – MEMBERS

T. R. Glover (Chairman)	Sefton Council
T. Beaumont	Liverpool City Council
J. Butler	MMO appointee (Shellfish sector)
M. Byram	Cheshire West and Chester Council
J. A. Clark	MMO appointee (Marine Science)
D. Clarke	MMO appointee (Fishing Industry – Cumbria)
B. Crawford	MMO appointee (Anglers and Recreation)
W. Darbyshire	Environment Agency
C. Frid	MMO appointee (Marine Science)
R. Graham	MMO appointee (Fishing Industry – Cumbria)
T. Jones	MMO appointee (Shellfish sector)
S. Leadbetter	Lancashire County Council
C. Lumb	Natural England
A. J. Markley	Cumbria County Council
C. Maughan	Blackpool Borough Council
T. McInerney	Halton Borough Council
M. R. Owen	MMO appointee (Fishing Industry – North West)
N. Robinson	MMO (Officer)
A. Thornton	Lancashire County Council
P. Williams	MMO appointee (Recreation)
C. J. Woods	MMO appointee (Fishing Industry – North West)
Y. Yadi	MMO appointee (Marine and Recreation)

OFFICERS

S. M. Atkins	D. Dobson
K. Atkins	C. Dobson
H. Ake	R. A. Houghton
I. V. Andrews	M. Knott
S. Brown	H. Thinnesen

IN ATTENDANCE

J. Staples	Liverpool City Council
R. Inman	Defra
S. Bolt	Association of IFCA
S. Benson	Lancashire County Council
R. Beresford	Wirral Council

VISITORS

D. Kershaw	Kershaws Seafoods
G. Meadows	Fisherman
M. Meadows	Fisherman

Apologies

D. Grunshaw	MMO appointee
Councillor B. Kenny	Wirral Council
A. Maltby	MMO appointee (Fisheries Management)
Councillor A. C. Ross	Cumbria County Council

47 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS

Agenda Item 5. To make the new Byelaws 1, 2, 4 and 6. T. Jones, Mrs M. R. Owen, C. Woods.

Agenda Item 7. Science and Environment: June to September 2011. Mrs J. Butler, Mrs M. R. Owen, Mr C. Woods

Agenda Item 8. Sustainable Fisheries Review. Mrs J. Butler, Mrs M. R. Owen, Mr C. Woods

Agenda Item 9. Current Policy Issues. Mrs J. Butler, Mrs M. R. Owen, Mr C. Woods.

48 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman announced apologies for absence and welcomed new members Councillors C. Maughan (Blackpool Borough Council) and T. Beaumont (Liverpool City Council), and Dr P. Williams (MMO appointee).
2. Messrs D. Nixon and M. Porter and Ms K. Walker (MMO appointees) have tendered their resignations from the NWIFCA.
3. A letter from Kershaws Seafoods and a review of the Annual Plan 2011/12 had been tabled.
4. The Chairman announced that a retirement presentation would be made to the previous Chief Executive of the Association of SFCs prior to Agenda Item 13.

49 TO RECEIVE MINUTES OF THE NWIFCA MEETING HELD ON 17 MAY 2011

RESOLVED. That the minutes of the NWIFCA meeting held on 17<sup>th</sup> May 2011 be approved and signed as a correct record

50 MATTERS ARISING

There were no matters arising.

51 REPORT ON MEETING OF TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE HELD ON 21<sup>ST</sup> JUNE 2011

The report on the meeting of the Technical Science and Byelaw Sub-Committee held on 21<sup>st</sup> June 2011 was presented by its Chairman, Dr J. A. Clark. Items discussed included review of byelaws, sustainable fisheries review, Southport and Leasowe cockle fisheries and draft enforcement register. A lengthy discussion had taken place on the review of byelaws. The current Byelaw 5 had been renewed for a further 2 years and a draft of the proposed new Byelaw 3, which was intended to replace Byelaw 5, would be submitted for discussion at the next meeting of the TSB on 18<sup>th</sup> October. The sub-committee had agreed to open the cockle beds at Southport and Leasowe on 1<sup>st</sup> September. It had been agreed that the draft Enforcement Framework needed to be simplified and an amended draft would be submitted to the next TSB sub-committee for further discussion.

Prof. Frid pointed out that at the last meeting of the sub-committee he had asked for meeting dates to be set in advance but this did not seem to have been considered. He again requested that sub-committee meeting dates be set for the year with additional meetings to discuss any items of urgency being arranged as required. Mrs Owen said it had been agreed that meetings would be held prior to the main committee only as and when required.

RESOLVED. The report be received.

52 TO MAKE THE NEW BYELAWS 1 (APPLICATION OF BYELAWS), 2 (MECHANICALLY PROPELLED VESSELS – MAXIMUM LENGTH) 4 (MINIMUM REMOVAL SIZE FOR MUSSELS AND 6 (MINIMUM REMOVAL SIZE FOR COCKES)

In accordance with the Marine and Coastal Act 2009 regulations, the notice of intention to make these byelaws had been circulated to Members 14 days in advance of the meeting.

The proposed byelaws constituted the first part of the byelaw review that the IFCA needed to undertake. It had inherited three sets of byelaws and it was important to carry out the review as quickly as possible. Outline Impact Assessments had been prepared and these would be completed taking into account comments received from the MMO. The TSB discussed three of the byelaws and had given approval to bring them forward to the NWIFCA to be made. The sub-committee had not previously discussed Byelaw 6 but recent events in the cockle fishery had highlighted the urgent need for this byelaw.

Byelaw 1 was important to define the District to which all byelaws would apply. It made no change to the existing regulations. Councillor Beaumont asked how scientific exemptions were defined, how the credential for applying for a scientific exemption was looked at and what stopped it from being used as a loophole. Dr Atkins informed Members that any Byelaw 1 application received should specify the work to be carried out, methods and gear to be used and the basis for the scientific study. If the Authority was happy with the information provided, also Natural England if the activity was within an SAC, then derogation under Byelaw 1 would be approved. If there were any doubts about the application it would be referred to the full Authority for consideration.

The new Byelaw 2 related to size of vessel allowed to fish within the District and was intended to replace the current Cumbria Byelaw 3 and NWSFC Byelaw 9. The proposed byelaw would restrict the size of vessels fishing within the 3-6 mile limit to under 15 metres overall, and within the 3 mile limit to under 10 metres. Members were informed that the proposals had received support from the fishery industry for the protection offered by the proposals, particularly within the 3 mile limit. The byelaw would not apply to vessels used for transshipping and relaying of mussels operating under permit or for angling vessels using rod and line or handline. Sunset clauses were also included to enable vessels previously holding an entitlement to continue to fish within the District.

Byelaw 4 proposed the establishment of a minimum landing size (MLS) of 45mm for mussels within the District. At present there was no clear byelaw defining a MLS for mussels in the Dee Estuary and the byelaw was needed to establish a common Minimum Landing Size of 45mm throughout the District. Prof Frid raised a query on paragraph 2a. of the byelaw and suggested that it duplicated Byelaw 1. Dr Atkins agreed but commented that explicit exemption for seed mussel there made the regulations clearer for fishers.

Mr Woods informed Members that most of the mussel areas on the Dee were within the Dee Estuary Cockle Regulating Order. The beds were not natural beds but had come about as a result of the die-off of cockle beds. The Regulating Order was operated by the Environment Agency and Mr Woods suggested there could be a clash of opinion between the EA and IFCA on any decision needed to allow the taking of seed mussel from a cockle bed in the Regulating Order area. Mr Darbyshire said that the EA and IFCA would work together to ensure that any required enforcement was carried out in the right way and he did not foresee a clash. The Chairman pointed out that the byelaws would be reviewed in the future and any amendments needed could be made at that time.

Byelaw 6 for cockles was similar to Byelaw 4 for mussels. It would create a common MLS of 20mm for cockles throughout North West England and North Wales.

#### RESOLVED

1. The report be received.
2. Members approve and 'make' the new Byelaws 1, 2 and 3 at Annex A.
3. Members approve and 'make the new Byelaw 6 at Annex B.
4. The byelaws now 'made' are

## BYELAW 1

### APPLICATION OF BYELAWS.

These Byelaws shall have effect throughout the whole area of the North Western Inshore Fisheries and Conservation Authority's District unless otherwise specified.

Nothing in these Byelaws shall apply to any person operating under and within the agreed terms of written authorisation from the Authority when fishing for sea fish for scientific, restocking or breeding purposes.

## BYELAW 2

### MECHANICALLY PROPELLED VESSELS MAXIMUM-LENGTH.

1. No mechanically propelled vessel which exceeds 15 metres overall length shall be used in fishing for or taking of sea fish within that part of the District that lies between 3 and 6 nautical miles offshore as measured from the baselines.
2. No mechanically propelled vessel which exceeds 10 metres overall length shall be used in fishing for or taking of sea fish within that part of the District enclosed by a line drawn 3 nautical miles offshore as measured from the baselines.
3. This Byelaw shall not apply to the following vessels:
  - a. Vessels used for the trans-shipment and relaying of Mussels (*Mytilus edulis*) operating under permit issued by the Authority.
  - b. Vessels used for the purpose of angling by means of rod and line or handline.
4. Vessels exceeding the length restrictions described in sections 1 and 2 may be used provided that:
  - a. It can be demonstrated that the vessel held fishing entitlement for appropriate parts of the District and was built prior to the date of the introduction of this Byelaw.
  - b. That the owners of the vessel have obtained an authorisation permitting the use of the said vessel within the appropriate parts of the District.
5. Newly constructed or purchased vessels exceeding the length restrictions set out in sections 1 and 2 of this Byelaw may be issued with an authorisation under section 4 of this Byelaw provided that:
  - a. The owner(s) can demonstrate that prior to the date of this Byelaw being made, they had entered into an enforceable financial commitment to construct or purchase such a vessel; and
  - b. The owner(s) can demonstrate that the date of delivery prevented compliance with section 4 of this Byelaw.

For the purpose of this Byelaw:

The overall length of a vessel shall be that as recorded on the Certificate of Registry as issued by the Registrar of Shipping and Seamen.

The "District" referred to in this Byelaw shall be the district of the North Western Inshore Fisheries and Conservation Authority as described in Section (3) of Statutory Instrument 2010 No:2200.

*Explanatory note: In order to provide protection for important inshore nursery areas this Byelaw restricts the maximum length of mechanically propelled fishing vessels that may be used within the area enclosed by a line drawn 3 nautical miles to seaward of the baselines to 10 metres, and within that part of the District that lies between 3 and 6 nautical miles of the baseline to 15 metres overall length.*

#### BYELAW 4

##### MINIMUM REMOVAL SIZE FOR MUSSELS.

1. No person shall remove from any fishery within the District any mussel measuring less than 45 millimetres in length.
2. It shall not be an offence under this Byelaw to remove mussels of less than 45 millimetres in length for:
  - a. Scientific purposes.
  - b. Relaying or stock management purposes.

Provided that written authorisation has first been obtained from the Authority.

*Explanatory Note:- This Byelaw sets the minimum removal size for mussels. This measure is designed to protect small and immature stock that has not had a chance to spawn and enhance the bio-mass of the species. This byelaw also makes the provision for the Authority to grant permission for the removal of mussels of less than 45 millimetres in length when it is deemed necessary for scientific, relaying or stock management purposes.*

#### BYELAW 6

##### MINIMUM REMOVAL SIZE FOR COCKLES

No person shall remove from any fishery any cockle (*Cerastoderma edule*) which will pass through a gauge having a square aperture of 20 millimetres measured along each side of the square.

Provided that it shall not be an offence under this Byelaw to remove cockles (*Cerastoderma edule*) that will pass through a gauge having a square aperture of 20 millimetres measured along each side of the square when permission has been granted by the Inshore Fisheries and Conservation Authority for:-

- a. Scientific purposes.
- b. Stock management purposes.

*Explanatory Note:- This Byelaw sets the minimum removal size for cockles. The measure is designed to protect small and immature stock that has not had a chance to spawn and enhance the bio-mass of the species. This byelaw also makes provision for the Inshore Fisheries and Conservation Authority to grant permission for the removal of small or immature cockle when it is deemed necessary for scientific or stock management purposes.*

#### 53 FISHERIES: JUNE TO SEPTEMBER 2011

The Enforcement Director commented that the period under review had been very busy for enforcement officers exacerbated by summer annual leave. Numerous reports of illegal

cocklers within the District had been received and Officers had responded to those reports to the best of their ability. Officers were able to control the situation to some extent but it was difficult to tackle incidents within an area stretching from Morecambe Bay to the Wirral given the limited resources of the NWIFCA.

Mrs Owen said she wished to congratulate the Enforcement Officers on their impressive presence at the cockle beds opened during the early part of September, which had worked well as a deterrent. Mr Woods seconded those comments and Mr Dobson said their comments would be passed on to officers.

With regard to the comments made in the report by the Enforcement Officer for North Morecambe Bay relating to activity around wind farms being detrimental to the existence of a viable fishing industry, Councillor Beaumont asked how that was to be considered. Mr Dobson said that trawling and wind farms did not mix. The fishing industry had lost, and was still losing, vast tracts of important trawling grounds to wind farms. Once the turbines were established there was no legislation in place to prevent mobile gear activity continuing but in reality it was impossible.

Mr Graham reported on wind farm development. Walney 2 development was continuing and planning permission had been granted for Walney 3, which would go further to the north west and would be larger than both Walney 1 and 2. The developer, Dong, was to hold a meeting with the West of Morecambe Fishery Fund Advisory Group on 4<sup>th</sup> October to look at displacement and disturbance claims from vessels operating in the area. Dong was trying to assess the impact of disturbance but further information was awaited such as VMS details of activity in the area. Consultation on displacement was taking place between developers and local authorities and the fishing sector.

Councillor Markley said that the leader of Cumbria County Council had written to government on numerous occasions to object to the number of wind farm developments within the county. Cumbria considered wind farm development to be a burden on the landscape which was a detriment to the tourism and environment industries. Dr Atkins said IFCA's main concern for the District apart from the landscape implications referred to was cables and pipelines and where these were likely to come ashore. Officers were responding to consultations as they were received and Members would be kept informed on these. In response to a question from Councillor Beaumont as to whether a further report on this topic should be provided to a subsequent meeting of the NWIFCA, Dr Atkins reported that a meeting of the FLOWW committee was to be held in November and a report would be provided to members. Dr Clark suggested that the FLOWW meeting should be asked to conduct a literature review on the research done on the impact of wind farms on fisheries. Dr Atkins agreed to refer that point to the next meeting of FLOWW.

Members were informed about information available on wind farms from websites. An offshore wind farm guidance note and wind farm IA produced in 2004, was available from the Defra website. ICES had also been tasked with producing such a review two years ago and the literature review was available within the ICES reporting system. Work had also been done and put together on a quality status review in 2010. Information was available on the OSPAR website. The Chairman said that Members would be kept informed of any new wind farm applications within the District and requested that Members pass on any information they may receive regarding proposals or surveys within their area.

Mr Clarke raised concerns on static gear being damaged by wind farm service vessels. North of the Duddon Estuary the majority of static gear was hand marked by dhan buoys. South of the Duddon they were not and this presented a difficulty for anyone negotiating the area. He asked if the difference in marking of gear could be due to the old byelaws. Mr Dobson said that the old NWSFC byelaws differed from the old Cumbria SFC byelaws. The number of static gear vessels working out of Barrow had decreased alarmingly and the problems were occurring because wind farm service vessels were not adhering to the corridor supposed to be in place. Mr Clarke asked whether fishermen were fully aware of the corridor and if anything could be done in the future to mark gear more clearly in future

south of the Duddon. He suggested that there should be a byelaw that applied right through the District and Mr Dobson said that issue would be addressed.

Dr Atkins reported on the use of body-worn video surveillance equipment which had been trialled at Southport. Officers in uniform could wear the equipment without legal restrictions and it had proved useful in recording information at checkpoints. Use of such equipment could increase compliance of regulations and would be extended throughout the District. Prof. Frid supported the use of surveillance equipment as an enforcement tool but the most important aspect was the improvement to officers' safety.

Dr Atkins reported on information received from the Isle of Man Queenie Management Board that a three day fishing week would be imposed in Manx waters from the end of September. Welsh and Scottish fishermen had approved the action but English fishermen were still considering whether to go down that route.

#### RESOLVED

1. The report be received.
2. The Chief Executive be directed to ask the FLOWW committee to conduct a literature review about the research done on the impact of wind farms on fisheries.

#### 54 SCIENCE AND ENVIRONMENT: JUNE TO SEPTEMBER 2011

The Scientific Officer reported on science and environment issues between June and September, of which a number needed Authority endorsement and decisions. It had been a very busy period with the opening of the fisheries in Wirral in Southport and an extensive programme of surveys had been undertaken. Authorisations had been issued for the removal of seed mussel from South America following discussions with Natural England. This was a long standing fishery for undersized mussels, the majority of which were relaid in the Menai Strait. The fishery had opened in June to vessels under derogation from Byelaws 15 and 12 and approximately 8,000 tonnes had been taken so far out of a stock of an estimated 20,000 to 30,000 tonnes. There was the likelihood that the remaining stock would not survive the winter period. Officers were seeking Members' endorsement of the action taken in approving this activity.

Members raised concerns that the Authority was not allowed to charge for taking seed mussel out of the district. Mr Houghton pointed out that until January 2009 the area had been managed under a Regulating Order which had a scale of charges. The NWSFC had been unable to renew the Order and the fishery had been operating under derogation from the byelaws since that time. New powers given under the Marine and Coastal Access Act did allow the Authority to charge for issuing derogations. Ms Knott pointed out that this was a public fishery and was not restricted to anyone. The Morecambe Bay Fishery Order application had now been submitted to Defra and if this was approved the Authority would then be able to introduce a schedule of charges in future. With respect to charging for recovery of costs IFCO S. Brown said this was covered in section 3A of Byelaw 2, section 3A relating to vessels used for transshipping or relaying of mussels operating under permit from the Authority. Once that byelaw had been approved, the Authority could calculate its administrative costs and levy a fee accordingly for issuing permits.

In response to a query from Prof Frid on the amount of seed mussel of 8,000 tonnes taken out of a total of 20,000 to 30,000 tonnes and why the whole amount could not be taken, Mr Houghton stated that Natural England had required the 12,500 ton limit to protect Eiders. Prof Frid pointed out that as it was likely all the stock could disappear as overwinter mortality there did not seem to be much evidence base on which to set the figure at half and half. Officers agreed that seemed unduly precautionary in a year when the mussel density was exceptionally high and the eider population was static.

Mrs Butler pointed out that local fishermen liked to take a few mussels to sell and were against the full tonnage being taken. She also raised concerns about the local wildlife and the eider ducks that lived off the seed. Mrs Butler felt that it was important to replenish the beds further inshore that the hand gatherers could access.

Mr Houghton reported on other seed mussel activity within the District. Heysham Flat had been a regular fishery for a number of years. There was currently only a small patch of seed mussel there and nothing to encourage interest from industry in this area. At Foulney no suitable settlement of seed had been noted. Some recruitment had taken place but not enough to provide a seed fishery. One of the operators working off South America had relaid just under 1,000 tonnes along the Walney Channel to the north and west of Foulney to see what potential there could be in terms of growing seed mussels to maturity. Officers were working with the operator to monitor the situation.

With respect to cockle activity within the District Mr Houghton reported that the main issue for the Authority's attention was Morecambe Bay. Surveys carried out in the area had indicated extremely low overall levels of stock below the Authority's threshold of 20/m<sup>2</sup>. A temporary closure had been imposed with the closure to be reviewed at today's meeting. Officers recommend that the closure be extended to 30<sup>th</sup> April 2012 and that the closure be extended to include the Duddon Estuary as stocks in that area were below 20/m<sup>2</sup>.

Mrs Butler said the fishers on the north side of Morecambe Bay had asked if the Authority would give consideration to opening Morecambe Bay to provide them with a living through the winter months. Some fishermen had also asked where the figure of 20/m<sup>2</sup> had come from. Mr Houghton said this figure had been established many years by the former Senior Scientist, Mr Cook, who had carried out a literature review to look at the viability of bivalve molluscs to reproduce and the level at which spawning fell. Mr Cook had assumed that the cockle stocks within the Bay were self-sustaining and whilst this could be open to debate, without evidence to the contrary this was a reasonable precautionary approach. Once cockle densities fell below a certain level then spawning success declined. From the literature Mr Cook established that at 10/m<sup>2</sup> cockle spawning success was reduced.

Mr Woods asked that if it appeared cockle breeding success was reduced at low densities whether any research could be carried out allowing specified areas to be fished to below the recommended density to test this theory and impacts on re-colonisation. He was of the opinion that a breed stock was needed. The Chairman said the suggestion was worthwhile but it would need time to do the research proposed. Mr Lumb agreed that more research would be helpful. Part of the object of the Morecambe Bay Fishery Order was to fund and encourage research.

Mr Houghton reported on the Southport fishery. The main area of fishing was extremely difficult to access and although the stock had been inspected a formal survey had not been carried out and it would become increasingly difficult to get out to the bed during the winter months. In response to a question from the Chairman as to whether the sandwinning activity at Southport had any effect on the way cockles had settled, Mr Brown said the primary change in the Ribble Channel had been the movement back to the west. The amount of sand removed was small in comparison to the massive changes that were taking place there.

Mrs Owen reported on health and safety issues experienced with the designated access point at Southport. Councillor Beaumont informed Members that the HSE now considered fisheries to be a low risk industry and as a result it would not be subject to the same level of inspection and enforcement. He would discuss this matter further with the HSE.

Mr Houghton reported on the proposed cockle transplantation experiment at Southport which was awaiting a suitable stock of cockles. A stock had been identified on the Lytham bed and the operator concerned had been contacted to progress the project. The experiment could provide information about cockle stock breeding patterns. Officers recommended the project be referred to the TSB Sub-Committee. Prof. Frid asked for an

assurance that the experimental design would ensure results from the experiment were meaningful. Dr Clark said the design of the dredge could be reviewed at the next TSB meeting.

The Chief Executive reported a tabled letter from Kershaws Seafoods. It raised again the question of dredging and health and safety issues which had been previously discussed by the full IFCA and also the TSB Sub-Committee. CEO advised that there was no new evidence to suggest permitting suction dredging at this stage.

Mr Houghton reported that Leasowe cockle stocks could fall below 20/m<sup>2</sup>. The area was not difficult to access and surveys would continue to be carried out throughout the winter months. Officers sought delegated powers to close the bed should it drop below 20/m<sup>2</sup>.

Mr Beresford, (Wirral Council), reported that the Wirral Cabinet had received a report about the fishery at Leasowe. Wirral Council asked if the IFCA would review the adequacy of statutory controls of fishery and give consideration to the establishment of a Regulating Order. Dr Atkins said that this was feasible but would be expensive for such a limited area. He would be supportive of extending the Dee Cockle Order to cover the Wirral. Mr Beresford pointed out that the Environment Agency had experienced problems during the establishment of the Dee Cockle Fishery Order and he did not think the Agency would wish to extend the Order. Wirral Council was concerned about the number of people harvesting and its members asked the Authority to formally review the situation. The Chairman said that each cockling area was regularly reviewed.

#### RESOLVED

1. The report be received.
2. Members endorse the actions taken by Officers in managing the Morecambe Bay seed mussel fisheries resource.
3. Cockle beds within Morecambe Bay should remain closed until the start of the seasonal closure on 1<sup>st</sup> May 2012.
4. Officers be directed to complete a full survey of the Leasowe cockle beds, comparative to August. Delegated powers be provided to Officers to close the beds when necessary under Byelaw 13A when density levels reached 20/m<sup>2</sup>.
5. Officers to review the adequacy of the statutory controls in relation to the fishery with a view to considering establishing of a Regulating Order for the area.

#### 55 CHANGE IN ORDER OF AGENDA

The Chairman announced a change in the order of Agenda to take Item 11 next and this was agreed.

#### 56 PATROL VESSEL

The Enforcement Director presented the report on the replacement of the Authority's patrol vessel "Solway Protector". An application for EU grant aid had been made but was rejected. Councillor Markley said that Cumbria County Council's policy had been to replace the patrol vessel which was now 22 years old and felt the Authority should progress plans for replacing the vessel as a matter of priority.

Prof Frid said the report focused on the options for replacing the boat and asked if a wider option paper detailing the overall vessel requirements for enforcement and other operations could be provided. Dr Clark supported Councillor Markley's comments and suggested that the Authority needed to decide on the principle that the vessel was to be replaced and put a time-scale on this.

The Chairman suggested that a sub-committee of 6 members should be set up to explore future funding, type and size of vessel required for the new District. This was agreed. Members agreed that the patrol vessel should be replaced and the process should be started. The following volunteers for the vessel sub-committee were noted: Chairman, Vice-Chairman, and Chairman of the TSB Sub-Committee, Prof C. Frid, Mr R. Graham and Mr T. Jones. Councillor Beaumont suggested that the sub-committee should have the scope to co-opt from outside the Authority if it required other skills.

#### RESOLVED

1. The report be received.
2. Progress and proposed future timetable for replacement vessel be noted.
3. A Sub-committee of 6 members to explore procedure for the future funding of new vessel to be established.

#### 57 ADJOURNMENT OF MEETING

The Chairman announced that the meeting would adjourn for lunch and reconvene at 1315 hours which it did.

#### 58 NWIFCA REVIEW OF SUSTAINABLE FISHERIES

Ms Knott reported that the target date for progress was April 2012. Principles of sustainability were adopted based on those followed by the Marine Stewardship Council for managing fisheries.

Prof Frid queried the point that the NWIFCA would require additional sources to carry out the work. He suggested that as it was a primary duty under the Act it should form part of its core business and be resourced from its core business plan, using core staff resources if additional staff was needed. Dr Atkins agreed that sustainable fisheries was IFCA's core business but there were specific high level duties not in the Act to review all fisheries within the District and to consider the extent to which they were sustainable. Prof Frid said the SFCs had a track record of historically doing that and IFCA would continue to do so by extension of working methods. It had the opportunity to have a better set of tools and better knowledge of what was required to carry out duties more easily, better and effectively and so should be part of IFCA's core business.

Dr Bolt, Chief Executive of the Association of IFCA, asked if Officers were talking to other IFCA's, exchanging methods of how they were approaching the review and what their principles were. Ms Knott said she would be attending a Technical Advisory Group (TAG) meeting on 20<sup>th</sup> October at which this issue would be raised.

Dr Clark said this was an attempt to develop a strategy to help IFCA and that resources should be secondary to that aim. Mr Graham agreed with those comments but suggested that IFCA should not dismiss the question of funding.

#### RESOLVED

1. The general principles for sustainable fisheries within the District be adopted.
2. The review be referred to the Technical, Science and Byelaw Sub-Committee for further consideration.
3. Establishment of a working group to plan a workshop be progressed.

The Chief Executive reported that the Morecambe Bay Fishery Order application had been submitted to Defra and the next stage would be for Defra to draft the Order which would then go out for public consultation. MCZs were to be discussed at the next TSB at which the ISCZ Project Team Manager had been invited to give a presentation. A map showing all possible designated areas in the Eastern Irish Sea suggested that between 60% and 70% of the District 0-6 miles could be designated impacting the NWIFCA work programme. There would be a wider discussion on Marine Protected Areas within the District at the next TSB. The ISCZ project team had finished site selection. Government will decide whether there was sufficient evidence for designation of each site. The IFCA would be expected to estimate enforcement costs the Impact Assessments

The Chairman voiced concerns that the NWIFCA would be responsible for policing sites excluded to fishing and had to estimate costs of providing that cover. Dr Clark commented that the project was about to be concluded without taking account of historical or future trends and how management was going to be implemented. She felt that to designate areas without giving an indication of how it was to be monitored seemed irresponsible.

Mr Graham reported that management measures would be determined by the MMO who would decide what areas needed to be protected and what enforcement was necessary. He commented on site MCZ1, south west of St. Bees Head, and gave an explanation of reference areas, which would be smaller than the sites themselves and would allow no activity in that area in order that an assessment could be made in time as to what the reference area result would be. Mr Graham said that the final recommendations from the regional stakeholder group had been submitted to the national conservation statutory bodies who would advise the government as to whether the designations were suitable.

Dr Atkins reported that IFCA had held 2 meetings with Defra in respect of the consultation on inshore fisheries management. Officers provided Defra with data on the structure of the District fishing fleet. Pilot projects on using community quotas are planned.

Prof Frid said there was nothing in the report relating to inshore fisheries issues. He asked if IFCA had submitted any response to either the Select Committee reviewing Common Fisheries Policy proposals or the formal CFP consultation itself. The CFP Green Paper talked specifically about the relationship between the CFP and inshore fisheries. Dr Atkins reported that the AIFCA would submit an agreed response by end November.

Mr Graham also reported that in January 2012 Defra would perhaps be looking for volunteer inshore under 10m areas to try fixed allocation or community quotas. Vessels under 10m currently received their allocation on a monthly basis from the MMO but a longer term plan is needed. IFCA could have a role in community quota groups set up to monitor the quotas. The idea of community quotas was to identify an area or region and the quota would then be allocated and managed. Dr Atkins asked if he thought NWIFCA should be one area of volunteer. Mr Graham said you had to have people to volunteer. The evidence of what happened in the consultation around the country needed to be looked at and he felt Defra needed to be convinced to keep away from the word fixed quota. Mr Graham suggested that the idea could be sold on the basis of community quota or district quota.

Dr Atkins drew attention to other items covered in the report which included work to progress a Health and Safety Policy based on policies from the former NWSFC and Cumbria SFC, a review of the Annual Plan table had been provided to show progress with this and Standing Orders, the final version of which had been issued to all Members'.

RESOLVED The report be received.

60 FINANCIAL REPORT AS AT 31<sup>ST</sup> JULY 2011

The Finance Officer presented the report updating Members on the Authority's financial situation for the first four months of the financial year. Mrs Atkins reported that there were no special items to bring to Members' attention and spending was well within budget.

RESOLVED The report be received.

61 PRESENTATION BY DEFRA

The Chairman introduced Mr Richard Inman, Marine Sponsorship Manager from Defra.

Mr Inman said he had initially intended to talk about Defra's Marine Policy priorities but instead he would firstly deliver a marine narrative and then talk about issues faced by the Marine Division and Defra and the role of the Marine Sponsorship team. Defra's work over recent years to ensure development of our seas was coming to fruition, marine planning had begun, Marine Conservation Zone recommendations were expected and CFP reform was imminent. The UK vision was one of clean, healthy, safe, productive and biologically diverse oceans and seas with a common aim of achieving sustainable development of our seas. The Marine and Coastal Access Act 2009 and implementation of the Marine Strategy Framework Directive enabled marine planning to contribute to sustainable development. A Marine Policy Statement included a commitment to implement a Marine Strategy Framework Directive which set out 11 high level objectives including limiting contamination and properties and quantities of marine litter not causing harm to the environment. Defra was working with devolved administrators to set appropriate targets and indicators. It was working with other EU countries and OSPAR to ensure target setting and monitoring and Defra and MMO were working together to ensure targets defining good environmental status and measure and implementation were compatible with marine planning. The Act also enabled the creation of marine conservation zones to complement existing marine protected areas and those in the pipeline in UK waters. It would ensure that environment limits incorporating protected areas would be compatible with the Marine Strategy Framework Directive. In all this work Defra would ensure compatibility with the reform of the CFP. The UK was pushing hard for CFP reform including closer integration between fisheries and marine conservation policies. It was also contributing to sustainable fisheries and working on domestic fisheries reform to secure a more profitable and sustainable English industry in the long term. Other issues included review of the cod recovery plan, catch quota trials, reduced discharges, shellfish management, promotion of aquaculture, recreational sea angling project, protection of vulnerable species including sharks, skates and ray and enforcement including tackling unreported and unregulated fishing. All its policies were supported by sound evidence through its science programme and its research contributed to the UK marine science strategy. Mr Inman said that Defra was about to embark on its own change programme. As a department it had to identify what its departmental policy priorities were and as a marine directorate it had to identify what its marine priorities were and feed those into the departmental policy priorities.

Members then had an opportunity for questions.

Mrs Owen referred to the cockle and mussel scheme and the related problems and health and safety issues caused by Defra's wish that 40 new permits should be allowed each year which had resulted in more non-fishing people on the beach. Mr Inman said he would take that point back to the relevant department in Defra.

Dr Clark said the narrative underlined the fact that IFCA could benefit from a quarterly briefing from Defra as to its priorities for the region. The narrative gave the whole framework of what the department was tasked with doing, what its aspirations were and what it was working towards. Routes of communication were being dismantled and she felt that an update on how those policies were being progressed might help inform the IFCA.

Mr Woods suggested that Defra had never attained the ability to look at what was happening at the grass roots level of fisheries. It seemed to take its information and evidence from a higher source rather than from the actual fishermen on the ground and he asked why Defra could not consider and acknowledge the views of people who fished for their livelihoods when discussing any limiting of fisheries. Mr Inman agreed to feed that point back to Defra. Mr Graham also agreed that Defra was too distant from what happened on the shore and said it was distant people and distant faces making all the decisions.

The Chief Executive then announced he wished to make a presentation to Mr Peter Winterbottom, the former Chief Executive of the Association of SFCs, on his retirement. Mr Winterbottom was then presented with a gift from all members of the ASFC in recognition of his work with that Association since 2004.

## 62 NEW ASSOCIATION OF IFCA: ROLE AND REMIT

Mr Stephen Bolt, the new Chief Executive of the Association of IFCA gave Members a brief introduction of his background and appointment. He said his talk would give an introduction to the AIFCA in terms of context, vision, aims and objects, sound foundations, work programme, policy issues and progress to date. Visions for the various groups such as Defra, MSC and UK National Ecosystem Assessment were similar. High level objectives supported by AIFCA were to ensure all IFCA were recognised and heard, to promote sustainable management of the marine environment, to share and disseminate data and work in partnership with stakeholders including the development of an MoU. The aims and objectives of AIFCA were to assist and promote regional IFCA. It would develop a communications strategy to include engaging with regional IFCA Officers and members, engaging with statutory bodies, promote the work of the IFCA, develop a website and attend meetings. It had to agree and deliver an annual plan, balance the budget and demonstrate value for money. The proposed work programme included visiting all IFCA. Issues arising from his first month as CE of AIFCA included policy issues such as the review of CFP, IFCA engagement with the Angling 2012 project and wind farms. The AIFCA would draw on the combined experience of the IFCA to deliver its vision needs.

In response to a question from Ms Knott as to what kind of infrastructure he had for his work, Mr Bolt informed Members that he was formally employed through the AIFCA. For the first 12 months Eastern IFCA would act as his parent organisation. An MoU had been agreed between AIFCA and Eastern IFCA but Eastern would not be providing any admin support.

Dr Atkins said that funding for AIFCA would be shared equally by all IFCA in England. Mr Bolt's contract was initially for 12 months as not all IFCA were sure an AIFCA was needed. It was important to have a clear single voice that Defra could listen to and many other national partners also wanted that. There was the potential for AIFCA to deliver national projects and it would work with all IFCA to make sure they saw it as value for money. Members would be kept informed of progress with AIFCA.

The Chairman thanked Mr Inman and Mr Bolt for their presentations.

## 63 MEETINGS 2012: DATES AND LOCATIONS

The Chief Executive presented the report which outlined proposed dates of meetings for 2012.

The Chairman informed Members that Councillor Markley had indicated that he would be unable to attend on at least three of the proposed dates and had requested a change to some of those dates. A change to the June and December meetings was suggested and Prof Frid asked that once meeting dates had been agreed they should not be moved. Dr Clark asked to be consulted on dates of meetings in future. She said she had no

objections to the proposed changes but also sought an assurance that once the dates had been set they should not be changed.

Following a discussion it was agreed to change the June and December meetings to Tuesday, 12<sup>th</sup> June and Tuesday, 11<sup>th</sup> December.

#### RESOLVED

1. The report be received.
2. The dates of the NWIFCA meetings for 2012 be agreed as follows:

Friday, 16<sup>th</sup> March 2012  
Tuesday, 12<sup>th</sup> June 2012  
Friday, 28<sup>th</sup> September 2012  
Tuesday, 11<sup>th</sup> December 2012

#### 64 MEMORANDA OF UNDERSTANDING WITH PARTNER BODIES

The Chief Executive reported that the Memorandum of Understanding with MMO had already been signed and with Members' agreement the MoU with Environment Agency and Natural England would be signed at the Association of IFCA meeting to be held on 4<sup>th</sup> October. The MoU, which were an undertaking for our representative organisations to work together and to collaborate and share resources and equipment wherever possible, would be reviewed each year.

#### RESOLVED

1. The report be received.
2. The draft MoU with EA and Cefas be approved for signature by the relevant organisations at the Association of IFCA meeting on 4<sup>th</sup> October 2011.

#### 65 ANY OTHER BUSINESS

Dr Clark raised concerns about proposals by Halite to store gas in underground salt caverns at Preesall. The developers were pursuing their application and were in consultation with EA and other environmental agencies over proposals to discharge concentrated brine from one of the brine storage wells off the coast at Rossall, which raised concerns over the possible release of toxic materials. A meeting to discuss the proposals was to be held in Fleetwood on 4<sup>th</sup> October. Ms Knott informed Members that she was in the process of responding to the consultation on the proposals. A further report would be submitted to the Technical, Science and Byelaw Sub-Committee.

There being no further business the Chairman thanked Members for attending and declared the meeting closed at 1455 hours.