

PRESENT – MEMBERS

Mr. R. Graham	(Chairman)	MMO appointee (Fishing Industry – Cumbria)
Dr E. Baxter		MMO appointee (Marine Environment)
Mr R. Benson		MMO appointee (Fishing Industry – North West)
Dr J. A. Clark		MMO appointee (Marine Science)
Prof C. Frid		MMO appointee (Marine Science)
Mr T. Jones		MMO appointee (Aquaculture)
Mr R. Littleton		MMO (Officer)
Mr C. Lumb		Natural England (Officer)
Councillor A. J. Markley		Cumbria County Council

IN ATTENDANCE

Mr D. Bedworth	Environment Agency
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OFFICERS

Mrs I. V. Andrews	Ms A. Leadbeater
Mr S. Brown	Ms M. Knott
Mr A. Deary	Ms S. Temple

APOLOGIES

Dr S. M. Atkins	Chief Executive
Mrs M. R. Owen	MMO appointee (Fishing – Various)

189 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies and introduced Mr D. Bedworth who would be briefing members on salmon stocks within the District (Agenda Item 9). The Chairman proposed that the briefing be taken at Agenda Item 3 and this was agreed.
2. The Chairman proposed a change in Agenda to take Agenda Item 6 (Authorisation to dredge the area known as Box 1 in North Morecambe Bay) at Agenda Item 5 and Agenda Item 5 (Foulney and North Morecambe Bay Intertidal Mussel Fishery) at Agenda Item 6 and this was agreed. An amended Agenda has been tabled.
3. Minutes of the special TSB Sub-Committee meeting held on 13th October (Agenda Item 3) and an additional data paper on Solway Cockle Surveys (Agenda Item 7) had been tabled.
4. The Chairman said that a report on a meeting held yesterday with Byelaw 3 permit holders would be given after the minutes of the 13th October meeting. The meeting had been well attended and the report will show some of the concerns raised by the representatives and the answers and explanations that were given to them to address those concerns.
5. The Chairman reminded members with a Pecuniary or Non-Pecuniary interest in Agenda Items to complete the form being circulated by putting their names against any of the items on today's Agenda.

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

Agenda Item 5. Authorisation to dredge the area known as Box 1 in North Morecambe Bay. Mr R. Benson, Mr T. Jones.

Agenda Item 6. Foulney and North Morecambe Bay Intertidal Mussel Fishery. Mr R. Benson, Mr T. Jones.

Agenda Item 7. Solway Cockle Surveys. Mr R. Benson, Mr T. Jones.

Agenda Item 8. Morecambe Bay Hybrid Fishery Order. Mr R. Benson, Mr T. Jones.

191 CHANGE IN ORDER OF AGENDA

The Chairman announced a change in Agenda to take Agenda Item 9 next.

192 REPORT ON SALMON STOCKS WITHIN THE DISTRICT (Agenda Item 9)

The Chairman welcomed Mr Bedworth and asked him to make his presentation on salmon stocks within the District.

Mr Bedworth informed members that there has been a 10 year decline in salmon stocks across the country. The decline has been seen locally in the North West and it is impacting the EA in particular because the North West has the most salmon rivers, 4 of the top 5 in the country. The decline looks to be long term and likely to continue for perhaps another five years. The way EA regulate the exploitation of the salmon fishery through nets or anglers is by using byelaws to restrict catches. This can be done either through emergency measures or by a net limitation order and involves a consultation which takes longer. Because the EA has been aware of a gradual decline over a period of time it is not able to suddenly introduce emergency measures and it is starting to pull together a programme to look at all the different rivers, who it needs to consult and where the current net limitations orders are so that decisions can be made on what needs to be done on the different rivers. The reason for the decline is quite complicated. Within its jurisdiction, which is the rivers, EA has looked at barriers for fish movement and hydropower schemes where there are arguments about whether or not these schemes prevent salmon from migrating. Water quality is better, habitat is better in places but there is still more predation of young fish.. One theory is when smolt start to migrate downriver they get held up at barriers and are predated by cormorants. With all these factors impacting salmon it is estimated that only 5% of fish that go to the sea come back so the biggest impact is out to sea. EA is not sure of the reasons for this but theories put forward include global warming and changes around the North Atlantic currents. Fish are staying at sea longer, for two years instead of one and are coming back slightly bigger. However fewer are returning due to having to compete with other species such as herring and mackerel. The EA can only look at rivers and what action it can take there.

Rod catch returns are taken from anglers each year which gives an indication of how many fish they are catching to compare against the numbers of fish needed to set conservation limits. There are two limits, conservation limit which is the minimum number of eggs the species needs, and management target which is higher. As long as numbers are above the higher target the river can be exploited but once it gets below that target EA has to look at putting restrictions in place. Initially with rivers probably not at risk voluntary measures are looked at such as catch returns so anglers can only take one or two fish. There are 4 different risk categories: not at risk, probably not at risk, probably at risk and at risk, and in the North West there are 14 rivers not at risk and 6 probably not at risk so the bulk of the rivers in the North West are affected. The rivers EA is currently concerned are at risk are the Derwent, Eden, Lune, Ribble and Esk and for those rivers EA is starting to look at a net limitation order public consultation. It will shortly be sending a full briefing to all consultees including NWIFCA on the kind of measures it is looking at and it is hoped to get byelaws in place by 2017. This is quite a long process and the NW Angling Trust Board is also trying to look at the different measures both EA and the angling clubs can put in place. Different rivers have different numbers of fish that can be taken and different percentages of anglers

that release all the fish, which poses a problem when looking at the restrictions to impose. EA is trying to bring together a suite of measures that all the different consultative organisations could adopt and outside of that it moves into regulation where EA and NWIFCA officers can work together, with more awareness and IFCOs becoming more familiar with the work of EA.

The Chairman asked what percentage of returns from registered anglers gives an indication about the fish being caught and released and how to plan for the future. He asked what percentage is not being recorded of fish caught illegally and if this is a problem in terms of what is not recorded. Mr Bedworth said it probably does not affect the overall data received because EA looks at the trend rather than the individual number.

Prof Frid raised a query in respect of the raw trend in the number of returning fish and asked if EA is doing anything about surveying small par numbers. His concern is that EA management is the freshwater end of the life cycle but there is likely to be as much effect in the head waters that is going to affect conversion of eggs into viable smolts that go to sea. He said it would be good to have an indication of par or smolt numbers. Mr Bedworth said when looking at fish numbers the EA is surveying for Water Framework Directive and salmon forms just one part of that so they do not look specifically for one species. The EA looks at certain rivers and places where it knows that fish spawn to see how it compares year on year. When looking at the overall fish population salmon forms part of that. Dr Clark said the Rivers Trusts survey the main rivers and collect data to inform each Trust of what is happening with respect to egg deposition and par and smolt numbers with a view to best managing individual habitats along the river corridor. There is a lot of data but it depends on the river in question having sufficient impetus from the Rivers Trust and volunteers to do the survey work.

IFCO Brown asked if environmental change might have an impact on salmon. He pointed out that siltation is increasing and there is a point to the south of Walney Island where long term siltation is reaching a critical point which is going to alter the water temperature and salinity. He asked if anybody has looked into this for possible reasons for the decline and whether there may be other factors apart from the bigger global warming issues. Mr Bedworth said he is not aware of anyone looking at this for salmon off the coast but similar problems are seen in the rivers and head waters where there is long term sedimentation in gravel. Councillor Markley felt that from a flood-risk management point of view rivers should be cleaned out on a national basis to keep the siltation down and that this is an issue that should be addressed. Mr Bedworth said each time EA has carried out a de-silting scheme and silt has been taken away it slows down the flow and allows silt to come back. If you keep the river as fast as it wants to be the silt does not deposit in the first place.

Ms Knott raised a question on returning numbers of salmon which has been stated as being 5% for adults and whether this number has changed in the ten year period. Prof Frid said his understanding is that the figure has not changed over the last several decades. From the response to his earlier question about the data and analysis he could not see how an assertion could be made about this. Dr Clark suggested the question that should be asked is what should the IFCA be doing to liaise with EA to try and bring attention and research to underpin measures into salmon conservation, also salmonids and sea trout. Salmon are an indicator species, they are top of the predatory food chain in terms of migratory fish and further research is needed into the impact of farmed salmon. The impact of pollution in estuaries also needs to be looked at in much greater detail than it is now. Pollution from industry, from energy companies, from agriculture, is all relevant to the IFCA. Dr Clark said she would like to see the EA working more closely with IFCA in getting further research and evaluation carried out.

The Chairman said the suggestion seems to be there should be more interchange between EA and IFCA and this may be something that is picked up and discussed between the CE and EA representative Mr Darbyshire to find a way forward and to have it as an identifiable item on fisheries agendas.

Mr Bedworth said he has made a note of some of the questions asked by members and will try to get answers for these. Information would be mainly practical, such as joint patrols which officers are already looking at. Ms Knott said there have been discussions about joint enforcement between EA and IFCA and that work is ongoing. Officers do work with EA and use of shared resources also. She suggested it would be useful to have the name of an EA contact to liaise with on consultations to enable IFCA to put more information into its responses. Mr Bedworth confirmed that for enforcement and liaison with IFCA he is the relevant contact.

The Chairman brought the discussion to a close by thanking Mr Bedworth for his useful and informative presentation.

RESOLVED

That Mr Bedworth be thanked for an interesting and informative briefing.

193 TO RECEIVE MINUTES OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE MEETING HELD ON 15TH AUGUST 2014 AND REPORT ON SPECIAL MEETING HELD ON 13TH OCTOBER 2014 (Agenda Item 3)

Minutes of 15th August 2014.

The Chairman reminded members that it had been resolved to circulate draft minutes of future TSB meetings to inform a verbal report to the full Authority. Minutes of the 15th August meeting had been circulated to all members with the papers for the IFCA meeting on 19th September but the draft minutes needed the approval of members today.

Mr Lumb pointed out his deputy at that meeting was Jo Bayes and not Baines and it was agreed to amend the minutes accordingly

With respect to Minute 182 (Morecambe Bay Hybrid Fishery Order) the Chairman said this has been subject to discussion for some time and a lot of resource and time has been put into the drafting of the content of a Fishery Order for Morecambe Bay. It was recently felt this may not be the best way forward and perhaps a review of Byelaw 3 might be a more appropriate method of regulating fisheries within the District. It was agreed on 15th August that a special meeting of the TSB should be arranged to discuss this issue but the paper at Agenda Item 8 provides a different approach to that agreed previously. The Chairman suggested members needed to decide whether, on the basis of the previous minutes, a special meeting was required or whether members wished to discuss the alternative approach.

Mr Jones said he had secured the services of a number of people from K&EIFCA, NRW and the Menai Strait Fishery Order Management Association to attend the proposed special meeting to answer any questions regarding byelaws versus Several/Regulating Orders for the management of fisheries. Ms Knott said the special meeting had been arranged but because of other events that superseded it the meeting had to be cancelled as officers did not have the time or the resource to proceed with this.

Prof Frid pointed out that only the accuracy of the minutes is in question at this time and if the minute is an accurate record it should be accepted. The discussion on whether to take forward the resolution should be taken under Agenda Item 8 rather than at this time.

Dr Clark queried the resolution under Minute 183 (Byelaw Review) that Byelaw 9 be submitted to the Authority to be made and said she thought the decision was for all the byelaws to be looked at in more detail. Following a subsequent check it was found that Dr Clark's recollection is correct and an amendment to the wording of the minute is suggested, to read as follows. "Byelaw 9 was briefly discussed and minor amendments were proposed. The byelaw was referred to the TSB for further discussion". The resolution should also be amended accordingly.

Mr Littleton pointed out he was present at the 15th August meeting but had not been shown in the list of those present. It was further pointed out that Prof Frid had sent his apologies for that meeting but this also had not been recorded. It was agreed to amend the minutes accordingly.

RESOLVED

Following amendments to include Mr Littleton in the list of those present, Prof Frid in the list of apologies and an amendment to the resolution to Minute 183 to read "Officers to progress Byelaws 7, 8 and 9 as discussed", that the minutes of the TSB Sub-Committee meeting held on 15th August 2014 be approved and signed as a correct record.

Minutes of 13th October 2014.

This was a special meeting of the TSB to discuss a request from seed mussel dredge fishermen to open a further area of Morecambe Bay to seed mussel dredging.

Mr Jones raised a query that he did not recall the Chief Executive's comments on page 4 that the requests from industry to open new smaller areas generates a level of work which is out of proportion to the level of seed mussel harvested. He thought Dr Atkins' comments were that the amount of work generated by repeated requests from the industry had resulted in the cancellation of the special meeting of the 21st October to discuss byelaws versus Several and Regulating Orders. Mr Jones asked for those points to be checked and verified from the recording of that meeting. Following a subsequent check, the recording of the 13th October meeting verified that the minutes were a correct record of the Chief Executive's comments. The recording also confirmed that Dr Atkins did make the comment that the repeated requests from industry had resulted in delays to work on byelaws and cancellation of the agreed special meeting to discuss Fishery Orders.

Councillor Markley pointed out that it had been suggested that Byelaw 3 permit holders be informed of the meeting by text but there was nothing in the minutes to say that had happened. The Chairman suggested that point could be picked up and discussed under Matters Arising. It was also agreed that the issue of the Morecambe Bay Hybrid Fishery Order should also be discussed under Matters Arising.

The Chairman asked for members' approval on the accuracy of the minutes of the meetings held on 15th August and 13th October and this was agreed.

RESOLVED

Following an amendment to the wording of paragraph 2 above that the minutes of the special TSB Sub-Committee meeting held on 13th October 2014 be approved and signed as a correct record.

194 MATTERS ARISING (Agenda Item 4)

1. Morecambe Bay Fishery Order

Dr Clark said she wished to raise a question under Matters Arising as to why following a decision made at the TSB meeting on 15th August members are now being presented with an alternative proposal before that special meeting has been held. The Chairman suggested that the CE would be the most appropriate person to answer that question. Dr Clark suggested the point needs to be made that sub-committees are making decisions which are not being implemented. The TSB had asked for a special meeting and for a speaker to be invited, which Mr Jones had arranged. Members have been informed that the meeting was cancelled due to lack of resources and Dr Clark asked why Officers did not have the resources to have a meeting to carry out the work of the Authority.

Prof Frid supported Dr Clark's comments. He suggested it is not for members to micromanage the work of the CE but the resolution remains that the committee wanted an in-depth discussion of what is a critical area of the Authority's work so that the right decision is made. He felt although the timing of the meeting of 21st October may have been impractical, a resolution made by a sub-committee to convene a special meeting should be implemented. Prof Frid proposed that a special meeting be arranged at the earliest opportunity to reaffirm the decision of the 15th August meeting to deal with the Morecambe Bay Hybrid Order. Dr Clark seconded the proposal and following a vote the motion was carried unanimously.

Ms Knott requested that when members take a vote on any agenda item it is done in a way to give officers the opportunity to properly record the voting of those in favour, those against and any abstentions. The Chairman said he would take those comments on board for future meetings.

RESOLVED

That members reaffirm the decision of 15th August that officers be asked to arrange a special meeting as soon as possible to deal with the Morecambe Bay Hybrid Order.

2. Special TSB Meeting – 13th October 2014

The Chairman provided the background to this special meeting which had been called to discuss a request from seed mussel dredge fishermen to open a further area of Morecambe Bay to seed mussel dredging. A report would be given on a meeting that took place yesterday with Byelaw 3 stakeholders who had expressed concern specifically about the opening of this particular bed and also a recommendation that was made at the last meeting for a Mussel Management Group involving all stakeholders to be established in an effort to avoid conflicts between hand-gatherers and dredge operators in north Morecambe Bay in the future.

Mr Jones asked with respect to the second resolution, on what basis the limit for removal of seed was assessed when the stock being talked about is ephemeral. Ms Knott said the Science Team believe it is more a scouring out area. During the discussions at the meeting it was thought to be a good precautionary approach to set a TAC taking into consideration bird feeding requirements and the fact officers did not consider it a truly ephemeral bed. In response to a further question from Mr Jones as to if in the future it can be demonstrated that the bulk of the stock is gone could it be agreed it is called an ephemeral bed, Ms Knott suggested this is a discussion that should be taken forward to the Mussel Management Group.

The Chairman said there have been a number of objections to the decision made on 13th October that Byelaw 3 permit holders did not have the opportunity to make a contribution despite them being stakeholders in the process. The problem is the definition of what is intertidal, what is subtidal, what is ephemeral and more data is needed in terms of being able to make judgements on decisions and a meeting of stakeholders was arranged to try to sort this amicably. The dredge representatives were unable to attend that meeting but the meeting went ahead with Byelaw 3 permit holders. The stakeholders' concerns included: why was it a closed meeting, why were they not asked to make contributions, and why with payment of permits they did not have some say in that particular area which they are saying can be accessed by permit holders. The Chairman said a meeting with both sides of the industry was arranged which was subsequently postponed. A special TSB sub-committee was then arranged for 13th October. The Chairman said that he and the Authority Chairman had met with the CE and officers on 6th October to debate the points and merits of that special meeting and it was intended that Byelaw 3 permit holders would be sent a text to inform them of the special meeting and the subject

matter and that any views they wanted to be made known to the meeting could be done through representatives or members of the TSB. Mrs Owen was also contacted to make sure she would be attending that meeting to provide her experience and input. It was not made known until partway through the meeting on 13th that the text had not gone out. Members subsequently received complaints from stakeholders that they had not had the opportunity to put their views to the meeting. The Chairman said both he and the Authority Chairman had been asked to intervene and stop the decision of the TSB meeting but stakeholders had been informed that any decision made by the Authority will stand until the next official meeting where it can be addressed if need be.

Prof Frid said firstly he hoped the Mussel Management Group will take on board those concerns and will develop a framework to work out what is meant by ephemeral resources and is able to consider carrying out a HRA for the whole of Morecambe Bay. He voiced concerns that a decision was made at a previous meeting and yet it has come back to this meeting, effectively without that decision being enacted. He suggested if that procedure was allowed to become established as a precedent the entire work of the committee would be paralysed and individuals will think if a decision goes against their particular viewpoint they can lobby and bring it back to the next meeting where it will be discussed again and nothing will ever be achieved.

Prof Frid's second point which he had raised in his paper submitted to the 13th October meeting is the fact by presenting one paper officers did not do the best job they could have at supporting members of the committee. He suggested the Authority needs to separate the evidence, the actual science from the opinion and in that paper and the one before there are comments which are fact and some which are opinions, expressions from different sectors of the industry and it would be better if they could be separated. There needs to be some sort of mechanism whereby the consolidated opinion of Byelaw 3 permit holders, or dredge sector or whatever sector it is are represented and that is very difficult to do.

Ms Knott provided an explanation for the delay in issuing authorisations following the meeting on 13th October. On 14th October a HRA was sent to NE and officers received their response on 16th October. While conducting the mapping for the authorisation officers noted a discrepancy in the co-ordinates given in the paper presented by Mr Jones to the meeting. Officers have asked the industry for the coordinates it used in the maps that were presented to the special meeting and asked Mr Wood to provide the coordinates again that he gave in September to make sure there had been no error in transferring those over to the mapping.

Mr Jones said the original application for the extension was made on 16th September and there seems to have been a failure of management reaction within the organisation to deal with this. For the application to have not been considered or even deemed to be considered until 31st October was unsatisfactory. The length of time in calling an emergency meeting to address the application again was unsatisfactory.

Ms Knott responded that although she had been on leave when the application for this extension had come into the office the science team had dealt with it and the industry had been informed that as the area was understood to be accessible to hand-gatherers the application had not been granted in line with previous IFCA policy.

The Chairman said one point of complaint is that at the meeting on 13th October undue advantage was given to the mussel dredgers to present a paper. At that meeting 2 papers were presented, the first from Mr James Wilson which should have been part of the papers of 13th October, and the second a graph showing the

low water mark and the position of the vessels close to the oyster frames which was a concern.

In response to a question from Ms Knott as to whether the dredgers are intending to return Mr Wood said he felt most of the stock has now gone, but that he would like the opportunity to fish again on another set of tides. He said he had curtailed fishing yesterday although weather was good in order to attend this TSB meeting. He suggested there was a lack of communication between the Authority and industry and he welcomed the proposal for a Mussel Management Group. He felt a huge resource has been wasted this year which has benefited nobody and in future years planning needed to be discussed and applied earlier in the year.

Ms Knott said the Science Team has always tried to manage this fishery in a balanced way and the reason for its referral to the TSB was for members' direction. The Authority has a policy in place that if an area is accessible to hand gatherers it should only go to hand gatherers. This policy needs to be re-examined again in the future and officers welcome the opportunity to do that in a group that takes into account both conservation issues and environmental concerns.

Ms Knott said stakeholders would still have concerns about the area because where the mussels remain is going to be in the very northern area of the box which is intertidal. One of the dredge operators has said they have no intention of returning but if there is any further interest she suggested a meeting be arranged to look at the northern line.

Prof Frid suggested that the discussion on what constitutes an intertidal resource, what constitutes an ephemeral resource is something that should be had at the Mussel Management Group. Officers need guidance and a new resolution should be made today to guide the officers in terms of what they are to do should a new application come in from dredges to access the resource if the tides and weather allow. Prof Frid suggested that officers are given the mandate to extend the scheme for another two weeks if any applications come in. He further suggested officers draw a line that demarcates the area of point C on the corner of the box so that there is a revised box following the consultation with Byelaw 3 permit holders but allows most of the northern area of the box that so far voluntarily has not been worked to be accessed should anybody want to over the next few weeks.

Ms Knott asked members if they wished officers to convene a meeting with both sides of the industry and this was agreed. The Chairman suggested those invited to such meeting should be able to make a contribution, make decisions and take those decisions back to their sector of industry. Ms Knott said she would try to arrange a meeting before 12th November.

Mr Jones said he has some interesting scientific evidence of what fishing ephemeral seed mussel beds does if they are fished or not fished. There is a lot of scientific evidence which could have been included in the report which would have informed any decision that had been addressed in that report. If any member is interested in seeing that information he is happy to disseminate it. Ms Knott said she would appreciate receipt of that information. At the meeting yesterday officers had asked the stakeholders to provide evidence about the damage they say is done by dredgers so that it can be looked at by the Mussel Management Group.

IFCO Brown suggested it would be useful for the scientific staff to be provided with a set of guidelines particularly on which areas are to be considered peripheral, ephemeral or even occasional for the long term planning.

Mr Lumb proposed that in anticipation of a request for an extension of authorisation the Science Team should convene a meeting between hand gathers and mussel dredgers to seek to agree a northern limit to the area proposed for dredging subject

to HRA and agreement with NE. The proposal was seconded by Prof Frid and following a vote the motion was carried unanimously.

RESOLVED

1. In anticipation of a request for an extension of authorisation that Officers convene a meeting between hand gathers and mussel dredgers to seek to agree a northern limit to the area proposed for dredging subject to HRA and agreement with NE.

195 CHANGE IN AGENDA ITEM

The Chairman proposed a change in Agenda to take Item 10 next and this was agreed.

196 SCIENCE TEAM SUMMARY REPORT (Agenda Item 10)

Ms Temple presented a summary of work carried out over the last quarter which included reports on the cockle and mussel fisheries in the NWIFCA District, Dee cockles, Assessment of fishing activities in EMS, PhD proposal with Lancaster University, Use of Limestone in Sea Defences and National Grid proposal for a tunnel under Morecambe Bay.

Members were updated on mussel fisheries within the District. Heysham Flat was opened as a hand gathered seed mussel fishery to Byelaw 3 permit holders on 26th August. Perch Scar seed mussel fishery opened to hand gatherers on 22nd October and no hand gatherers prosecuted the fishery therefore the bed may be opened to a small dredge fishery as agreed by the TSB.

The PhD proposals to study the Morecambe Bay ephemeral mussel beds has been submitted by Lancaster University as a partnership project with NWIFCA for a NERC Doctoral Training Project and officers expect to hear if the funding bid has been successful in November.

With respect to the use of limestone in sea defences, Ms Knott met with Blackpool & Fylde College and Wyre Borough Council to discuss the project to provide information on the monitoring of sea defence colonisation and changes over time in different rock types used in sea defence.

Ms Temple reported that with respect to the National Grid proposal for a tunnel under Morecambe Bay, NW Coast Connections Project is currently carrying out public consultation on the proposed route corridors. The preferred option for the southern route is a tunnel in the bedrock under Morecambe Bay and Ms Knott has been in touch with the NG project engineer following members' concerns about the effects of electro-magnetic fields on migratory fish. NG has said they do not expect the residual electro-magnetic fields to have any effect on fish. If the tunnel option goes ahead the cables will be housed at least 25m below the sea bed and the impact will be fully assessed when a tunnel design has been finalised. Members will be kept informed on this.

The Chairman informed members that the Authority has suggested to NG that they hold a separate consultation with fishing interests on the proposed routes. Ms Knott said this has already been agreed with NG who will set up a fisheries consultation group once the public consultation has been completed. If the tunnel proposal goes ahead NG will have detailed discussion with fishermen around the siting and size of the ventilation shafts. NG is still including the offshore route out into the Irish Sea in the consultation document but this is not one of their preferred options.

The Head of Enforcement updated members on the Perch Scar seed mussel fishery. A very productive meeting had been held with Fylde Borough Council with regard to access to the fishery. The authorisation has now been in place for one week and the fishery has not been prosecuted by hand gatherers but Officers have been made aware that one hand

gatherer buyer potentially has an order for next week. Members were asked for guidance on how to proceed.

In response to a question on the amount of stock on Perch Scar Senior IFCO Brown said there was about 300 tonnes. What damage there was seems to have been blown sand rather than scouring.

Concerns were voiced about the time taken to put the authorisations in place. It was suggested that in future a time frame should be built in and guidelines produced on how long it will take to put an authorisation in place following Authority agreement. Ms Knott said if it is high priority it would be sent to NE within two to three days. Mr Lumb said NE could turn it round within the day if all the relevant information for the HRA is provided. His understanding of what is being suggested is that if a management plan could be produced the Authority would identify what information was needed on the status of the various mussel beds around the Bay which could be pulled together at an early stage to inform all subsequent fisheries, updated as necessary.

Mr Jones reiterated those points and suggested this is something the Authority needs to act more swiftly on. He felt whatever is done has to be adaptive not prescriptive and he suggested as a general principle an adaptive management plan approach to all fisheries in the Authority's District should be adopted as soon as possible.

Mr Deary again asked members for a decision on Perch Scar on whether Officers should issue authorisations for a dredge fishery. Dr Clark pointed out Mrs Owen had said hand gatherers had expressed some interest before the meeting. The Chairman said this fact was not made known to members at the time of the meeting and the decision was made on the available evidence. Ms Knott said none of the hand gatherers have prosecuted the fishery within a week but one fisherman has now said he might have an order.

Prof Frid felt that officers are right to chastise members for making or passing resolutions to guide them which are poorly worded and therefore not fit for that purpose. He suggested amending the wording of the resolution to change the word 'interested' to 'prosecute'.

The Chairman felt the resolution was fairly clear that if within 7 days the hand gatherers had not declared an interest it would be opened as a dredge fishery. The minute says there did not appear to be any interest from hand gatherers to work Perch Scar and the intention was for a text message to be sent to hand gatherers informing them of the proposals for Perch Scar. Mrs Owen had suggested giving the hand gatherers a week to start, and if not fished by them it could then be opened for the dredgers.

Members agreed that as the hand gathers had not prosecuted the fishery within a week of opening, Perch Scar should be opened as a small dredge fishery.

RESOLVED

That Perch Scar be authorised as a small dredge fishery.

1976 ADJOURNMENT OF MEETING

The Chairman proposed an adjournment until 1320 hours and this was agreed.

198 MEETING RECONVENED AT 1320 HOURS

199 SOLWAY COCKLE SURVEYS (Agenda Item 7)

Ms Leadbeater presented the report informing members of surveys undertaken in the Solway Firth to assess cockle stocks and reminded members of the tabled additional data. In previous years the Cumbria SFC has authorised a subtidal dredge fishery for cockles in

the Solway Firth. In 2003-04 a fishery was authorised on Beckfoot Flats and in 2005-06 a fishery was authorised in an area in the middle of the Solway Firth known as Middle Bank. Since that time the beds have been closed due to low stocks. This year industry have made Officers aware of a new large stock of cockles present on Middle Bank and Officers have carried out a survey of the area which because of its position is only accessible by vessel. The area is large and a representative survey taken on foot or ATV was not possible in the time allowed by tides. Grab sampling was not possible due to tidal currents in the area and the current inability of 'Solway Protector' to carry out this type of survey. Officers worked with industry and a vessel was used with a hydraulic suction dredge fitted. It has also been suggested that due to the coarse nature of the sediment the cockles burrow deeper so surveying with jumbos does not necessarily give an accurate picture of the cockles present. Through the dredge surveys officers were able to estimate the number of cockles per square metre to make a comparison with the normal survey techniques. A survey was carried out on 16th October of both Middle Bank and Beckfoot Flats with the grader and dredge head covered with a finer mesh to get an estimate of the undersize cockles being taken. The results of the surveys showed that from the initial survey of Middle Bank 9 out of the 11 sites surveyed had size cockles present. Graphs on the additional data tabled compares cockles sampled with and without the mesh. The results show that on Middle Bank there is a stock of both size and undersize cockles. It is not intended to immediately open the fishery for this year as survey results do not show a particularly viable commercial stock. However there is potential for possible opening of a fishery in 2015-16. Officers are recommending that further analysis of this type of fishery should take place, perhaps looking at a larger area. Any new surveys of a fishery would require a HRA to be carried out and there would be some management considerations for any fishery authorised in the future. In the past there has not been a limit set on the number of authorisations issued and for the last fishery 11 were issued. It was felt the Authority may wish to limit authorisations in the future and a mechanism for allocation of authorisations would be required, perhaps run on track record. NWIFCA Byelaw 3 does not include any areas in the Solway as designated commercial areas where gathering for personal consumption is prohibited. This could cause problems at Beckfoot Flats which is readily accessible. Middle Bank runs up to and crosses the dividing line between the Scottish English border which would have implications for enforcement and also for carrying out an HRA and NWIFCA would need to work in partnership with Scottish conservation bodies on this.

In response to a question from the Chairman as to what period of time track record would apply for selection for authorisation Ms Leadbeater suggested the most pragmatic way to proceed would be to follow the lead of the Morecambe Bay fishery.

Mr Jones felt the method of fishing used for the survey seemed rather antiquated and suggested it may be worthwhile to look at different methods that would allow damage free fishing of the bivalves.

The Chairman drew Members' attention to the recommendation that the Science Team continue discussions and report back when further information is available.

RESOLVED

1. The report be received.
2. Members approve the work of Officers to further investigate the possibility of opening a hydraulic suction dredge fishery for cockles in the Solway Firth in 2015.

200 FOULNEY AND NORTH MORECAMBE BAY MUSSEL FISHERIES (Agenda Item 6)

Ms Knott said this is an issue that has been brought to members' attention in the past. It had been the intention to progress this work in 2012 onwards but this had been delayed because of staff priorities. Officers are still looking at management of stocks around Morecambe Bay and this all feeds into the previous discussion around the proposed

Mussel Management Group. Officers have particularly been asked to look at two areas, the Foulney bed with stunted growth and pearling issues, and the area between Foulney and the oyster farm which holds large stocks of densely packed seed mussel in most year. Details of the survey work carried out is given in the report. The Senior Scientist and IFCO Dixon have inspected the area and identified the area of stunted growth. Discussions have been held between Officers and also with the hand gathering industry in the area about opening it on particular tides so the area can only be accessed on those tides and derogations issued for taking undersized mussels on those tides. All the other tides would still be open for size mussel. Officers will need to consult with NE over the HRA and monitoring of catches. It is proposed to open the bed initially on a 1.8m tide and this can be changed to a higher tide if necessary to prevent access to undersize mussel lower down the skear.

The second area between Foulney and the oyster farm is contiguous with the area discussed earlier (ie. Box 1). Officers have not carried out a biomass assessment in the area which will need further assessment because of the scouring that has occurred. In the light of the earlier discussions members may wish to defer a decision until the Mussel Management Group has been set up. Officers' recommendation is that work is continued in collaboration with both sides of the industry with the results referred to the Mussel Management Group for further discussion.

Mr Jones asked if the area authorised for hand gathering of seed from the western half of the bed in 2008 contained mussels relayed by dredgers. Mr Benson said this is an actual settlement next to Barrow 1.

The Chairman reminded members of the areas covered in the report, the area from Foulney to the oyster farm requiring further work. He drew attention to paragraph 3 of the report and the comment on the ongoing dispute over fishery rights with Boughton Estate. He suggested the CE be reminded of the previous decision of the Authority to seek a legal position on the disputed area as the matter is likely to arise again in the future.

In response to a question from Mr Benson on whether the decision to seek a legal opinion has been progressed Mr Deary said this question would be more appropriate for the CE.

Mr Jones asked where the picture in Fig 3 on page 4 of the report had been taken in relation to the oyster frames. Ms Knott said this was roughly 500m away facing towards Foulney.

The Chairman drew members' attention to the recommendations and Recommendation 1 was agreed.

Prof Frid proposed an amendment to the second recommendation that information gained from the further work be referred to the Mussel Management Group for action and this was agreed.

RESOLVED

1. The report be received.
2. Members approve the removal of undersize mussel from Foulney mussel bed during set tides to be agreed with Byelaw 3 permit holders, and subject to Habitats Regulations Assessment.
3. Members approve the work of officers to consult over the limited removal of undersize mussel from the intertidal mussel bed between Foulney and the oyster farm at Newbiggin, subject to Habitats Regulations Assessment and that information obtained from the further work be referred to the Mussel Management Group for further discussion.

201 MORECAMBE BAY HYBRID FISHERY ORDER (Agenda Item 8)

Prof Frid reminded members that this item had been fully considered in the discussions under Matters Arising and members have clearly reaffirmed the decision that a meeting advised by appropriate experts is required. He did not feel that the matter should be re-visited at this time.

The Chairman proposed that the decision of 15th August be confirmed and that officers be asked to convene a special meeting to discuss the Morecambe Bay Hybrid Fishery Order and this was agreed. Mr Jones agreed to act as point of contact for the experts who will be invited to attend that meeting.

RESOLVED

Members reaffirm the decision made on 15th August that Officers be asked to convene a special meeting to consider this matter.

202 ANY OTHER BUSINESS (Agenda Item 11)

1. Prof Frid informed members that this would be his last TSB Sub-Committee meeting as he is taking up a post outside the region. The Chairman proposed that members' thanks to Prof Frid for his attendance and input at TSB Sub-Committee meetings be recorded and this was agreed. Prof Frid has made a major contribution to the work of the NWIFCA and members wished him well in his new post.
2. Mr Jones said fishermen from around Morecambe Bay seem to be unaware of what happens to seed mussel that is removed from the area by the dredgers. The Menai Strait Fishery Order Management Organisation has issued an invitation for a party of fishermen from the NWIFCA catchment area to visit the lays at Bangor to learn how the mussels are dealt with once transported to the Menai Strait. Any fishermen interested would be transported to Bangor for the day, with lunch included. The Chairman said he is in favour of any proposal to make people aware of the work of the IFCA at a time when the Authority is being reviewed.
3. Mr Jones said he has also had a request from the Fisheries Science Partnership for a trial of electro dredge fishing at low water from a tractor at a suitable point somewhere in the District. This is a Cefas project rather than an IFCA one and he did not feel this is something that the IFCA could take ahead. The Chairman suggested that a written proposal would need to be sent to the CE so that the implications, objectives and the science required behind that application can be considered. Ms Leadbeater says this is a project that is ongoing and there have been various delays in getting information from the operators. The gear has been trialled at least once and the operators are looking at using another area as they were not happy with the area they were trialling. She has been in contact with Cefas about this project.

Mr Lumb said following on from Prof Frid's comments on improving the science base and understanding some of the research the Menai Strait mussel fishermen have done to inform mussel fishery management it would be useful to cover that in the discussions that are being arranged with the Mussel Management Group.

There being no further business the chairman thanked members for attending and declared the meeting closed at 1405 hours.