

36 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 10<sup>th</sup> MAY 2022 AT TRUCKHAVEN, CARNFORTH, 10.00 AM.

PRESENT – MEMBERS

Mr B. Leigh	Chair	MMO Appointee
Dr J. Andrews	Vice Chair	MMO Appointee
Mr N Baxter		MMO Appointee
Mr S. Brown		MMO Appointee
Mr R. Benson		MMO Appointee
Mr S. Manning		MMO Appointee
Mr G Pidduck		MMO Appointee
Mr J Turner		Environment Agency
Mr L. Browning		Natural England

NWIFCA OFFICERS ATTENDING

J Moulton, Head of Enforcement, A Plumeridge Senior Scientist, A Nicholson Clerk

There were 6 members of industry in attendance, Mr S Ward, Mr T Davies, Mr T Jones, Mr M Rowlings, Mr R Butler, Mr M Diggle

APOLOGIES FOR ABSENCE

Mr M Taylor (MMO), Mr K Thompson, Councillor P Williams

37 CHAIR'S ANNOUNCEMENTS (Agenda Item 1)

The Chair, welcomed both members of the Authority and members of industry to the meeting. Members were also reminded that they must declare any interests on a subject prior to speaking.

38 DECLARATIONS OF INTEREST (Agenda Item 2)

Declaration slips were submitted by S Manning and R Benson for agenda items 5, 6, 7 and 8. Dr Andrews for agenda item 8 and Mr Pidduck for agenda item 5a and 8

39 MINUTES OF THE TSB HELD 1<sup>st</sup> FEBRUARY 2022 (Agenda Item 3)

**Proposal:** THE MINUTES ARE AN ACCURATE RECORD OF THE MEETING HELD ON 1<sup>ST</sup> FEBRUARY 2022

Proposed: Chair, Seconded S Brown all in favour, motion carried.

40 MATTERS ARISING (Agenda Item 4)

Dr Andrews asked if a letter of thanks had been sent to Dr Emily Baxter for services to the committee. It was agreed that the Chair and Vice-Chair to progress this.

41 BYELAW UPDATES – NETTING BYELAW. (Agenda item 5a)

Mr Pidduck declared an interest in this item.

Head of Enforcement presented his report on the drafting of a new district wide netting byelaw consolidating existing byelaws, this will contain flexible permit conditions. His report reflected current thinking and provided a position statement of the work done to date. It was very much hoped that this report would generate comment and feedback from stakeholders. Further to comments received at the November meeting of the TSB it was agreed to introduce a category covering commercial intertidal netting and to separate the boat and

intertidal netting sectors. This has been put in place as Category Two. Category Three is for stakeholders fishing recreationally from either a boat or the shore. A table of fees has not yet been decided.

At inception each of the categories would have certain flexible permit conditions attached, details of which were included in the annex to the report. Most gear restrictions have been incorporated from existing byelaws, however officers propose differences in the length of nets between category 2 and category 3 permits.

Mesh size for nets has to be at a minimum of 89mm but officers will consult with industry on an appropriate mesh size district wide. Spatial zones were proposed and should be altered to be fixed coordinates and straight lines rather than local points of interest. It was also suggested that the flexible permit conditions could ease the issue relating to the catching of bass.

It is proposed to revoke the byelaw relating to Flue and Whitebait filter nets, and only permit their use to areas currently fished by a small number under NWSFC Byelaw 26. This would include Grandfather rights in the byelaw for existing fishermen which would end once these permits were not renewed. Officers also wish to investigate if Seine netting can also be included.

Mr Brown recommended that due to the complexities of this byelaw and the amount of discussion and work still to be done it should be referred to a special meeting of the Byelaw Strategy Working Group.

Mr Pidduck raised a concern over mesh sizes in order to protect brooding stock, HoE explained that these were minimum mesh sizes not maximum and this is to aid enforcement. Mr Pidduck also queried the requirement for 3m of water above the gear line, HoE confirmed this had not been included due to the difficulties in enforcement. Mr Pidduck also sought clarification on the requirement for returns, as these are already submitted to the MMO, and suggested greater collaboration between the two partners to ease the administrative burden of fishermen. HoE replied that there are legal implications regarding data sharing and also the information required by the two partners is different. The chair asked HOE to discuss with MMO what was possible in terms of sharing data on returns so as to ease the administrative burden on fishers..

Mr Manning queried the permit requirement for fishing Whitebait in certain areas. He felt that this industry could be revived at any time, due to changes in the market place following Brexit.

Dr Andrews invited Mr Browning to attend the working group to advise on the position regarding migratory fish. He also extended the invite to the Environment Agency

Mr Simon Ward also raised a query relating to mesh sizes and was against the changes relating to Whitebait nets, he concurred with Mr Manning that this was an essential option moving forward due to changes in demand. He asked why we were charging a permit fee, when licenced vessels already pay substantial fees, he was informed by HoE that Defra had tasked IFCAs with cost recovery in the administration of the scheme. Mr Pidduck commented that NEIFCA do not charge for permits at all and that EU grants were still available to aid funding. The Chair suggested that the CEO investigate what funding may still be available for this and any other future projects.

**Proposal: TO RECEIVE THE REPORT AND OFFICERS AND MEMBERS TO DISCUSS THE PROPOSED NETTING BYELAW AT A SEPARATE MEETING OF THE BYELAW STRATEGY WORKING GROUP AND REPORT BACK TO NEXT TSB**

Proposed: Dr Andrews, seconded: Mr B Leigh 5 in favour, 1 abstention, motion carried

#### 42 POTTING BYELAW 4 (Agenda item 5b)

Senior Scientist presented her report and gave a brief update on Byelaw 4 Potting. The Authority is still waiting sign off from the Secretary of State.

She confirmed that the appeals panel had been set up for the Whelk Track Records, and that the majority of required information from applicants had now been received and the appeals panel will be called upon shortly to undertake the review.

**Proposal: TO RECEIVE THE REPORT**

Proposed: Dr Andrews, Seconded: S Manning, 7 in favour, 1 abstention. Motion carried

43 **BYELAW STRATEGY WORKING GROUP (Agenda Item 5c)**

Dr Andrews updated the committee on work carried out by the working group. It was agreed at the working group that a netting and potting byelaws was needed as already discussed, and the minimum landing size byelaw is progressing through MMO. A consolidated approach to vessel sizes to be looked at alongside gear marking which should be prioritised. The group is also to look at a district wide suite of byelaws for shrimps and prawns. There are national legislations in place relating to trawling which need not be duplicated however there is a need to look at recreational trawling activities.

**Proposal: TO RECEIVE THE REPORT AND CONTINUE WORK AS OUTLINED**

Proposed: Chair, Seconded: Dr Andrews 8 in favour. Motion carried

44 **SURVEY AND INSPECTION REPORT (Agenda Item 6)**

The Senior Scientist presented her report detailing mussel surveys and inspections carried out since the last TSB meeting. A number of inspections have been carried out early this year to attain a winter biomass for mussels once the overwintering birds have left and prior to new settlements. This is to obtain calculations on possible bird food requirements and survivability of stock through winter.

It was reported that at Duddon Estuary the mussel bed named Hard Acre it was estimated that 70-80% of the mussel bed had washed away. It was thought that this was due to significant storm activity earlier in the year.

Dutch wand surveys had been conducted at Walney Channel and Foulney where an estimated 455 tonnes of size mussel and 684 tonnes of undersize were recorded at Walney and 1055 tonnes of size and 4201 tonnes of undersize at Foulney.

At Heysham Flat mussel bed there is still significant *Sabellaria alveolata* reef distributed across the skear. Some mussel had persisted over the winter along Dallam Dyke. Oystercatchers were present in large numbers feeding on the southern edge of Heysham Flat. There had been no 2022 mussel settlement observed at South America.

Officers had inspected Southport cockle beds in March and again on 8<sup>th</sup> April where high density patches of undersize cockle were present, very few size cockle were found. Foulness and Lytham showed no prospect of a commercial fishery in 2022. Mr Brown asked that pressure be put on the environmental health authorities of West Lancs and Liverpool to prepare for bed classification

Mr Manning, who had declared an interest, was disappointed that there were no commercial mussel fisheries and suggested the Authority should purchase a drone to aid the surveys. HoE responded saying these options were being investigated on a national basis.

Mr Trevor Jones commented on a very good report and asked why Fleetwood had not been inspected. The Senior Scientist responded by saying this is on the schedule for the coming weeks.

Mr Simon Ward also asked about bed classification, he commented that he and others had purification tanks so they need every opportunity to fish post Brexit given its impact on the market. The Chair acknowledged that by listening to contributions from industry he recognised the severe impact Brexit has had and the Authority had to do all it can to help whilst discharging its statutory function.

Dr Andrews reported that there was an all party parliamentary group in place looking at shellfish aquaculture and all the issues affecting the industry currently. The aforementioned concerns were raised and pressure brought to MPs to address this.

**Proposal: TO RECEIVE THE REPORT**

Proposed: Chair, 5 in favour, 2 abstentions. Motion carried.

45 **SCIENCE REPORT (Agenda Item 7)**

The Senior Scientist presented her report for information.

With the introduction of the new Potting Byelaw there was an opportunity to assess the Whelk fisheries, identify key grounds and establish a sampling schedule for determining size-at-maturity in the NWIFA district

Future work to discuss bird food models and requirements and the proposed cockle and mussel management plan has been discussed with Natural England.

The Authority has had recent discussions with the Environment Agency to be involved in small fish surveys in the Wyre Estuary.

Mr Brown raised a query relating to works at Jubilee Quay in Fleetwood and asked if the Authority had been consulted. This would be checked following the meeting.

**Proposal: TO RECEIVE THE REPORT**

Proposed: Chair, all in favour. Motion carried.

46 **MUSSEL MINIMUM LANDING SIZE (Agenda Item 8)**

Dr Andrews presented a report prepared by himself and Mr Manning. Declarations of Interest were received from Dr Andrews, S Manning, G Pidduck and R Benson.

A request has been received to reduce the minimum landing size of mussels from 45mm to 40mm. The basis for this request is based on significant areas of Morecambe Bay where mussels will reach approximately 40mm and shortly afterward become unmarketable due to pearls or they are washed away in winter storms. There is not a simple fix as there are differences in various areas of the district. It was not felt there was any significant risks involved. Again referring back to Brexit and its impact on industry all that can be done, should be done to help.

Mr Brown commented on the very low numbers of mussel gatherers and felt there would be no risk to bird food requirements, the problem is getting the right size at the right time. The Chair said that a reduction in MLS could likely result in an increase in fishing effort.

Senior Scientist suggested a consultation with permit holders and stakeholders to deal with this ongoing issue. The Chair concurred.

Mr Manning also commented on the low numbers of gatherers, and the significant numbers of mussels that go to waste due to such a small window of opportunity.

HoE reminded members that there is a new byelaw sat with the Secretary of State awaiting sign off, which contains some flexible conditions.

Mr Terry Davies commented that he was not against the proposal per se but not for it to be district wide and a spatial approach should be taken which would address some of the concerns.

There are now two separate markets aimed at those with and without purification tanks. There was general agreement that a spatial approach would be preferable. A consultation should be designed in consultation with members of the TSB and sent to stakeholders, the results of which should be fed back to the committee, this can be done via email.

**Proposal: TO RECEIVE THE REPORT. OFFICERS TO DESIGN AND CONDUCT A CONSULTATION WITH PERMIT HOLDERS VIA EMAIL AND FEEDBACK TO THE TSB**

Proposed: Chair, 3 in favour, 4 abstentions. Motion carried

The Chair and Vice-Chair thanked members of industry for taking the time to attend and there valuable contributions

47 ANY OTHER BUSINESS (Agenda Item 9)

Mr Benson enquired as to the progress of outstanding complaints raised by the committee, also the vote of no confidence in the CEO dating back to last September. The Chair and Vice-Chair had no further updates. The Chair said he would speak to CEO regarding this matter.

Mr Manning requested that HoE presented in depth information on Byelaw 3 and details of numbers of current permit holders, numbers of those on waiting list and how the waiting list would work under the new byelaw be reported at the next meeting of the Authority.

Chair thanked all attending, the meeting closed at 12.30 PM