



Ms Knott, Senior Scientist, then presented the history of the work of the Science Team with Natural England around the Lune Deep site and the processes which they had gone through to provide a solution to the issue. It was stressed that nobody disagrees with the need to protect important marine features from damaging activity. However there are no damaging activities as the boats trawl the sandy bottom and the Authority has struggled with the sense in having a restrictive byelaw which does not protect anything. However NWIFCA needs to be seen to be supporting government policy.

In light of this the Science Team consulted intensely with local fishermen and used this information to conduct an HRA, assessing the potential for adverse effect on the integrity of the EMS from a continuation of the low level of fishing activity under a grandfather right's clause. This approach had received a positive response and the HRA had been forwarded to national NE officers and Defra for their view. This then coincided with the confusion surrounding the letter sent to the NGOs from Nigel Gooding at Defra. The Science Team felt they had produced a good piece of work which, despite restrictions under European legislation, balances socio-economics impacts with environmental protection, and is an example of good fisheries management. Claims of other boats operating were investigated and two other boats were found to occasionally fish the sandy bottom area. This information will be included in an amended HRA should Members agreed to include Lune Deep in the byelaw with the grandfather rights clause, without affecting the conclusion of no adverse effect on site integrity. Natural England fully supported the Science Team in this approach and is confident that a solution can be found to meet Defra policy and balance socio-economics.

The sub-committee then concurred that an argument for common sense should prevail. Lune Deep was in a favourable condition when it was designated as an EMS in 2011. Fishing activity had been occurring prior to designation and has continued since without any evidence of damage or accidental contact upon the reef. The buffer zone presented is also adequate to provide protection.

Members discussed the issue as being a matter of principle and should not have the Authority's hand forced to introduce a closure which does not offer protection.

Mr Woods questioned if the fishermen would have the chance to challenge Defra. The Chairman responded by saying it was a limited approach as it would have to be done by a fisherman's association.

Mr Lumb stated that it was excellent work by NWIFCA to implement policy without impacting upon the fishing community. NWIFCA is seeking a robust practical way of delivering marine conservation and developing fishing.

Mr Jones raised the issue of other damaging activities which may take place in the area such as cable laying and dredge material disposal. Mr Lumb replied summing that the activities were limited and had all been subject to HRA. The purpose of the EMS Review was to bring fishing in line with other activities under the EU Habitats Directive.

It was discussed how the enforcement team would cope with the site. Mr Deary said that the enforcement team would be able to manage the small number of vessels in the area.

The Chairman proposed that paragraph 11 of the CEO's report on Byelaw 6 which related to other vessels wishing to make a claim to fish in the future should be tightened so that NWIFCA can fully investigate any applications, i.e. in relation to the boat, gear, frequency of activity and individual skill of the skipper. Mr Lumb suggested NE would be happy with this option.

The TSB then agreed with the recommendation to include Lune Deep in Byelaw 6 providing that paragraph 11 was re-examined and reworded, allowing for provision for other vessels in the future to access the fishery once it had been shown there was no changes to the risk of damage to the reef features. This would be subject to further HRA.

The Chairman concluded the meeting by saying that NWIFCA had the spirit and intent to make Byelaw 6 with the provision of the grandfather rights clause for Lune Deep. The meeting closed at 1050 hours.