

62 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 1st November 2016

PRESENT – MEMBERS

Mr R. Graham	(Chairman)	MMO appointee (Commercial)
Dr J. W. Andrews		MMO appointee (Marine Environment)
Dr E. Baxter		MMO appointee (Marine Environment)
Mr M. Johnston		Natural England
Mr T. Jones		MMO appointee (Commercial/Aquaculture)
Mr B. Leigh		MMO appointee (Anglers and Recreation)
Councillor A. J. Markley		Cumbria County Council
Mr D. Ward		MMO (Officer)

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement, Clerk, Science Officers Ms B. Vause and Ms A. Carroll, Digital Communications Officer A. Graham

IN ATTENDANCE

Mr D. Howarth	MMO Officer
Mr Steve Manning	MMO appointee (Commercial)

APOLOGIES FOR ABSENCE

Mr C. Booth	MMO appointee (Marine Environment)
Mr D. Clarke	MMO appointee (Fishing Industry – Cumbria)
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)

63 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman welcomed: new member Mr M. Johnson (Natural England); the new Digital Communications Officer, Mr Anthony Graham; Mr D. Howarth (MMO), Mr S. Manning (MMO appointee) and visitors.
2. The Chairman reminded members of the importance of declaring pecuniary or non-pecuniary interests in Agenda items.

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

Agenda Item 5. Byelaw 11 – Permit to Dredge Byelaw. Dr J. Andrews, Mr R. Graham, Mr T. Jones.

Agenda Item 6. Cockle and Mussel Fisheries. Mr T. Jones, Mr S. J. Manning

Agenda Item 7. Heysham Flat – Protection of *Sabellaria alveolata* reef. Mr S. J. Manning

Agenda Item 8. West of Walney MCZ Management Options. Mr R. Graham

Agenda Item 9. Science Report. Mr S. J. Manning

65 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 9TH AUGUST 2016 (Agenda Item 3)

Proposed Councillor Markley, Seconded Dr E. Baxter.

RESOLVED: Minutes of the TSB Committee meeting held on 9th August 2016 be approved and signed as a correct record.

66 MATTERS ARISING (Agenda Item 4)

There were no matters arising.

67 BYELAW 11 – PERMIT TO DREDGE BYELAW (Agenda Item 5)

Further MMO and Defra comments on permit charges and the RIA are awaited. The byelaw cannot be made by the Authority until this is resolved. The following amendments to the wording of the proposed byelaw were discussed:

1. There was support for the requirement for vessels dredging under a permit to have a fully functional AIS.
2. There was support for the requirement for vehicles dredging under a permit to be identified by a unique identify tag.
3. Permits should be issued to owners of vessels not skippers.
4. The preferred option for permit charging was for different fees for vessel lengths of under 10m and over 10m vessels. Defra's approval of the proposals will be required before these can finalised. Fees for tractor dredge permits must be considered.
5. CEO to write to the Minister requesting a 6 months extension to the emergency byelaw as it is unlikely that the byelaw will be in force by February 2017.

Dr Baxter asked for clarification that the remit of the proposed bylaw is fit for purpose by restricting it to dredging. The wording of the byelaw has been broadened from the bivalve molluscan shellfish byelaw that was in place in the southern part of the district. Dr Andrews expressed concerns the Authority has departed from bivalve molluscan fishing to dredging which was a better approach.

RESOLVED

1. CE to circulate a further version of the byelaw for approval by TSB members in time to make the byelaw at the December meeting.
2. CE to write to Defra seeking a 6 month' extension to the emergency byelaw.

68 COCKLE AND MUSSEL FISHERIES (Agenda Item 6)

All cockle beds remain closed under Byelaw 13A from 1st September 2016. Surveys were carried out in August and September. Three of the beds were found to contain significant numbers of size cockles. On 20th October BMWG requested opening of Pilling and Leven Sands beds. Flookburgh should be left to grow on with a re-survey in spring 2017. Byelaw 3 permit holders were consulted and the majority were in favour of Pilling and Leven Sands being opened. HoE held multi-agency meetings with relevant organisations to agree management and access.

NE requested that fishing will not disturb high tides bird roost sites or damage saltmarsh.

Dr Andrews raised an objection to recommendation (b) as there may be other beds in the district which have not been surveyed. He said that the committee is not acting in compliance with Byelaw 13A. He supported motive and rationale for the recommendation but could not support the motion which is contrary to the byelaw. It was agreed to record Dr Andrews' comments.

Mr Jones said there is a huge resource of mussels in the Solway which has not been surveyed for five years. CEO said officers investigate requests from Solway fishermen but no fishable resource had been found there for many years. Mr Jones offered to carry out electronic ground discrimination surveys in the Solway to assess stocks. He asked that the Authority inform industry in Solway aware of the offer and report their views back to the Authority.

It was RESOLVED

1. Subject to HRA and NE approval, Members approve a derogation against the NWSFC Byelaw 13A (Management of the Fishery) closure and open the beds to Byelaw 3 permit holders on 7th November 2016 at:
 - i) Piling Sands (Morecambe Bay)
 - ii) Leven Sands (Morecambe Bay)
2. All other cockle beds within the District to remain closed under Byelaw 13A, subject to review in the spring.

69 HEYSHAM FLAT – PROTECTION OF *SABELLARIA ALVEOLATA* REEF (Agenda Item 7)

The Heysham seed mussel fishery has operated for many years. This year seed mussel has survived and there is potential for a size mussel fishery. Protection of the *Sabellaria* reef is required to make a size mussel fishery HRA compliant and the Committee is asked to consider the mechanism of how that is to be achieved.

The report offered two options for long term protection of the reef:

1. an amendment to Byelaw 6 to include a new exclusion zone,
2. include the exclusion zone in an amended Byelaw 3. Any exclusion zone in Byelaw 6 would be fixed and not easy to alter as the area may need to be changed.

Dr Baxter was concerned that inclusion of her notes sent to officers in the report was inappropriate as she had stated they were not for circulation. Dr Baxter also said an amendment to Byelaw 6 may be needed for a number of sites.

Recommendation 2 to further consider byelaw protection options was discussed. Dr Andrews said that adequate and flexible protection of the reef must be addressed. The most flexibility would most likely come from a new Byelaw 3 which would give a mechanism to include conditions associated with a permit. He said the review of Byelaw 3 should be moved up the byelaw priority list. CEO said that a Byelaw 13A closure for the reef area could be made by the Authority.

RESOLVED

1. An exclusion zone be included in Heysham seed and size mussel fishery HRAs and written into the Mussel Management Plan. Mr Leigh proposed approval, Dr Andrews seconded. The proposal was carried unanimously
2. A Byelaw 13A closure be made by the Authority as soon as possible to provide a measure of protection for the *Sabellaria* reef and more permanent byelaw options be considered.

70 ADJOURNMENT OF MEETING. The Chairman announced an adjournment for lunch.

MEETING RECONVENED AT 1310 HOURS

71 WEST OF WALNEY MCZ MANAGEMENT OPTIONS (Agenda Item 8)

This MCZ is co-located with the West of Walney windfarm. The Authority is waiting for a Defra decision on their preferred management approach. CEO said that the latest data suggested protection for the area outside 12 may not be needed as turbines will prevent fishing with towed demersal gear. The Authority preference would be for an MMO byelaw extending over the area of the site inside 6 miles and all the 6-12 miles area where fishing

is most intense. The Authority may consider an agreement with MMO manage the site out to 12 miles.

My Ward said MMO would like NWIFCA to make a byelaw to protect the area inside 6 miles and Defra to manage the area outside 6 miles so no MMO byelaw would be needed.

Mr Johnston (NE) said the site has a recover objective and there are threats from abrasion and disturbance from bottom towed gear across the whole site. NE will not separate specific areas which are mud and non-mud. If management measures are not brought in together displacement of fishing could be a threat to the site or areas further offshore.

It was RESOLVED to defer a decision on management measures for the West of Walney MCZ until a decision from Defra has been received.

72 SCIENCE REPORT (Agenda Item 9)

The report covered

- a) Review of EMS
- b) North West Coastal Connections: National Grid work on routing options for 400kv cables from Moorside Nuclear Power Station
- c) Moorside - NuGen
- d) BMWG
- e) Shellfish Liaison Group
- f) Sefton Conference
- g) Liverpool City Region's Coastal Designated Sites Evidence Strategy Workshop

Other items included

1. MCZ. Tranche 3 consultation. Ribble/Wyre/Lune and Solway MCZ are proposed for designation to support recovery of smelt populations. Mr Manning said that smelt and eels are prevented from reaching their spawning grounds because of sluice gates and other barriers.
2. Small fish surveys (SFS). Dr Andrews questioned the benefits of this research saying that while officers may enjoy doing the surveys, the Authority does not have resources. He requested confirmation that resources required are justified and available. He further said he understood the importance of the surveys but was not clear on the objective, which species are of concern and which species occur within the IFCA District where action by IFCA is required. Officers reported that the surveys follow EA WFD methodology. All species caught are recorded. The methodology uses nationally agreed standard operating procedures to provide data which is nationally comparable. Officers have received training from EA in doing the surveys and identifying species. CEO objected to the assertion that officers are doing SFS because they enjoyed survey work and stated that there is a widely accepted understanding of the science underpinning SFS.
3. Fleetwood fishermen and Dong Energy. The Chairman reported on a lengthy meeting of IFCA, MMO, NFFO, Fleetwood fishermen and Dong Energy on 20th October. No agreement was reached and most fishermen rejected the offered compensation.
4. C-Bass Project. The NWIFCA currently has little data on population dynamics of bass in the District. Funding may be available for tagging studies but Cefas had missed the present round of EMF funding. Funding through Horizon 2020 may be an option.

5. Mersey Sediment Management Group, Peel Ports. Peel Ports have commissioned research to identify alternative sites for disposal of dredge material. The NWIFCA will be consulted.

It was RESOLVED TO Receive the report.

73 A.O.B. (Agenda Item 9)

1. Mr Jones proposed a project using acoustic ground discrimination as used by Menai Strait mussel dredge industry be adopted to verify cockles and mussel information provided by the hand gatherers. This could enable science officers to make decisions more quickly.

CEO suggested Mr Jones should discuss with Senior Scientist to see how it fits with science programme. Members agreed in principle and suggested Mr Jones produce a report for TSB with a recommendation for approval by the Authority.

2. Cockle and Mussel Fisheries. Dr Andrews requested a discussion at the Authority or next TSB on a review of Byelaw 3.
3. Charging Regime. Dr Andrews said all byelaw fees e.g. Byelaw 3 should be based on full cost recovery. Treasury advice may be needed.
4. Committee membership. Dr Andrews said he had proposed that Mr Manning should be invited to TSB Committee meetings and proposed that Mr Manning's involvement should be permanent. CEO said that current Standing Orders allowed all members to attend and speak at TSB and sub-committees can co-opt members to address technical issues. In any case membership is re-elected annually,

Meeting ended 1410 hours.