

45 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW COMMITTEE held at the Strathmore Hotel, Morecambe on 9th August 2016

PRESENT – MEMBERS

Dr J. W. Andrews	MMO appointee (Marine Environment)
Dr E. Baxter	MMO appointee (Marine Environment)
Mr C. Booth	MMO appointee (Marine Science/Environment)
Mr D. Clarke	MMO appointee (Fishing Industry – Cumbria)
Mr R. Graham	MMO appointee (Commercial)
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr B. Leigh	MMO appointee (Anglers and Recreation)
Councillor A. J. Markley	Cumbria County Council

NWIFCA OFFICERS ATTENDING

CEO, Head of Enforcement, Clerk, Senior Scientist, Science Officers Ms B. Vause and Ms A. Carroll

IN ATTENDANCE

Mr M. Johnston	Natural England
Mr J. Parr	MMO Officer

APOLOGIES FOR ABSENCE

Mr K. Thompson	MMO appointee (Commercial/Aquaculture)
Mr D. Ward	MMO Officer

46 APPOINTMENT OF CHAIRMAN (Agenda Item 1)

Members RESOLVED to appoint Mr R. Graham Chairman of the TSB Committee for the forthcoming year.

47 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 2)

1. The Chairman welcomed new members Dr J. Andrews and Mr D. Clark (MMO appointees).
2. The Chairman welcomed Mr M. Johnston who will be giving a presentation at Agenda Item 10, Mr J. Parr (MMO Officer) and visitors.
3. The Chairman welcomed Mr Joe Pickering, a Liverpool University student who has been working with the Clerk to gain information about the work of the NWIFCA.
3. Tabled correspondence. Agenda Item 7. Comments on Byelaw 11: Permit to Dredge 2016.

48 APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 3)

Members RESOLVED to appoint Mr Jones Vice-Chairman of the TSB Committee for the forthcoming year.

49 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST IN AGENDA ITEMS (Agenda Item 4)

Agenda Item. 7. Byelaw 11 – Permit to Dredge 2016. Dr J. Andrews, Mr R. Graham, Mr T. Jones
Agenda Item 8. Cockle and Mussel Fisheries. Dr J. Andrews, Mr T. Jones

Agenda Item 10. Mr D. Clarke, Mr R. Graham.
Agenda Item 12. Byelaw Review. Mr R. Graham

50 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 10TH MAY 2016
(Agenda Item 5)

1. Minute No. 37. (Attendance). Ms Vause's attendance at the meeting had not been recorded.
2. Minute No. 43 (Science Summary Report). It was pointed out that Cumbria Wildlife Trust has undertaken five successful years' monitoring of honeycomb worm at Heysham Flat rather than five successful research projects. The formal partnership between IFCA and WWT has been terminated. NWIFCA and WWT will continue to work together on projects but IFCA will no longer act in a supervisory capacity.

RESOLVED. Following agreed amendments as above the minutes of the TSB Committee meeting held on 10th May 2016 be approved and signed as a correct record.

51 MATTERS ARISING (Agenda Item 6)

1. Minute No. 43. Science Summary Report. North West Coast Connections – National Grid work on routing options for 400KV cables from Moorside Power Station. At the last meeting the MMO representative agreed to raise the point about poor liaison with fishermen with the MMO Licensing Department and report back to this committee. Mr. Parr was not aware but agreed to follow this up.
2. Dr Andrews said that concerns were raised that TSB membership lacked representation from the commercial fishing sector. The Chairman said the review of Standing Orders may address this.

NB: TSB has 12 members including 5 ex-officio (NE, EA, MMO, Chairman, Vice Chairman) and 7 other members. There are 3 commercial fishermen; (Messrs Graham, Jones and Clarke), 1 commercial aquaculture (Mr Thompson) 1 recreational angling (Mr Leigh) 3 'conservation' members (Drs Baxter & Andrews and Mr. Booth).

52 BYELAW 11: PERMIT TO DREDGE 2016 (Agenda Item 7)

The byelaw is intended to replace the emergency byelaw introduced in February 2016. MMO comments on the draft byelaw were tabled. Discussion covered:

- a. references to named vessels or vehicles and whether they should be required to be identifiable,
- b. issue of permits to named or nominated persons,
- c. a permit charging regime based on vessel size,
- d. returns procedure,
- e. limiting of vessel numbers,
- f. a clause on obstruction was needed.
- g. reference to an approved dredge as previous wording 'dredge should be of a design approved by the committee' was no longer appropriate.

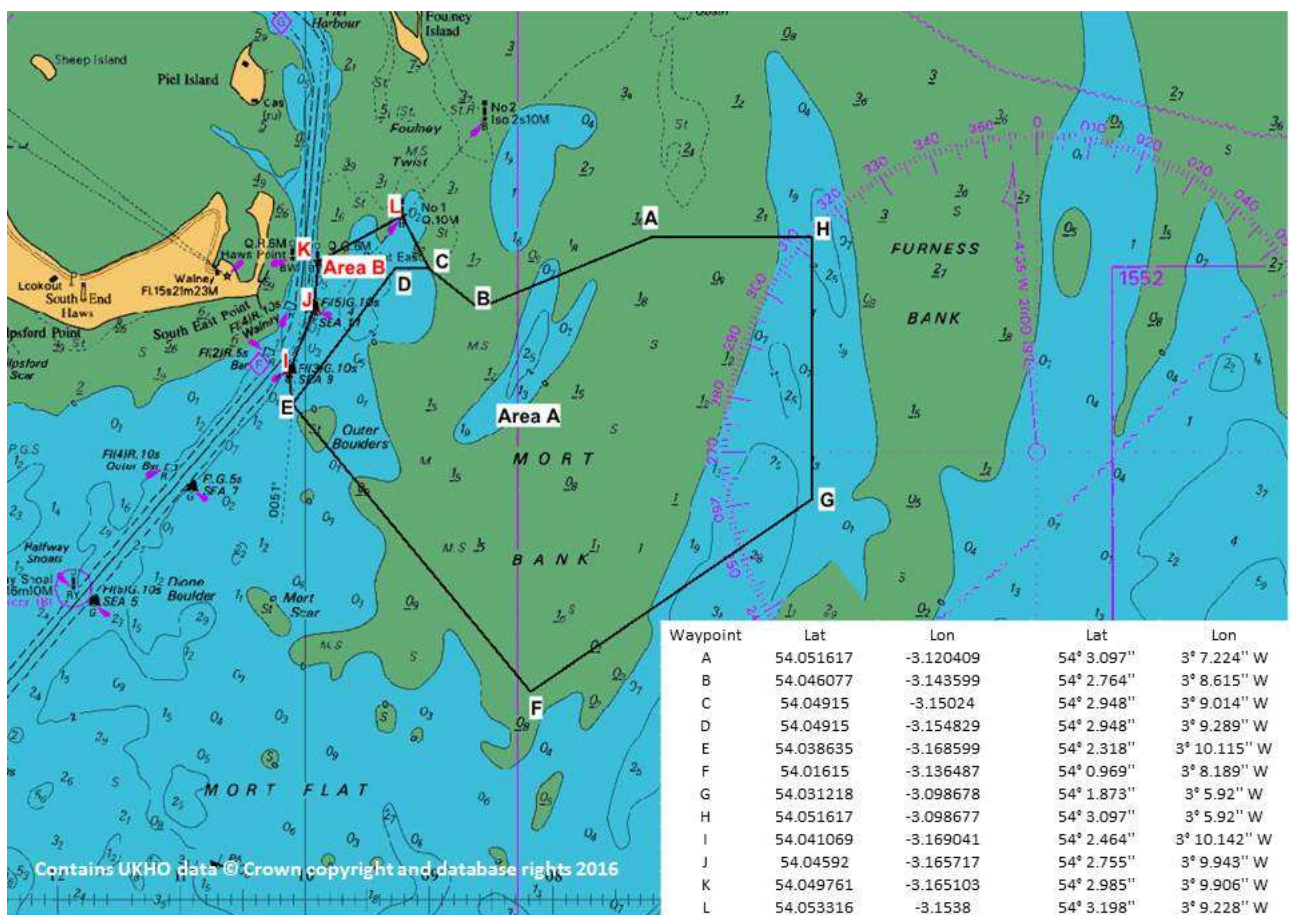
Following discussion it was RESOLVED to

1. Consult with industry and stakeholders on the draft byelaw.
2. Prepare and circulate to TSB members a further draft with a deadline for comments of 1st September and review progress at the September meeting of the NWIFCA.

Industry has withdrawn its request to dredge seed mussel at Heysham Flat. No consideration of Recommendation (d) of the report is required.

Perch Scar and Black Scar, Fleetwood. Opening of seed mussel dredge fishery was supported by BMWG on 8 August but would be subject to HRA and evidence of sufficient bird food resource for the winter. Concern was raised that the central part of the Fleetwood bed is 'hard in'. Officers confirmed the bed will not be opened until the mussel is ready.

Industry request to extend the seed mussel dredge fishery in north Morecambe Bay to Area B (see below). This was supported by the BMWG on 8 August as consensus was reached between hand gatherers and the dredge industry. Vessels must have acoustic ground discrimination equipment in order to avoid potential damage to sensitive habitats, and provide data acquired to NWIFCA and Natural England to improve knowledge of the substrates in this area. The map of the relevant areas was updated after the report was written and tabled as below.



A permanent fisheries and vehicular exclusion zone on the main area of honeycomb worm reef at Heysham Flat. The reef is very degraded this year. NE advise there is potential for long term damage to the reef from quadbikes and management will not be HRA compliant unless there is a fixed permanent exclusion zone prohibiting fishing and vehicular access. Members considered a 'permanent' exclusion was too inflexible. It was agreed to change this to a long term exclusion area with regular monitoring and subject to annual review.

NWSFC Byelaw 13A and CSFC Byelaw 18 closures on all cockle beds from 1st September. Surveys indicate some potential future cockle fisheries in 2017 but stock has not yet reached size. Members approved the closure of all cockle beds from 1st September. Further surveys will be carried out during September and the situation reviewed by the BMWG and TSB in October/November.

Flookburgh and Penfold North cockle beds: Fisheries are most likely in 2017 on these beds but further surveys required. Re-survey of Warton Sands and Pilling also approved.

It was RESOLVED to

1. Subject to HRA authorise opening of seed mussel dredge fisheries at Perch Scar and Black Scar (Fleetwood) when the mussels are ready.
2. Approve request to extend the seed mussel dredge fishery in north Morecambe Bay to area B for vessels with acoustic ground discrimination equipment.
3. Reject request to re-open Box 1 in north Morecambe Bay. The area to be surveyed by industry and reported back to BMWG and TSB for further discussion.
4. Approve a long term vehicular and fishing exclusion zone with regular monitoring and annual review of the main area of honeycomb worm reef at Heysham Flat
5. Approve NWSFC Byelaw 13A and CSFC Byelaw 18 closures on all cockle beds in the District from 1st September
6. Approve further surveys on Flookburgh and Penfold North before consideration is given to opening cockle beds.

54 SCIENCE REPORT (Agenda Item 9)

The report covered:

- a) Marine Conservation Zones (presentation by Mark Johnston (NE) to follow.
- b) Update on Review of Fishing Activities in European Marine Sites
- c) Small Fish Surveys work with Environment Agency
- d) Lobster Populations and Genetics Research
- e) IFCA Technical Advisory Group work programme
- f) North West Coast Connections – National Grid work on routing options for 400KV cables from Moorside nuclear power station
- g) MMO launch of the North West Inshore and Offshore Marine Plan areas
- h) Defra 25 year Environment Plan
- i) Bivalve Mollusc Working Group
- j) Cumbria Wildlife Trust – Marine Trainees attended a training day on the work of NWIFCA, cockle and mussel fisheries and *Sabellaria alveolata* reefs. The time series monitoring the honeycomb worm reef at Heysham Flat will not continue.
- k) Cumbria Coast MCZ *Sabellaria alveolata* survey – with NWIFCA Officers and one trainee is focusing on that area as a project, working in collaboration with NE
- l) Lancaster University sediment dynamics project studying Cockle Movement in Morecambe Bay

It was RESOLVED to Receive the report.

55 CHANGE IN AGENDA TO TAKE AGENDA ITEM 11

56 VESSEL PROCUREMENT UPDATE (Agenda Item 11)

Tender documents are close to completion. The final package will be sent to the Vessel Committee for approval before the tender is issued via the ECJ.

It was RESOLVED to Receive the report.

57 ADJOURNMENT OF MEETING

The Chairman announced an adjournment for lunch.

58 MEETING RECOVERED AT 1320 HOURS

59 WEST OF WALNEY MCZ AND FISHERIES MANAGEMENT (Agenda Item 10)

Mr Johnson (NE) gave a presentation on conservation features and reason for designation of the Tranche 2 West of Walney MCZ in January 2016. The site has a 'recover' conservation objective for subtidal mud and species such as seapens and burrowing megafauna. A large proportion of the site is co-located with the west of Walney windfarm. It extends from inside 6 to outside 12nm which creates a complex management regime requiring contributions from NWIFCA, NE, MMO, Defra, JNCC and the European Commission.

Defra expect management measures for the site in place by the end of 2018 and discussions with Defra, MMO, NE, NWIFCA, JNCC and the fishing industry will be required. Data is needed on fishing activity on the site.

The Chairman asked NE if they were able to provide co-ordinates of the mud areas in the designated MCZ.

RESOLVED

1. Officers contribute to data gathering and discussions on management measures
2. MMO be asked to make an MCZ byelaw covering the 0-12nm.
3. TSB thanks Mr Johnson for the presentation.

60 BYELAW REVIEW (Agenda Item 12)

The report outlined planned replacement of inherited byelaws with IFCA byelaws. Five NWIFCA byelaws have been introduced since 2011. Work is in progress on seven byelaws in a suggested order of priority. The focus is on development of flexible permit byelaws.

Defra is considering a national SI for lobster protection so work on the Authority's lobster byelaw is postponed until after the Defra SI decision.

The Chairman suggested consideration should be given to the formation of a sub-committee to review the byelaws.

RESOLVED

The revised byelaw review be approved.

61 BYELAW REVIEW AUDIT PROCESS (Agenda Item 13)

A new audit process for byelaw development was presented to put in place a clear and consistent approach to byelaw making. The audit process incorporates and extends the Defra guidelines. An audit for each byelaw in development will document decisions and progress.

Members found the proposed audit process to be useful and informative and noted that it should significantly increase the efficiency of the byelaw review process

RESOLVED

To further develop and implement the byelaw review audit process for new byelaw work.

Meeting closed at 1515 hours.