

220 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at Truckhaven, Scotland Road, Carnforth on 12th May 2015

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)
Mr T. Jones		MMO appointee (Aquaculture)
Mr C. Lumb		Natural England (Officer)
Councillor A. J. Markley		Cumbria County Council
Mr K. Thompson		MMO appointee (Commercial/Aquaculture)

OFFICERS

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

IN ATTENDANCE

Mr K. Mould	Mr G. Wood
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APOLOGIES

Mr A. Newlands	MMO (Officer)
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221 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

- 1, The Chairman announced apologies and welcomed visitors.
2. 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.

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

Agenda Item 9. Bivalve Mollusc Working Group. Mr T. Jones
Agenda Item 10. Boughton Estate Fishery Rights. Mr R. Benson, Mr T. Jones, Mr K. Thompson.

223 TO RECEIVE MINUTES OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE MEETING HELD ON 10TH FEBRUARY 2015 (Agenda Item 3)

Minute 217, page 7, paragraph 4. It was pointed out the word "authorisation" should perhaps be "authorising" and it was agreed to amend the minutes accordingly. Approval of the minutes was proposed by Councillor Markley and seconded by Mr Thompson.

RESOLVED

Following the above amendment that the minutes of the TSB Sub-Committee meeting held on 10th February 2015 be approved and signed as a correct record.

224 MATTERS ARISING (Agenda Item 4)

Minute 213(2) Matters Arising

Mr Jones informed members that the seed mussel dredge fishery in the Menai Strait has been through MSC accreditation and felt the Authority should be satisfied that the seed mussel dredging in Morecambe Bay is sustainable. Mr Jones explained the distinction between biogenic reefs and ephemeral seed mussel beds and pointed out that the seed mussel dredgers are only interested in fishing ephemeral beds. Mr Jones made reference to a Scottish report on MPA fisheries advice which also mentions the distinction between biogenic reefs and ephemeral beds. Ms Knott, Senior Scientist, asked for a copy of that paper and Dr Baxter also asked if a copy of the report could be sent to any interested member. Ms Knott asked for it to be minuted that her experience in this Authority is that the seed mussel dredge fishery in Morecambe Bay is sustainable if carried out responsibly by the industry, and is not particularly damaging to the environment. She was involved in work last year around the Marine Strategy Framework Directive, where mussel beds had been looked at as one of the factors used to assess good environmental health. Ms Knott had argued strongly that ephemeral mussel beds should not be used as they do not act in the same way as biogenic reefs and the assessment has explicitly excluded ephemeral mussel beds.

225 SCIENCE SUMMARY REPORT (Agenda Item 5)

The Senior Scientist presented the report on the work currently being carried out by the Science Team. Members discussed the various sections of the report as follows.

Survey and Fisheries Work.

Heysham Flat. There was a low level of activity on the bottom skewer where mussels have persisted over the winter and now reached size. Officers will need to carry out a survey to see what spat has settled.

Duddon Estuary Mussels. Still a lot of very big mussel there with good meat content and the bed is being worked by around 20 hand gatherers. Officers have been in discussion with National Trust around issues in their car park and a height barrier will be put up in the coming week.

Solway Firth Cockles. Officers have not been able to arrange a survey of the bed with industry due to poor weather conditions. Dr Baxter asked if TSB members could have a summary of the key points from the literature review into the impact of this type of fishing. Ms Knott said the Bivalve Mollusc Working Group is not looking at this at the moment but is concentrating on Morecambe Bay mussels, but that the TSB would be kept fully informed.

MCZ Tranche 2. Consultation on Tranche 2 sites closed in April and 2 sites within the NWIFCA District are being taken forward. The first is Allonby Bay which fits in the low priority work in terms of the Authority's overall MPA task load. The second is West of Walney which is co-located with the wind farm and has a 'restore to favourable conditions' objective. There may be fishery management issues with this area for officers to look at if it goes through to designation. A third site, Mud Hole, is not considered suitable for designation at this time. The Chairman reported that a meeting had been held in Northern Ireland in October 2014 which discussed re-designating the Mud Hole site to an alternative site 6 miles off St. Bees Head which would impact on small inshore fishing vessel operators in the North West of England. A further meeting had been held in Ireland the previous day. Mr Lumb said he attended the meeting last October as an observer. The Northern Ireland fishing industry was planning to submit alternative proposals and NE would be asked to provide scientific and conservation advice to Defra on any sites they were minded to consider. Mr Lumb was asked to keep Ms Knott informed on developments in order for her to represent fishing interests in the NWIFCA District.

Slipper limpets and biosecurity. Following a joint enforcement action IFCOs had found slipper limpets attached to live whelks being sold. This was reported to MMO who subsequently posted advice on their website that slipper limpets are not to be used as bait in recreational angling activities. Officers have also produced posters and visited angling shops to make them aware of the advice.

Power and Energy.

North West Coast Connections - National Grid work on routing options for cables from Moorside nuclear power station. NG preferred option is a tunnel under Morecambe Bay which is the best option from an environmental and fisheries point of view. Pylons or cable across the bay options may come back to the table if the Planning Inspectorate does not approve the tunnel option. Routing options around the Duddon are more problematical. The whole route from Moorside down to the Furness Peninsula needs further examination and there is a lot of pressure to look at the offshore option again.

West Cumbria Tidal Lagoon. Mr Roger Woods from Tidal Lagoon Power has been invited to make a presentation to the September meeting of the Authority on the project.

Project Inshore. Publication of the NWIFCA content of the report had been delayed until concerns and amendments had been incorporated. The final report will also include comments made by Mr Jones.

Morecambe Bay EMS Management Group. Ms Knott had agreed to take on the role of Chair of this group for six months on a trial basis and the Chairman questioned whether her workload would allow the time to do that. Ms Knott said she has realised it is not feasible to take on that role and will inform the group she is not able to continue.

Mr Jones asked for an update on the Ribble Estuary seed mussel fishery which is not mentioned in the report. Ms Knott apologised for this omission in the science report, and informed members that following a report from Lytham fisherman of a stock of seed mussel at the bottom of Seafield Road slip, officers had authorised a low level of fishery subject to HRA and had introduced a TAC of 20 tonnes. Returns were requested for each set of tides to inform officers when the TAC was reached. Morecambe fishermen had been made aware of the opening of fishery but had not shown any interest. Mr Benson said he was not aware of the fishery until he was approached by the fishermen as a buyer. He is in agreement with opening the bed under delegated powers but felt IFCA members should have been informed beforehand. The Chairman said delegated powers were in place to help officers and industry react quickly to circumstances but there may be occasions where a controversial issue would need to come back to the TSB for a decision. Mr Jones felt this was not satisfactory and suggested there should be a streamlined way of coming to a decision by email or special meeting to avoid the possibility of a resource being lost. Mr Lumb said the Bivalve Mollusc Working Group objective is to get management plans in place with the principles set out in those plans which the officers can then use under delegated powers to provide the streamlined management guidance.

Ms Knott asked members for a decision on whether the Authority should post information on the website and inform all permit holders by text and email each time there is a potential fishery. Following discussion members agreed that in future all Byelaw 3 permit holders should be informed by text and website notices of any potential opening of fisheries.

Ms Knott informed members that Ms Leadbeater would be leaving the service of NWIFCA in June. The Chairman said she has been an important member of staff and will be a loss to the IFCA. On behalf of the members the Chairman wished Ms Leadbeater well in her new position.

RESOLVED

1. The report be received.
2. Officers to inform all Byelaw 3 permit holders by text and website notices of any fisheries that are opening.

226 LOBSTER EMERGENCY BYELAW (Agenda Item 6)

The Head of Enforcement reported that in response to legislation introduced in February 2015 officers had implemented an emergency byelaw to replace the provisions in the original SI 1503 of 2000. The byelaw will remain in force for 12 months. A limited number of IFCOs have been cross-warranted to enable them to continue enforcement of EU technical measures as previously.

RESOLVED

The report be received.

227 BASS UPDATE (Agenda Item 7)

The Chairman reported that a meeting to discuss changes in bass legislation will take place in London on the 19th May.

The Head of Enforcement said the changes brought in were an amendment to EC Regulation 104/2015 which set the TACs and quotas for EU waters and brought in a recreational 3 bass per person per day bag limit for recreational fishermen. The legislation is not within IFCA normal legislation and IFCOs will be cross-warranted to enforce the regulations.

RESOLVED

The report be received.

228 BYELAW REVIEW – BYELAWS 9 AND 10 (Item 8)

The Senior Scientist reported on ongoing work to progress the review of NWIFCA byelaws. Further work is needed on the hobby permit byelaw for fishing for lobster, crawfish, crab, prawn and whelk (Byelaw 7) and it is hoped to bring this to the next TSB for full discussion and approval.

Ms Knott gave some background to Byelaws 9 (Restriction on fishing for shrimps and prawns) and 10 (Measures for the protection of Lobster). Members' comments on Byelaw 9 were sought and IFCO S. Brown pointed out a mesh size for the intertidal fisheries is required under byelaw. At present there is no mesh size in the Cumbria SFC byelaws because it is not predominantly an intertidal fishery.

With respect to Byelaw 10 officers were originally looking to include lobster protection measures in Byelaw 7. It was felt these measures were needed for all fishing, not just hobby fishing and that there should be a separate byelaw for the protection of lobster. Byelaw 10 consolidates byelaws from both the old NW&NW and Cumbria SFCs. Prohibitions in the byelaw includes protection for berried lobsters, v-notching, minimum size and escape gaps. Ms Knott has been made aware that the proposed measurements shown in the byelaw for escape gaps is slightly incorrect and officers recommend this be increased to 80 x 46 x 100mm. The byelaw will be amended accordingly. With members' approval the byelaw will go to informal consultation before taking to the full Authority to be 'made'. It is intended to phase in the measures for escape gaps over a period of time to lessen the impact to industry.

RESOLVED

1. The report be received.
2. Members approve the work of Officers
3. Members approve the recommendation to proceed with informal consultation on Byelaws 9 and 10, taking them forward for making by the Authority at the earliest opportunity.
4. The view of the MMO legal team be sought on the proposed Byelaws 9 and 10.
5. Members approve further work on the drafting of Byelaw 7 to be brought to the next TSB Sub-Committee meeting.

229 BIVALVE MOLLUSC WORKING GROUP (Agenda Item 9)

Ms Knott provided a verbal report on the first meeting of the Bivalve Mollusc Working Group held on 30th April 2015. At that meeting the Terms of Reference were agreed, also the number of representatives for the seed mussel dredge and hand gathering sectors. There is currently a lack of representation from the academic/scientific sector on the group and members were asked to make officers aware of anyone in that particular sector who might be interested in membership of that group.

Items discussed included presentation of a draft management plan. Comments had been received and the plan will be revised and a further draft produced for a future meeting of the group. Other items discussed included circulation of a table on hand gathering access points for intertidal fishing which will be reviewed with NE and fishermen, ephemeral beds and areas for dredging and hand gathering. A map giving the co-ordinates of the old Morecambe Bay Fishery Order area would be circulated. The meeting agreed in principle that what can be hand gathered is, and what cannot be hand gathered is dredged, with a requirement for flexibility depending on stocks. NE has agreed to provide information on bird food and habitats requirements to assist with Habitats Regulations Assessments.

The next meeting of the BMWG will be late June or early July.

RESOLVED

The report be received.

230 BOUGHTON ESTATE FISHERY RIGHTS (Agenda Item 10)

The Chief Executive reminded members that this matter had been referred to the TSB from the March meeting of the Authority. Advice from the solicitor dealing with this matter on behalf of the Authority is that the Authority does not need to take any further steps in relation to Boughton Estate and that the Authority has full power to enforce its byelaws against all persons fishing for wild fish in the waters of Morecambe Bay. Dr Atkins had received an indication from Defra that an application for a Several Order had been received from Boughton Estate. It is now understood this is not the case and Mr Mark Oddy, the Boughton Estate factor, has asked that members be made aware of that.

Mr Jones referred to recommendation 2 in the report and asked if members could be informed of the status of the proposed sites identified, whether they are active, their scale and whether they are on private land. Ms Knott confirmed they are all on private estate land and could have similar implications for the Authority to that of Boughton Estate. Officers have started dialogue with those estates to clarify the situation. It is not clear at

present whether responsibility for carrying out HRAs under the EMS review lies within the aquaculture operator or with the Authority.

The Chief Executive pointed out there were two sites in particular, Muncaster Estate (Ravenglass Estuary) and Roa Island Boat Club, where land owners claimed fishery rights. They have not provided the Authority with evidence of those rights and members felt the situation should be clarified. Mr Jones suggested that unless the Authority establishes good lines of communication with all the estates identified, the potential for a situation arising similar to that of Boughton Estate is quite significant.

Dr Atkins informed members that Mr Oddy had proposed a compromise on the application of the byelaws over Boughton land. A byelaw is a piece of secondary legislation and once it has been signed off by the Minister the Authority has to comply with it in the same way as everyone else. The Authority is unable to compromise on application of byelaws but it can give derogation for the removal of undersized mussel subject to HRA and environmental assessment. The Authority is willing to work with the oyster operation to enable them to carry out their operations and move mussels when they need to and is supportive of aquaculture operations throughout the district.

RESOLVED

The report be received.

There being no further business the Chairman thanked members for attending and declared the meeting closed at 1220 hours.