

50 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE on 7th NOVEMBER 2023 AT TRUCKHAVEN , CARNFORTH 10.00 AM.

PRESENT – MEMBERS

Mr B. Leigh	Chair	MMO Appointee
Mr R Benson		MMO Appointee
Mr S. Brown		MMO Appointee
Mr S. Manning		MMO Appointee
Mr L. Browning		Natural England
Ms. E Wyatt		MMO
Mr J. Turner		Environment Agency

NWIFCA OFFICERS ATTENDING

M Taylor CEO, J Moulton HOE, A Plumeridge SS, A Nicholson Clerk,

MEMBERS OF INDUSTRY PRESENT

Mr T Manning, Mr M Rawlings,

51 APOLOGIES FOR ABSENCE

Dr J Andrews, Mr P Capper, Mr N Baxter, Mr K Thompson, Dr C Mihailovici

52 CHAIR'S ANNOUNCEMENTS (Agenda Item 1)

The Chair thanked everyone for attending and welcomed members of industry present
He reminded members to sign the attendance register and to complete Declarations of Interest slips

53 DECLARATIONS OF INTEREST (Agenda item 2)

No declarations of interest had been received prior to the meeting. The Chair reminded members to declare any interests prior to speaking on an agenda item. Mr Manning then declared an interest in agenda items 7, 8,9 11 and 13, Mr Benson declared an interest in item 7

54 MINUTES OF TSB MEETING 15th August 2023 (Agenda item 5)

RESOLUTION: TO APPROVE THE MINUTES AS A TRUE AND ACCURATE RECORD OF THE MEETING

Proposed: S Manning, Seconded: S Brown All in favour, carried

55 MATTERS ARISING FROM MINUTES (Agenda item 4)

Mr Manning enquired about stakeholder events. CEO informed the committee that events had been scheduled for Whitehaven, Wallasey and Rampside in Barrow throughout November.

56 BYELAW UPDATES – (Agenda Item 5)

HOE reported that the Byelaw 1 MCRS had now been signed by the Secretary of State and we were now able to progress with communications an implementation. This enables regulation of minimum landing sizes across several species and consolidates other existing byelaws.

The Netting Byelaw has been drafted and it nearly ready to open consultations on, this will be brought back to TSB at its February meeting.

57 BYELAW 3 WAITING LIST (Agenda Item 6)

HOE presented a paper on proposed changes to the Byelaw 3 Waiting List. To comply with GDPR we must regularly review the data we hold on our systems, therefore we are moving to a much more formal approach than has previously been in place. There are currently 249 people on the list and all will be contacted and asked to complete the official Waiting List Application Form, deadlines will be set for completing and returning the form to our permit office in Whitehaven. There is a likelihood that a small number of people will not complete their forms for a variety of reasons and that will shorten the list a little. There is also a separate application form for those aged 12-16 years who are now eligible to be included, but there is not a fast track process for them to gain a permit. Other options are open to discussion such as 'use it or lose it' or to potentially nominate a family member to take on a permit that is being relinquished.

Further to discussions with the Home Office we are not allowed to ask for Eligibility to Work in UK, but any suspicious activity will be Intel led.

An update on this exercise will be reported on at the next meeting.

THE REPORT WAS RECEIVED

58 SURVEY AND INSPECTION REPORT (Agenda Item 7)

Senior Scientist presented her report. The full survey results were attached to the report for information. Flookburgh was resurveyed as per the committees request but the overall biomass remains below the threshold to open the fishery, this extends to the rest of Morecambe Bay, under the current regulations. Mr Manning asked how the cockles were measured and went on to question the methodology. CEO pointed out that continuously querying the results and undermining the work officers undertake is not helpful. Mr Brown requested that only gauges are used in future as a standard measure, Mr Manning commented that surveys are made too complicated and that his own onsite inspections offer a different perspective and disagrees with the report's recommendations. The options to amend the cockle open season dates is a separate agenda item.

Mr Benson asked how the areas to be surveyed is decided, Senior Scientist responded and clarified that very large areas of the beds are covered.

RESOLUTION: TO RECEIVE THE REPORT AND RELATED INSPECTION NOTES

Proposed: B Leigh, Seconded: J Turner 3 in favour, 2 abstentions, carried

RESOLUTION: TO APPROVE THAT THE COCKLE BEDS AT FLOOKBURGH REMAIN CLOSED UNTIL 1ST SEPTEMBER 2024 (SUBJECT TO THE COCKLE OPEN SEASON REVIEW) UNDER BYELAW 3 PARA 15

59 SCIENCE REPORT (Agenda Item 8)

Senior Scientist referred to her report updating the committee on work undertaken in the last quarter.

Work on the new permit database continues and are hopeful this will go live early in the new year.

Officers have completed theory and practical training in drone operation and now work can begin in developing survey methodology for 2024. The drone will enhance the capability of surveys and reporting, and the Chair asked if this would enable more visual presentations at meetings rather than paper graphs and photographs etc.

A new sampling schedule for determining the maturity of whelks has been developed, the plan for fishers to provide samples for sizing etc has had a low uptake but analysis has been done on the few samples received. CEO informed members that a possible legal

challenge may be brought against the Authority regarding the proposed changes to whelk MLS.

Discussions have taken place with Natural England regarding the development of a Memorandum of Understanding relating to the HPMA at Allonby Bay and a preliminary method statement has been drafted. NWIFCA will lead on collecting data from fishers and undertaking potting surveys..

There has been a lot of work carried out in the development Fisheries Management plans to which NWIFCA is contributing. Officers are working alongside the AIFCA to contribute to the national cockle management plan, which is to include several cockle fisheries around the country. The Chair said it was important that the FMPs did not solely concentrate on cockles and mussels and there are wider species to be considered.

Officers have responded to recent consultation requests from Morecambe Bay Offshore Windfarms. Mr Brown pointed out that although the windfarms are outside our area they are in breeding areas which have a knock on effect on the nursery areas within our jurisdiction.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: R Benson, Seconded: S Brown, all in favour, carried

60 MUSSEL MLS (Agenda Item 9)

Senior Scientist referred to her report which provided in depth details on the timeline of the MLS study, consultation, and results. Mr Manning declared an interest in this item. The Chair thanked the team for their work on this item.

Mr Manning felt that the report was too little too late and there was now little to no value in the mussels. Mr Benson said that the beds had been fished but they had not been paid due to the poor quality. Mr Brown added he would accept the report but had concerns over area 3 which is difficult to enforce due to lines splitting the beds he suggested that this issue be taken to the Byelaw Strategy Working Group for further discussion and feed into the mussel management plans.

Mr Benson asked why there are only issues with pearling in that area and could further research be commissioned to ascertaining the causes. Mr Tim Manning said the main issue was the duration the mussels have been on the bed and should be allowed to remove the mussels before pearling and barnacles occur, making them unmarketable and suggested 40mm be more appropriate. The Chair said that the original request was to look at reducing MLS on localised beds only and not across the board. Mr Browning concurred with the results of the report.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: B Leigh, all in favour, carried

RESOLUTION: MUSSELS REMAIN AT 45MM MLS

Proposed: B Leigh, 4 in favour, 3 abstentions, carried

61 PENFOLD COCKLE FISHERY UPDATE (Agenda Item 10)

HOE updated members on Penfold Cockle Fishery. The bed opened on 30th October under flexible permit conditions. It has proved very difficult to get the fishery opened with partner agencies and ancillaries with buyers being asked to source their own tonning up sites. There have been low numbers of gatherers approximately 20-30 fishers, there has been a

low uptake and landings. The price being paid for cockles has reduced and will continue to decline. Access only is permitted at Haul Road and officers have been present at all tides monitoring TAC and returns.

Mr Rawlings commented that fishers are not looking to make 'millions of pounds' but £100 per day is a decent wage, he went on to ask that if in future could members of industry be invited to attend the multi-agency meetings prior to the opening of a fishery. Mr Manning went on to say that the access conditions were poor, he also queried the reference to breeding Redshank, Mr Browning said that access had been determined by the HRA to protect the saltmarsh and its inhabitants.

Mr Brown offered congratulations where they are due. He referred to Southport Council byelaws which do not apply to fishermen but went on to say that public liability cover was required as access crosses a public highway.

CEO added that this fishery had been an eye-opener for him realising the amount of effort put in by officers to open the fishery, it has not been helped by differing requests from members of industry, some wanting the fishery open and some to have it remain closed. Officers always act on the resolutions passed by the Authority. Mr Brown referred to a document titled Guidance To Councils. It has been suggested and will be explored further a Memorandum of Understanding be drafted with our partner agencies.

62 COCKLE FISHERIES OPEN SEASON DATES (Agenda Item 11)

At the August meeting of TSB members discussed amending the opening times for the cockle fisheries and if there were grounds for making an amendment. The report provided context and background to this request.

This item was for discussion only with no recommendations or resolutions sought at this meeting. Nationally typically cockle fishery open dates have been set to protect spawning species and over winter feeding birds. Survey dates, tides and meeting dates have determined our open season. HOE said that Byelaw 3 would require amendment. Ms Wyatt from MMO asked if alignment and crossing over with other national fisheries could be beneficial. Mr Brown provided further background to the current system referring to background political issues. CEO referred to the upcoming national cockle management plan would spread the season throughout the country. Mr Manning felt there would be endless permutations to this issue as there would be numerous opinions across permit holders. Mr Browning referred to other open season dates working with surveys and added that other fisheries have TACs and that could be required until a new data set be built up.

There will be a wide stakeholder consultation including permit holders, members of industry and buyers etc., prior to making any decisions. The Chair asked for informative data to be provided by the consultation rather than just opinion and be brought back to the next meeting.

63 NEXT MEETING DATES (Agenda Item 12)

Members were asked to consider not setting TSB meeting dates for the whole of 2024 in advance. Current meeting dates have impacted on accurate up to date information being available to write reports within the statutory notice period for issuing papers. It was suggested that setting the next meeting date at the end of each meeting could be beneficial.

It was agreed to hold the next meeting on 6th February 2024 to be held in NWIFCA Carnforth office.

64 DEFINITION OF EPHEMERALITY (Agenda Item 13)

The Chair requested affirmation of the definition developed by the BVMWG in 2017

'Certain conditions need to occur for the NWIFCA to authorise fishing of seed mussel, namely that the stock has been assessed as in imminent likelihood of being lost to the fishery through natural causes, and subsequently that a high proportion of it will not grow through to reach size; and that conditions pertain to fishing being possible without risk of damage to the cobble and boulder substrate conservation features. These include:

settlement in high abundance and density, and;

- *fast growing and high deposits of pseudofaeces (mussel mud), and;*
- *the mussel mud becoming very soft and loose and at risk of being washed out, taking the mussel with it;*
- *or dense settlement being heavily predated on by of starfish.*

The fishery is highly variable depending on the vagaries of the stock, and the changes in the dynamic environment of the north west coast and have to be assessed on a year by year basis.'

The report contained inspection criteria and reasoning.

Mr Browning said he considered the inspection criteria appropriate, he felt that these should be split into ephemeral beds and seed mussel beds, he added that not every criteria needs to be met to determine its status. Mr Brown said there is no substitute for local knowledge and historical, and geographical data. Mr Manning stated that there was a difference between mud and mussel mud which must be considered, also the impact of dredging.

Mr Turner asked if members were happy with the definition, if so, the criteria can be discussed at a future meeting. Mr Browning asked that the second bullet point in the definition be split into two. CEO said this would be revisited and a second draft be brought to next meeting.

THE REPORT WAS RECEIVED, NO VOTE WAS TAKEN.

65 ANY OTHER BUSINESS (Agenda Item 14)

Mr Brown referred to the use of Limestone in the construction of sea defences at Rossall Road. CEO asked MMO to check if a marine licence had been issued and if details of products used had been detailed.

The Chair thanked everyone for attending – meeting closed at 14.50