

85 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE ON FRIDAY 24 MAY 2024 AT TRUCKHAVEN, CARNFORTH 10AM

PRESENT MEMBERS

Mr. B. Leigh	Chair	MMO Appointee
Mr. N. Baxter		MMO Appointee
Mr. S. Manning		MMO Appointee
Mr. S. Brown		MMO Appointee
Mr. K. Thompson		MO Appointee
Mr. P. Capper		MMO Appointee
Mr. S. Johnston		MMO
Mr. L. Browning		Natural England
Mr. J. Turner		Environment Agency

NWIFCA OFFICERS ATTENDING

M. Taylor (CEO), J. Moulton (Head of Enforcement), A. Plumeridge (Head of Science), A. Nicholson (Head of Administration), C. Silverwood (Admin Officer), S. Reid (Admin Officer).

MEMBERS OF INDUSTRY PRESENT

Mr. M. Rowlings, Mr. C. Bryden, Mr. M. Hughes, Mr D. Mustoe, Mr. E. Mossman, Mr. L. Wells, Mr. G. Pidduck, Mr. M. Wilson, Mr. C. Harmes, Mr. P. Harrison, Mr T. Jones

86 APOLOGIES FOR ABSENCE

Mr. R. Benson

87 CHAIR'S ANNOUNCEMENTS (Agenda Item 1)

The Chair extended a welcome to all members present. He reported that Dr. Andrews had resigned from the Authority due to other commitments. He thanked Dr. Andrews for his time and contributions during his tenure.

The Chair welcomed all members of industry present and explained that they would be invited to ask questions or make comments and requested that they introduce themselves before speaking.

The Chair reminded members to sign the attendance register and complete declarations of interest slips if required.

88 DECLARATIONS OF INTEREST (Agenda Item 2)

Mr. Manning declared an interest in Items 7,8 and 9.

89 MINUTES OF TSB MEETING 6TH FEB 2024 (Agenda Item 3)

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

Proposed: Mr. Thompson, Seconded: Mr. Capper All in Favour, Carried

90 MATTERS ARISING FROM MINUTES (Agenda Item 4)

Mr. Jones commented on the definition of ephemerality on page 7 which was noted at this time.

91 MINUTES OF EXTRAORDINARY TSB MEETING 6TH MARCH 2024 (Agenda Item 5)

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

Proposed: Mr. Brown, Seconded: Mr. Johnston, All in Favour, Carried

92 MATTERS ARISING FROM MINUTES (Agenda Item 6)

There were no matters arising

93 NETTING PERMIT BYELAW UPDATE (Agenda Item 7)

HOE welcomed members and referred to the Netting Permit Byelaw report which had been distributed prior to the meeting. HOE highlighted key elements of the report in a brief overview. HOE summarised the stakeholder survey results which covered their views on the current regulations and what they might like to see in the future. The report concluded with 5 recommendations to be voted on by members.

The CEO stated that this byelaw is about delivering a byelaw strategy which the Authority agreed, and it would give the Authority the ability to manage the fishery. The new byelaw would give the Authority the ability to be more responsive and remove the regulations which do not reflect the current situation. The byelaw would enable the Authority to deal with the 26 bass nets issue which has been a historic problem. The byelaw would revoke nine byelaws and amend one more, helping the Authority to create a more dynamic but simplified approach to netting.

The Chair thanked the HOE for his work on the document. The Chair suggested that each recommendation was discussed individually.

a) Agree the method for implementing seasonal closures in rivers and estuaries.

Mr. Brown asked for clarification on the terms 'carriage of nets' on Page 3 and suggested that it needed to be more specific especially in relation to areas up stream of the River Mersey. The HOE highlighted that there was an issue with paragraph numbers in the proposed byelaw document and directed Mr. Brown to the relevant paragraphs.

Mr. Johnston asked if any issues were raised by the commercial fishers during the consultations on the Wirral. The HOE replied by explaining that their feedback was used to create this part of the byelaw and the consultations had been productive. Mr. Johnston stated that the MMO had no issues with spatial closures in the Mersey.

The Chair asked for members to raise any issues they had with implementing seasonal closures on the River Dee. Mr. Brown felt that this byelaw is a permissive byelaw and not a prohibitive byelaw. Discussion took place around the proposed closed and open areas of the River Dee. Mr. Brown felt that the Environment Agency would not allow the area to be open due to migratory fish and further discussions with other Authorities is needed. HOE responded to Mr. Brown's concerns by explaining that consolidating closures across the district would offer more protection for migratory fish. The CEO noted that the Byelaw does potentially contradict the NRA Byelaw 5 and added that the closed areas are flexible and that no members of industry attended consultation meetings.

Mr. Brown asked how the closed areas compared with the Bass nursery areas. The HOE explained that the Bass nursery areas sit outside of this legislation due to it relating to other methodologies.

Mr. Capper asked for clarification on the use nautical charts for the mapping and not ordnance survey maps. Discussion took place around the use of nautical charts and ordnance survey maps. HOE has used ordnance survey maps to keep information simple and this could be amended if required to include latitude and longitude. Mr. Capper stated that electronic navigational systems on boats will use nautical charts which do not correlate with ordnance survey maps. HOE explained that latitude and longitude measurements were given on spatial areas.

Mr. Browning highlighted that the Ribble Estuary closure area had been taken from the old Environment Agency Byelaw which was drawn up before the shoreline was realigned. Mr. Browning stated that Natural England are fully supportive of flexible byelaw approach and rationalisation exercise.

The Chair opened the meeting up to members of the public however no further comments were made.

b) Agree the proposed permit fees as set out.

The Chair referred to the permit fees set out in the byelaw and welcomed comments on the proposal.

Mr. Johnston referred to the fee of £1,000 for commercial fishers. He felt the industry was already under pressure due to national regulations and asked how the proposed fees compared with other IFCA's. The CEO explained that the proposed fees are a starting point and how the Authority had come to each figure.

The Chair asked for clarification on cost recovery, whether it by an aspiration or a requirement for full cost recovery. The CEO responded that it was a direction from Defra, but the Authority cannot compare its permit fees with other IFCA's because there is no clear national approach.

Mr. Thompson asked if fishers had indicated what they would consider an acceptable permit fee amount. Mr. Johnston responded that fishers had not suggested an

acceptable cost. Mr. Brown felt that the proposed fees were morally obscene, and fishers should only be charged for the cost of their tags.

Mr. Manning raised points on the 26 bass permits issued to commercial fishers and how they would be allocated. The Chair responded by saying that it would be based on track record. The CEO gave further information on the process including the appeal process. Mr. Manning felt that the process would be difficult due to a lack of official records.

Further discussion took place on Category 3 permits and their use of 100 metres of net. The CEO said that having flexible permit conditions allowed the Authority to be reactive and respond to issues as they arise. Furthermore, nets would be tagged allowing identification.

The HOE explained that stakeholders had given some points for consideration. Every stakeholder who had responded to the feedback was not in favour of £1,000 fees for commercial fishers. They felt that the amount paid by potters was more amenable. The CEO said that he had received three email representations from members of industry, all of whom wished to share their disapproval of the permit fees.

Discussion took place around cost recovery and if it covers just the administration of the permit or if it covers enforcing the byelaw. The CEO said this was open to debate.

Mr. Johnston raised the point that on Category 2 the wording needed to be checked. as it only refers to fixed gill nets. Currently, commercial fishers are tightly regulated and must report back to the MMO. Under the new byelaw there are no catch restrictions and no reporting period. The CEO said this detail is the next stage and there will be a bass entitlement limit.

The Chair invited the public to add to the discussion. Mr. Pidduck stated that there is no justification for the figure proposed.

c) Agree to the proposed direction with revoking the EA byelaw and including prohibitions for fishing above spatial areas other than with rod/line.

The Chair asked for any comments to be made on proposal c but there were no comments from members or from the public.

d) Agree to the amendments for the NRA byelaw 5 excluding the NWIFCA areas from paragraphs relating to netting.

The Chair asked for any comments to be made on proposal d but there were no comments from members or from the public.

e) Members approve the byelaw for making at the June Authority meeting.

The Chair suggested that changes need to be made to the draft from the information which had been gathered from this meeting, he suggested that amendments are made

and then circulated to TSB members prior to the June Authority meeting. Members will then be required to email votes in responses to the amended byelaw. The CEO agreed with this course of action but requested that members respond to the email vote with clarity.

The Chair invited members to suggest make an alternative fee regime. Mr. Capper asked for information on the cost of fees which only cover the direct administration permit costs rather than global costs. The CEO stated that the estimated cost for administering the permits were £11,000.

The HOE stated that the Authority can amend fees after consulting with permit holders. The CEO said that there is no knowledge of how many Category A, B and C permits will be requested and other Authorities have started with lower permit fees and then made subsequent changes. Mr. Johnston gave additional context that the cost of a haff net licence for the Solway Firth is £120. The HOE stated that from consultations he had obtained that commercial fishers would be happy with fees of around £200.

The CEO stated that permit fees which covered only the administration costs would be:

- Category 1: £146.66
- Category 2: £36.66
- Category 3: £7.33

The CEO proposed permit fees of:

- Category 1: £150
- Category 2: £50
- Category 3: £10

The Chair reminded the members that the Authority are creating the permit fees without a knowledge of how many permits will be issued and how difficult it will be to enforce the fishery. Therefore, the proposal should include some detailing of how the fees could be increased in subsequent years.

It was concluded that the byelaw should be track changed in relation to what was discussed in the meeting. The amended byelaw will be sent to members and there will be an email poll vote.

The Chair proposed that the byelaw draft be updated with tracked changes to reflect the necessary changes and numbering of its provisions. That the revised draft be circulated to members by e-mail and that members then vote by poll as to whether the draft should be taken to the AGM for approval.

Last, that the proposed permit fees be reduced as agreed at the meeting:

- Category 1: £150
- Category 2: £50
- Category 3: £10

The sub-committee understands that the fees may be varied to more accurately reflect operating costs going forward.

Proposed Mr. Leigh, All those in favour, Carried.

94 SURVEY AND INSPECTION REPORT (Agenda Item 8)

Cockle Surveys

HOS reviewed the process of cockle surveys, provided details of the area surveyed and the results of the surveys. HOS stated that NWIFCA manage Morecambe Bay as a protected area, so the area needed to be looked at as a whole rather than particular cockle beds. The NWIFCA Officers have undertaken the surveys early to facilitate an early opening of the cockle beds, as agreed at the previous TSB meeting.

The HOS read through the summary of her report on Page 13. The recommendation from the information gathered is to keep the cockle bed closed this July and to re-survey the cockle beds in July for a possibly September opening. The recommendation is based on the factors noted on Pages 13 and 14 of the report presented.

The survey results were published on the NWIFCA website prior to the meeting, and an informal consultation process with members of industry was started on May 17th. The HOS acknowledged that members of industry had only had around 6 days to look at the findings and respond, however this was unavoidable due to the turn-around time between completing surveys and submitting TSB papers. HOS fed back on the informal consultation responses.

The Chair thanked Anna for her report and invited questions from members.

Mr. Manning queried if the report and the consultation was for the whole of Morecambe Bay. The Chair referred to an email which had been sent from the CEO which had explained the survey process. Mr. Manning felt that at Pilling and Middleton there was a large area of size cockles as seen on Pages 48 and 50 of the report. The HOS responded to Mr. Manning's point by explaining that while there is size cockle it is highly mixed with undersize cockle. The number of cockles on Middleton has reduced in comparison with the previous year when the bed remained closed, however Pilling is looking more favourable.

Mr. Brown asked the for the views of industry.

Mr. Wells explained that he took a sample from Flookburgh and seven out of the 10 cockles would not pass through the gauge and the remaining three would be at size by July. He felt that the quantity of cockles was high and there was a good number of cockles at size. He queried if leaving the cockles until September would make much difference.

The HOS explained that the cockle beds surveyed in May would have an extra four months to grow to size, and there were patches of nearly size cockle. However, the patches were highly mixed and there were not discrete areas of size cockle currently

present. The CEO expressed that there is uncertainty due to this being the first time the NWIFCA have surveyed so early. However, the surveys have provided the NWIFCA with data on growth rates from Spring to Summer, and this information can be used for future comparisons.

Mr. Bryden raised two problems with leaving the cockle bed closed until September. He felt that an influx of fresh water and increased heat could destroy healthy cockles.

Mr. Brown stated that in practice at least 60% of cockles are required to be at size to work a riddle effectively. However, it is serious risk leaving the cockles over the summer.

The CEO reminded members that they are deciding on if the cockle beds should open now or if they should be re-surveyed for a potential September opening.

Mr. Thompson felt that stocks of cockles need thinning out and he would be voting for the cockle beds to be opened in July.

Mr. Turner asked the HOS what the implications on time would be if the NWIFCA were required to re-survey the cockle beds. The HOS explained the work required to re-survey, process and analyse the cockle beds would affect workflow in other projects and fisheries.

Mr. Browning said that Natural England agreed with the recommendation.

Mr. Rowlings expressed that some people who responded to the informal consultation and who voted 'no' to opening the cockle beds in July might have permits in Wales for example.

The Chair concluded the discussion by expressing that he felt that the surveys had provided objective evidence of the growth rate of cockles. The Authority had conducted these surveys to be responsive to the needs of industry, but the members must be sensible and ensure a sustainable fishery can be maintained.

RECOMMENDATION: TO APPROVE THE FOLLOWING:

- A) RECEIVE THE REPORT AND RELATED SURVEY AND INSPECTION NOTES.
- B) TO APPROVE THAT THE COCKLE BEDS IN MORECAMBE BAY COCKLE REMAIN CLOSED FOR THE REST OF THE CLOSED SEASON, AND THAT OFFICIERS UNDERTAKE FURTHER SURVEYS IN JULY, WITH THE VIEW TO BRINGING A RECOMMENDATION FOR SEPTEMBER 1ST OPENING TO THE AUTHORITY BY AUGUST TSB MEETING.

Proposed: Mr. Leigh, 6 in favour, 1 against and 2 abstentions, Carried.

Mussel surveys

The HOS reported on the mussel survey locations from this quarter. The team have tried three times to access South America however, it has not been possible to access by foot due to changes in the channels. The drone has been used to take photographs of the area, but boat access is required to gain further information.

The HOS summarised the findings from her report which had been circulated prior to the meeting. The chair invited questions from members.

Mr. Manning stated that he did not see the point of surveying Foulney. The HOS explained that the continued surveying of Foulney helped to keep a historical record and the data has been required by Natural England recently when creating the bird food model. Mr Manning felt that the Science team had not surveyed enough of Low Bottom.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: Mr. Leigh, Seconded: Mr Capper 8 in favour, 1 abstention, Carried

95 Science Report (Agenda Item 9)

The HOS summarised the Science Report which had been circulated prior to the meeting. The Chair invited questions from members.

Mr. Browning offered further information around the oral histories project. Cumbria Wildlife Trust have undertaken similar work over the last couple of years. The HOS asked Mr. Browning if he had the contact details for the oral histories project lead in the Cumbria Wildlife Trust.

The CEO commented that the HOS produces a report eight times a year for both TSB and Authority meetings. The Chair suggested that the HOS produced a precis and/or a verbal report. Mr Capper remarked that the HOS resubmitted the same report for Authority with more information added. The Chair opened the discussion to members. Mr. Turner was more than happy to receive a paper copy as it is now and then it is presented at the Authority meeting. Mr Baxter felt that a verbal report was more than adequate for the TSB meeting. It was agreed that the HOS will move to producing a verbal report at TSB meetings and a written report at Authority meetings.

The Chair commented on the use of drones and expressed his hopes for the drones to be fully utilised for survey work.

Mr Manning commented on the work taking place on shrimps. He felt a full chemical analysis of the waters in Morecambe Bay would be beneficial. He expressed his wishes to find out why there are declining numbers of shrimps in Morecambe Bay so the information can be acted upon. The HOS felt that doing a full chemical analysis of the water in Morecambe Bay was not possible at this stage or whether the NWIFCA have

the expertise to carry out such work. The research which will take place will give NWIFCA a starting point to approach outside agencies with their concerns and utilise their expertise. Mr. Thompson commented that unfortunately you need to ask water testing companies to test for specifics and there is a large cost involved. Further discussion took place about the decline in shrimps in other areas and working with other IFCA's on this.

RESOLUTION: TO RECEIVE THE REPORT

All In favour, Carried.

96 NEXT MEETING DATE (Agenda Item 10)

The next meeting will be decided later once the HOS consults to survey schedule. Members will be informed via email.

97 AOB

Mr. Manning queried if Dr. Andrews had resigned from the TSB only. The Chair reiterated that Dr. Andrews had resigned from the full Authority.

The Chair thanked everyone for attending – meeting closed at 13:36.