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

PRESENT – MEMBERS

Dr J Andrews Vice- Chair MMO Appointee

Mr S. Brown MMO Appointee

Mr K Thompson MMO Appointee

Mr N. Baxter MMO Appointee

Mr P Capper MMO Appointee

Mr L. Browning Natural England

Mr S. Johnston MMO

NWIFCA OFFICERS ATTENDING

J Moulton Acting CEO/HOE, A Plumeridge SS, A Nicholson Clerk

MEMBERS OF INDUSTRY ATTTENDING

M Diggle, R Wignall, P Sumner, P Riley, Davies, C Lomas, T Manning, S Ward, M Rowlings, D Cowperthwaite

APOLOGIES FOR ABSENCE

Dr A Richardson, Mr B Leigh (Chair), Dr C Mihailovici, Mr S Manning, Mr J Turner

31 CHAIR’S ANNOUNCEMENTS (Agenda Item 1)

In the absence of the Mr Leigh, Dr Andrews presided as Chair.

The Chair thanked everyone for attending and welcomed members of industry. He explained the code of conduct at meetings for the benefit of those who had not attended a meeting previously.

He reminded Members to declare any interests prior to speaking on an agenda item.

32 DECLARATIONS OF INTEREST (Agenda item 2)

No declarations of interest had been received prior to the meeting.

33 MINUTES OF TSB MEETING 1st NOVEMBER 2022 (Agenda item 3)

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

Proposed: K Thompson Seconded: N Baxter, all in favour, carried

34 MATTERS ARISING FROM MINUTES (Agenda Item 4)

There were no matters arising raised.

35 BYELAW UPDATES – (Agenda Item 5)

The Acting CEO/HOE reported that Byelaw 1 (MCRS) has been sent to the Secretary of State for signature some time ago and no response had been received. The Chair said he would write a letter to the Minister to enquire about and to encourage progress.

36 SURVEY AND INSPECTION REPORT (Agenda Item 6)

The Senior Scientist gave a verbal update to members. No surveys had been done since the last meeting. There had been a recent visit to Foulney, and a further inspection will take place on Monday 13th February to conduct contour lining, which will be followed by a Dutch Wand survey. A brief look at Flookburgh indicated a high spat settlement and reports to follow, due to reporting timelines.

37 SCIENCE REPORT (Agenda Item 7)

The Senior Scientist presented her report. The FISP funding bid had now been submitted, the bid relates to intertidal fishing of shrimps. Salford University have agreed to collaborate and to take samples. There had been some concerns from industry regarding the possibility of more regulations impacting their industry.

Mr Brown said there was a lot of information and historic data from when he was involved, and it should be available in the office at Carnforth. The Chair suggested that Mr Brown visit the office to assist with identifying relevant historic data.

With regard to Byelaw 4, Potting, the science team have been working alongside other officers to set up a new database suitable for logging returns, the current database is no longer fit for purpose. The science team are now working in collaboration with other IFCAs who are already using a new database. It is expected that this will be adopted this year.

The Senior Scientist reported that in November she met with NRW (Natural Resources Wales), who are responsible for the Dee Cockle Fishery Order. This Order is due to lapse in 2028. NRW indicated that they were looking to reapply for a further regulating order.. Discussions are at an early stage and the Senior Scientist will attend any consultation meetings when they are arranged.

There has been no further update on the proposed Highly Protected Marine Area (HPMA) at Allonby Bay, however she had been contacted by a student at Bath University, who has worked for DEFRA and is doing her dissertation on the impact of HPMAs, we will offer support in contacting relevant stakeholders, and in turn she will forward all her reports to the science team.

There was no update on Fishery Management Plans.

Mr Johnston asked if there had been any contact regarding statutory returns for static gear and could this be incorporated into the new database. The Senior Scientist said she had not been contacted.

**PROPOSAL: TO RECEIVE THE REPORT**

Proposed: P Capper Seconded: S Brown, all in favour, carried.

39 PENFOLD COCKLE FISHERY (Agenda Item 8)

The Acting CEO referred to his report on the temporary suspension of fishing at Penfold Fishery due to freezing weather conditions. The report gave detailed background on the timeline and reasoning behind this decision.

Following a delay in classification, which is outwith the control of the authority, the fishery was opened in October 2022 subject to a Habitats Regulations Assessment (HRA) and under Byelaw 3 flexible permit conditions. The fishery initially had a high turnout of permit holders, which dropped to approximately 45 fishers on a regular basis. Issues with discarded litter were reported by other agencies and officers communicated with permit holders that this could lead to non-compliance of the HRA.

In December 2022, the UK experienced a prolonged period of very cold weather. The HRA contains a clause stating action must be taken to prevent damage to the Ribble Estuary Special Protection Area (SPA) under severe cold conditions. Following close collaboration with Natural England a risk assessment was triggered by forecasts of temperatures falling below zero for more than 12 hours a day over 5 days. Though under normal circumstances, fishing activity would not cause harm, the additional energy requirements for bird species during periods of extreme cold mean that the disturbance caused from these same activities may be detrimental to some species.

A decision was taken by officers on 16th December that the fishery should be temporarily closed in response to the prolonged cold weather. The temporary closure of the fishery was a difficult decision for officers as they were aware of the impact this would have on the livelihood of the permit holders, however, NWIFCA have a duty to maintain and protect protected features from activities which may hinder their conservation objectives as outlined in the Marine & Coastal Access Act (MaCAA) and the Habitats Regulations. It was acknowledged that the timing of the closure, and limited notice given to fishers by officers was of concern to fishers.

Fishermen were contacted by text and the website and social media pages were updated accordingly the day prior to closure. Following verbal communication with the Chair and Vice Chair of this committee, the remaining members were contacted by email requesting their support for the decision. The authority also received four Freedom of Information (FOI) requests surrounding the decision. which were responded to within 20 days.

Officers fully accept that this was a challenging management decision and that communication could have been better but are confident they acted proportionally in the management of the fishery. Ambiguity in the wording of the HRA has been addressed by the re-drafting of a cold weather protocol detailing the criteria that needs to be met should such a situation arise in future, and a communications procedure that will be followed to ensure timely notification of fishers.

The Chair invited comments from both Members and members of industry present and a passionate and lively discussion ensued.

Mr Brown voiced his disapproval at the decision and dissatisfaction with the procedure. He said that the timeline regarding communications was deeply flawed and commented that salt marshes would not freeze, therefore air temperature was irrelevant also stating that fishers and their ATV’s would naturally break any ice allowing birds to feed. He asked why Members were not provided with copies of HRAs. The SS said they are available for the public to read on the authority website.

The Chair asked Mr Browning about the significance of the low temperature, he responded that in very cold weather birds use much more energy to stay alive. Mr Capper said that birds will always follow the fishers and get ‘free food’. Mr Browning said this was not the case across all species and many are intolerant of disturbance.

Mr Ward remarked on the severe monetary impact this had had on the fishers and that birds will always find food in other areas in the district. Mr Davies and Mr Sumner concurred with these comments and remarked that birds have survived for millions of years.

Mr Brown felt the HRAs need to be modified to better suit the environment making it more appropriate to the fishery and considered it to have been a well-meaning but serious mistake and more checks and balances at Member level should be introduced. In response the Acting CEO said that communication had been acted within the constitution and under flexible permit conditions also stating that temporary closures were operational matters rather than within the remit of Members, he did however concede that communication could have been handled better.

Mr Brown said flexible permit conditions needed revising, and Mr Ward commented that although permit conditions were flexible, management was not.

Mr Davies felt that other fisheries should have been opened in mitigation to help support the industry. He also suggested that there be seasonal variations to the MLS. Mr Brown felt that best way forward was to open all fisheries and they will self-regulate, Mr Capper felt there was merit in that approach.

The Senior Scientist reported that a new cold weather protocol was currently being drafted that will prevent such events happening in future, the Chair said he was pleased that feedback had been taken onboard and was being acted upon.

**PROPOSAL 1: TO RECEIVE THE REPORT AND SUPPORT ONGOING WORK ON**  **COLD WEATHER PROTOCOL TO BE BROUGHT BACK TO TSB BY EMAIL**

Proposed: S Brown, Seconded: K Thompson, all in favour, carried

**PROPOSAL 2: TSB AUTHORISES OFFICERS TO INVESTIGATE AND MODIFY HRA**

Proposed Chair, Seconded S Brown, all in favour, carried

40 ANY OTHER BUSINESS (Agenda Item 9)

Mr Brown said he had been approached by permit holders and fishers regarding the provision of free gauges and could these be issued with a Byelaw 3 permit. Mr Brown and Dr Andrews recalled that this had been done around 20 years ago and had been popular. The Acting CEO said these gauges were now quite expensive and some consideration must be given to this. The Chair felt that there should be room for this within the £500 permit fee and asked that costs should be explored and reported to a future meeting of this Sub-Committee.

Meeting closed 11.45