

201 AT A MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE held at the Strathmore Hotel, Morecambe on 14<sup>th</sup> May 2019

PRESENT (MEMBERS)

Mr R. Graham (Chairman)	MMO appointee (Commercial)
Dr J. Andrews	MMO appointee (Marine Environment)
Mr D. Howarth	MMO (Officer)
Mr T. Jones	MMO appointee (Commercial/Aquaculture)
Mr B. Leigh	MMO appointee (Anglers and Recreation)
Mr S. Manning	MMO appointee (Commercial)
Councillor P. Williams	Cheshire West and Chester Council

NWIFCA OFFICERS ATTENDING

CEO, Senior Scientist (SS), Head of Enforcement (HoE), Deputy Senior Scientific Officer, Clerk

IN ATTENDANCE

Mr R. Benson	MMO appointee (Commercial)
Dr B. Pearce	MMO appointee (Marine Environment)

APOLOGIES FOR ABSENCE

Dr E. Baxter	MMO appointee (Marine Environment)
Mr S. Brown	MMO appointee (Recreational)
Ms K. Nisbet	Natural England
Mr K. Thompson	MMO appointee (Commercial/Aquaculture)

202 CHAIRMAN'S ANNOUNCEMENTS (Agenda Item 1)

1. The Chairman announced apologies and welcomed visitors.
2. Members were reminded of the importance of declaring pecuniary and non-pecuniary interest.
3. Copies of Letter from Senior Scientist to Mr John Woodcock, MP and response from Mr Woodcock (Agenda Item 6) were available from the Clerk.
4. Copies of comments from member Steve Brown relating to Agenda Items 7, 8 and 9 were available from the Clerk.
5. Comments from Emily Baxter on Agenda Items 5, 6, 7, 8 and 9 were tabled.

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

Agenda Item 5 (Silloth Subtidal Mussels). Mr T. Jones  
Agenda Item 6 (Science Summary Report). Mr T. Jones, Mr S. Manning)  
Agenda Item 7 (Cockle and Mussel Permit Byelaw). Mr T. Jones, Mr S. Manning  
Agenda Item 8 (Potting Permit Byelaw). Mr R. Graham, Mr T. Jones  
Agenda Item 9 (Byelaw Review). Mr T. Jones, Mr S. Manning

204 TO RECEIVE MINUTES OF THE TSB COMMITTEE MEETING HELD ON 5<sup>TH</sup> FEBRUARY 2019 (Agenda Item 3)

RESOLVED

Minutes of the TSB Committee meeting held on 5<sup>th</sup> February 2019 be approved and signed as a correct record.

Proposed: Dr J. Andrews                      Seconded: Mr T. Jones

205 MATTERS ARISING (Agenda Item 4)

There were no matters arising.

206 SILLOTH SUBTIDAL MUSSELS (Agenda Item 5)

Work is continuing to procure survey equipment required. A pulley system for the NWP A frame requires fabrication and has been ordered.

The side-scan again appears to be faulty and is being returned to Trytech for repairs.

Dr Baxter said a robust HRA is needed to approve the fishery. It was agreed this is a legal obligation.

The Chairman said priority should be to install the equipment as soon as possible. Survey data is required to enable the HRA to be prepared so that a fishery could be authorised.

It was RESOLVED to receive the report.

207 SCIENCE REPORT (Agenda Item 6)

The recovered covered:

- a) St Bees Head – Cumbria Coast MCZ – Netting Voluntary Code of Practice. A concern was raised that noise from high powered vessels transiting close to the shore could cause disturbance to the birds. SS said a disturbance study carried out by NE last year was being furthered this year.
- b) Nephrops creel fishery fishery. Dr Baxter reported that the trial has now commenced after a delay. Nephrops have been caught during the first two surveys. Trials are ongoing with adjustments being made to creels and areas fished. Five more surveys are planned.
- c) Cockles. There was a low level of effort mainly on Newbiggin and Pilling (Morecambe Bay) in the last weeks of the season. No conclusive results obtained from the breakage rate study. Officers may attempt to gather data by observing gatherers rather than carrying out their own study. A dense settlement of cockles was been observed at Leasowe (Wirral). A fishery may be authorised there from September depending on how the stock develops.  
Mr Manning asked about the situation at Middleton Sands. At the last Shellfish Liaison Group meeting he had made an official request to Lancaster City Council for the bed to be classified but this has not yet been done. SS agreed to follow this up with the council.
- d) Mussels. Chinese Mitten Crab. Quarterly surveillance surveys are being carried out at Foulney and Heysham Flat. No CMC have been found.
- e) Mussels – An inspection of South America showed the area has sanded over. The Falklands mussel area has reduced since last year. A dredge fishery is not anticipated this year.

It was RESOLVED to receive the report.

208 COCKLE AND MUSSEL PERMIT BYELAW 2019 (Agenda Item 7)

The latest version of the byelaw outlined the main changes since the March meeting. Comments made by members Mr Brown and Dr Baxter were considered. A consultation with stakeholders has just closed. No significant comments were received.

Discussions focused on sanctions, flexible permit conditions and waiting list.

Paragraph 17: Removal of the word 'above' from 17a, removal of 17b and rewording of 17c to refer only to cockles were agreed.

Proposed: Dr Andrews Seconded: Mr Leigh

Vote: 5 for and 1 against

RESOLVED. A revised version of the proposed byelaw be circulated for approval by TSB members before submission to the June Annual Meeting of the Authority to be 'made'.

209 NWIFCA POTTING PERMIT BYELAW (Agenda Item 8)

A new version of the draft byelaw was provided. Written comments received from members Mr Brown and Dr Baxter were considered. The Authority's legal advice and MMO comments are included.

February TSB meeting had agreed to remove the option of using vessel length restriction in the flexible permit conditions. Following that meeting further communication indicated that some members would like to revisit this. Consequently this was discussed and a decision taken to reinstate it.

210 The Chairman adjourned the meeting for lunch.

211 MEETING RECONVENED AT 1310 HOURS

212 NWIFCA POTTING PERMIT BYELAW (Continued)

The Chairman reminded members of the discussions held before the lunch break and in particular the difficulties being encountered regarding the forming of a byelaw regarding whelks.

Members discussed each of the recommendations in turn.

1. Permit fees. The February meeting agreed fees should be £200 for Category 1 permits and £20 for category 2 permits and not as shown in paragraph 24 of the revised byelaw. Members agreed these charges should stand subject to confirmation of proportion of full cost recovery of Byelaw 3 permits.

2. Use of vessel length restriction as a flexible permit condition. SS said consultation responses had indicated there should be some form of vessel length restriction. Agreed.

Vote: 4 for 3 against. Paragraph 45(f) (Vessel length restriction) should remain in the byelaw.

3. Method of defining track record for whelk fisheries. Dr Andrews supported the definition of track record in the byelaw and suggested an amendment to allow fishermen with a track record for an over 15m vessel to downgrade their fishing vessel and transfer the track record to the smaller <15m vessel. He suggested a paper is prepared for the next TSB meeting setting out the Authority's policy on track record. SS said she would prepare a policy document for the Authority to approve.

Vote: 5 for 0 against 0 abstentions

4. Flexible permit conditions for the whelk fisheries. Approval was sought for permits to be limited to applicants using a relevant fishing vessel of 15m or less OA. This would bring regulations in line with the southern part of the district.

Vote: 3 in favour 0 against 2 abstentions

An increase in size of the hard eye entrance hole to 80mm in nephrops creels was approved.

5. The flexible permit conditions were approved subject to changes as above.

Vote: 4 in favour 0 against

6. Consequential changes to NWSFC Byelaw 11 and CSFC Byelaw 4 on marking of pots were approved.

#### RESOLVED

1. A revised version of the proposed byelaw be prepared, taking account of amendments as above and circulated for approval by TSB members before submission to the June Annual meeting of the Authority to be 'made'.

#### 213 BYELAW REVIEW (Agenda Item 9)

The current byelaw priorities shown in table 2 and planned replacement of inherited byelaws with IFCA byelaws in table 3 were agreed. Proposed priorities for the byelaw review included MLS and winkles. These byelaws would be developed after the potting byelaw was confirmed.

It was agreed that the Byelaw Review should be a standing TSB agenda item.

#### RESOLVED

Priorities for the Byelaw review should be a new MLS byelaw, a new net fishing regulations byelaw and a district-wide winkle byelaw

#### 214 ANY OTHER BUSINESS (Agenda Item 10)

1. Prohibition of Mussel Seed Exports from Morecambe Bay to Northern Ireland. Reports from peeler crab collectors of a Chinese Mitten Crab sighting in the Walney Channel in 2018 had resulted in a prohibition on imports of mussel seed to Northern Ireland. Data has been provided to DAERA from surveys carried out at Walney, Foulney and Heysham Flat which showed no evidence of Chinese Mitten Crab. Assistance from Mr John Woodcock, MP in requesting information from DAERA on its policy over invasive non-native species was sought. The DAERA response to Mr Woodcock indicated that the department is unwilling to engage in further correspondence about the decision.

Dr Andrews supported the science team survey and evidence provided to DAERA of no CMC but did not consider further approaches to DAERA or engagement with MPs or Ministers would be productive at this stage

Members agreed that officers should continue to provide DAERA with CMC updates. If no evidence of CMC is found by next year the matter could be raised with the Northern Ireland Minister.

2. National Oceanographic Centre, Liverpool. The Authority has been asked by NOC to participate in a bid for funding for a pilot study in Morecambe Bay using satellite imagery and land-based radar techniques for intertidal mapping. Actual time and effort requested looks minimal. NOC is seeking a letter of support in order to submit an application to NERC by the deadline. Officers' involvement in this project was agreed.

Meeting closed at 3.10 p.m.