

98 MEETING OF THE TECHNICAL, SCIENCE AND BYELAW SUB-COMMITTEE ON TUESDAY 13 AUGUST 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. P. Capper		MMO Appointee
Mr. R. Benson		MMO Appointee
Mr. J. Parr		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), SIFCO A. Brownrigg, SIFCO I. Dixon, IFCO M. Taylor, Senior Science Officer J. Haines and Science Officer G. Grose.

MEMBERS OF INDUSTRY PRESENT

Mr. M. Rowlings, Mr. T. Davies, Mr. M. Hughes, Mr. G. Pidduck, Mr. M. Wilson, Ms. J. Hales, Mr. P. Harrison, Mr T. Jones, Mr. D. Williams, Mr. T. Manning, Mr. M. Diggle, Mr. M. Swistun, Mr. D. Cowperthwaite, Mr. C. Lomas, Mr P. Riley, Mr. J. Heron, Mr. J. Nozka, Mr. W.R. Benson, Mr. F. Benson, Mr A.C. Jones and Mr. S. Ward. Mr. M. Clarke and Ms. D. Clarke from Clarke Film and Media.

99 APOLOGIES FOR ABSENCE

Mr. K. Thompson and Mr. S. Johnston

100 CHAIR'S ANNOUNCEMENTS (Agenda Item 1)

The Chair extended a welcome to all members present, including Mr. J. Parr from the MMO and IFCA Officers.

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.

101 DECLARATIONS OF INTEREST (Agenda Item 2)

Mr. Manning declared an interest in items 5, 6 and 7.

Mr. Benson declared an interest in items 6 and 7.

102 MINUTES OF TSB MEETING 24th MAY 2024 (Agenda Item 3)

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

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

103 MATTERS ARISING FROM MINUTES (Agenda Item 4)

There were no matters raised.

104 NETTING PERMIT BYELAW UPDATE (Agenda Item 5)

The HOE provided a verbal update on the Netting Permit Byelaw. There have been no substantive changes but there have been some minor changes based on members comments from the meeting in June. The draft impact assessment is almost complete and will be presented to the full Authority meeting in September.

The Chair opened a discussion on whitebait netting as there was some notable opposition to the aspect that dealt with whitebait netting at the last meeting. The NWIFCA minimum size byelaw currently does not allow for this. The Chair asked how we might evidence that these nets capture immature species covered by both local and national legislation.

The HOE responded that there is a lot of background data including a large study completed by Cefas on juvenile fish species and nursery areas around UK waters. This will feed into the impact assessment. This is an activity that is not taking place currently so there is a difficulty in obtaining data and there are no landing documentation requirements. Officers would like to investigate this further, including undertaking our own surveys. Whitebait has not been banned under this byelaw; it is a flexible permit condition that has not been implemented at this stage.

The Chair suggested that we, as an Authority, need to engage with fishers to provide us with the evidence required to make a proper judgement.

Mr. Manning clarified that a whitebait net is a net set for small pelagic fish, including sprats, shrimps and sandeels. Mr. Manning went on to ask where the evidence is that these nets catch undersize juvenile species.

The HOE responded that the NWIFCA need to look at definitions of a small whitebait net and small mesh net. We would need some guidance and to look at definitions of mesh sizes.

The Chair reiterated that there is an existing byelaw that protects immature species. Evidence needs to be gathered, and data needs to be collected and then an informed decision can be made.

Mr. Brown contributed that there is never going to be a perfect solution but need a reasonable solution based on science.

The CEO contributed that it is necessary to collect primary data. The data would be presented to members to make an informed decision. The netting byelaw would not allow for it in its current draft but within the flexible permit conditions it could be possible to allow it at any point in the future. As it stands, under the current byelaws, it is still allowed and it will take about two years for the netting byelaw to be passed.

The CEO has started to review the byelaw strategy. Most of it is still relevant, however, he proposes that we look at revoking or amending redundant byelaws.

The Chair requested a short report is presented to the next TSB meeting with recommendations for the byelaw strategy.

The Chair summarised the whitebait discussion by clarifying that it is allowed under the current byelaw. In the future, it could still be allowed under the flexible permit conditions.

The HOE offered a resolution stating that if any whitebait permits are issued under Byelaw 26, returns will be requested and engage with the fishers to seek out samples.

The verbal report was noted.

105 SURVEY AND INSPECTION REPORT (Agenda Item 6)

Cockle Surveys

The Head of Science summarised the written report, covering methodology of surveys, additional considerations and results from the surveys undertaken between June 27th and July 26th, 2024.

The HOS explained the recommendations, detailed in the report, and the reasoning behind the recommendations.

The HOS reviewed results from the informal consultation with stakeholders. There were 31 responses in total.

The Chair thanked the HOS and the science team for the work they have done. The Chair acknowledged that there are a lot of competing interests and reminded members that it is essential to ensure we permit exploitation that is sustainable, bearing in mind that the whole of Morecambe Bay is a protected feature.

Mr. Brown commented that he believes in an open and public fishery, seven days a week. There are already restrictions in place as only 150 permits are issued. It is possible to spread the load and reduce environmental impact as the fishers are only going to work the areas that are viable. Leasowe is our source of seed cockle and it is important to protect the seed cockle. Mr. Brown stated that personally, he wants to see all the beds except Leasowe open and does not agree with a five-day week. Mr. Brown questioned if working Sunday to Thursday is a better option for the factories to handle the landings.

Mr. Browning agreed that opening all the beds at the same time would probably spread the environmental impact. However, another major consideration in the HRAs is the level of disturbance to the bird species who use the sites to feed over winter, keeping some of the beds closed reduces disturbance. The recommendations are a compromise and provide a balance of the considerations.

The Chair emphasised that the Authority takes decisions, and that Natural England have their own statutory responsibilities. The recommendations take into account everyone's perspectives and are acceptable to other stakeholders.

Mr. Browning addressed the comments around Leasowe being the source of spawning stock for other parts of the district, stating that more evidence is required. There is a larger system to consider, suggesting that the cockles in the Dee estuary may also contribute. Additionally, Mr. Browning mentioned a previous IFCA approach of implementing a TAC to preserve a minimum amount of the spawning stock. The TAC of 800 tonnes to leave on Leasowe was based on evidence from the British Trust for Ornithology, the Wetland Bird Survey and scientific literature on the energetic requirements for oystercatchers. Further discussion took place around the dynamic nature of these sites and managing the fisheries within a hugely complex, ever-changing picture.

Mr. Manning raised concerns around opening Flookburgh on its own and the social implications including unnecessary travel. Mr. Manning suggested having a 14-day cycle to fit in with the tides as opposed to a five-day week. Ten days fishing when the tides are good.

The Chair asked the members of industry if the buyers would prefer to get the cockles as quickly and in as a high volume as possible. The member of industry agreed.

Mr. T. Manning raised concerns about the date that the Leasowe survey was done as it is the quickest growing bed in the district. Mr. T. Manning collected his own samples from Leasowe and brought them to the meeting.

The CEO responded that Leasowe was surveyed last, and he appreciates that the cockles would have grown on from the date of the survey, however there are a number of restrictions such as processing the results, producing the report and the reports must be shared ten days before the TSB meeting.

Mr. Riley expressed concerns over being self-employed. A fee has been paid so why are restrictions are being imposed on them regarding when they can work.

The CEO responded that the reasoning behind this was covered in the report from the HOS and that we are not the only Authority that manages fisheries in this way.

Mr. Riley went on to raise concerns over the weather, the increasing number of tropical storms and the impact this has on the beds and the number of days they are able to fish.

Mr. Capper asked if the HOS could expand on the issue of sustainability in terms of the five days.

The HOS responded by saying that the effort would be reduced by approximately 40%, elongating the fishery, allows the bed to have a bit of a break, reduces the disturbance and facilitates effort and consistency.

Mr. Davies expressed his opinion that all the beds should be open at the same time, for one tide a day as this spreads the effort out.

The CEO asked for clarification if the buyers could service pickers at various beds at the same time, or if all effort would be focused on the most productive beds. Buyers confirmed they could service multiple beds across the district at the same time.

Mr. Wilson raised concerns over the five-day week and the implications of poor weather and wash ups resulting in cockles dying, asking if it is possible to contact the officers and fish over the weekend, facilitating flexibility.

The HOE responded by saying we could certainly discuss this further and explore this through flexible working conditions. It may be possible to include a paragraph covering washout, extreme weather conditions and extenuating circumstances. Natural England would need to be involved in these discussions.

Senior IFCO A. Brownrigg informed the members of industry that he had attended a meeting with Wirral Council last week and while they were very positive about the possible opening of the cockle beds for 5 days a week, Monday to Friday at Leasowe, the Council raised concerns about noise and disturbance to residential areas and the importance of the provision of leisure space at weekends. The council provides toilets, skips, signage etc. Mr. Davies queried the level involvement of the councils. The CEO responded that the Authority work in conjunction with other agencies and there are other stakeholders and views that need to be considered.

Further discussion took place around whether the flexible working conditions could take in to account poor weather and which tides are worked. It is a reasonable and sensible suggestion. The CEO suggested that we take feedback from Officers. We cannot define set parameters, but it could be at the Officer's discretion. The effort must remain at 5 tides. It is difficult to accurately predict the weather. The CEO and the HOE will give this additional thought and the decision-making process around it.

Mr. Browning contributed that it is a sensible suggestion, however the effort must remain at 5 tides. There is scope for some flexibility. Deteriorations in weather conditions and climate change, puts pressure on the protected features of the sites. This is an anthropogenic impact on these features. Natural England look at how to adapt the management of protected sites to account for those impacts.

The Chair asked if TACs should be considered. The TAC would need to be reasonable. Mr T. Davies suggested a minimum of half a tonne.

Mr. Brown supported Mr. Manning's suggestion of a 14-day cycle.

Mr. Rowling's preference would be for the beds to open 7 days a week, 1 tide a day.

Mr. Swiston supports seven days a week and two tides a day to maximise the profitability. However, supports Mr. Manning's suggestion of ten days working and four days off. The cockles are not processed where they are fished. There are associated transport costs. These cockles are for the canning industry. Weekend tides might have the better daylight hours. Ten days working and four days off would be a compromise if seven days a week and two tides a day will not be allowed. Flookburgh and Pilling will be the main effort so exclude Leasowe from the ten-day system and leave Leasowe on five days, Monday to Friday.

Mr. Capper supported working ten days out of 14 and excluding Leasowe from this cycle, as it considers the councils and other stakeholders.

Mr. Turner raised the issue that reacting to weather could potentially allow fishing over seven days a week as the fishers would work the beds that are open.

The HOE also mentioned that if Leasowe is on a 5/2 but Flookburgh and Pilling are on 10/14 the fishers will move around resulting in working seven tides. There is an impact on effort and disturbance and what we are trying to achieve in terms of sustainability.

Meeting suspended at 11.45am for lunch.

Meeting recommenced at 12.30pm

The Chair made the following amendments to the recommendations.

- a) Receive the report and related survey and inspection notes
- b) Approve Flookburgh and Leven Cockle Beds are open from 1st September 2024, under Byelaw 3
- c) Approve Flookburgh and Leven Cockle Fishery will be open ten days in any 14, four closed days, one tide a day under the Byelaw 3 flexible permit conditions
- d) Approve Pilling Cockle Bed is open from 1st October 2024, under paragraph 15 of Byelaw 3, subject to additional inspection
- e) Approve that the Pilling Fishery will be open ten days in any 14, with four closed days, one tide a day, under the Byelaw 3 flexible permit conditions
- f) Approve Leasowe Cockle Bed is open 1st October 2024 under paragraph 3 of Byelaw 3, subject to additional survey
- g) Approve that Leasowe Fishery will be open weekdays Monday to Friday, one tide a day under Byelaw 3 flexible permit conditions
- h) Approve that all other district cockle beds including Aldingham, Newbiggin, Middleton and Southport remain closed for the rest of the closed season and from September 1st, 2024, under paragraph 15 of Byelaw 3.

To expediate the process, the HRA was written pre-emptively based on the NW-IFCA recommendations. This will need to be altered to take in to account the amendment of ten days out of 14, one tide a day. It will be submitted as soon as possible. Natural England have 28 days to respond.

Proposed: Mr. Leigh, Seconded: Mr. Capper. 5 in favour, 1 Against, 3 Abstentions Carried

Mussel Bed Surveys

The Head of Science summarised the mussel section of her report covering methodology, locations and accessibility, additional considerations, such as bird food availability, and results from the surveys undertaken in June and July 2024.

Mr. Brown requested that the Rossall Scar mussel bed is included in the survey in the future as this bed is currently being affected by the adjacent sea defence work. The HOS responded that it is typically inspected as part of the Fleetwood survey.

Mr. Manning queried as to why the outer scars at Heysham had not been included. The HOS responded that access was an issue, South America was prioritised on this occasion and the drone cannot be used as there is a no-fly zone around the power station. It will be given consideration in the future.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: Mr. Leigh, Seconded: Mr. Baxter, All in favour, 3 Abstentions Carried

106 **SCIENCE REPORT (Agenda Item 7)**

The HOS summarised the report. Additional to the cockle and mussel surveys, the Science Team has undertaken the initial potting survey in the HPMA utilising North Western Protector. Work is ongoing with the new permit data base, including initiating a trial run period for the fishers. The Whelk project continues, and work will pick up in September and October, assessing the appropriateness of the current minimum conservation size. Research has commenced on Shrimp populations across the North West, including looking at historical data and the current status of the shrimp industry. Continuing to work with Natural England looking at Marine Natural Capital and historical data on Morecambe Bay and discussing how we collect information to facilitate decision making. Diane and Mark Clarke, from Clarke Film and Media, attended the meeting earlier, and they will be collecting the views and perspectives of fishers on Morecambe Bay on film which Exeter university will then analyse to see how this information can also be used for decision making.

Mr. Leigh asked about the existing whelk fishery and whether it was focused outside the six mile limit. The HOS responded that there are a limited number of fishers landing from within the six and it is possible that the 65mm minimum conservation size is a contributing factor. The minimum landing size outside the 6 mile is 45mm.

Mr. Leigh also asked for clarification about using the drone. The HOS responded that there is one drone pilot in Science and two in Enforcement. There is a need to figure out the methodology for using the drone for surveying. Another issue is gaining landowners permission to fly the drone however, it will not negate the need for Science Officers to go on surveys.

RESOLUTION: TO RECEIVE THE REPORT

Proposed: Mr. Leigh, Seconded: Mr. Benson, All in favour
Carried

107 NEXT MEETING DATE (Agenda Item 8)

The date of the next meeting will be set for mid-November. Members will be informed via email.

108 AOB

Mr. Benson raised the issue of permits for young people, querying if there is any more we can do.

This year, four people did not renew their Byelaw 3 permits and 80 people came off the waiting list because they are either no longer interested or did not respond. The waiting list is now 151.

The Chair asked how many Byelaw 3 permit holders were economically active in terms of the fishery. The HOE responded that there are probably about 50 to 80, however only Penfold was open last year.

The CEO suggested that we see what happens this year. We do not have recourse under our current policies to remove permits. There are things that could be considered but we are constrained by the shape of the Byelaw.

The Chair contributed that it is about balancing the competing interests. Much of MACCA talks about coastal traditions and coastal cultures and we regularly hear from members, who are from fishing families, that young people find it difficult to enter the industry.

Mr. Manning mentioned fishing families who might want to relinquish their permits to younger family members, going on to suggest that we utilise certain criteria and a points system or even paying to go on the waiting list.

The Chair responded that there are issues around equality of access and opportunity.

The CEO contributed that the Byelaw Working Group can consider this and discuss a number of options. There are legal issues to consider.

Further discussion took place around passing permits to direct family members, apprentice schemes, a fast-track system for 18 year olds and the need to take into account those who have turned 18 while they are on the waiting list. The Byelaw restricts us to 150 permits.

Mr. Benson queried if it would make any difference if the wording changed from permit to licence. If it was a licence, you could have endorsee. Could the permits be split into cockle permits or mussel permits, both or one or the other.

Byelaw 3 will be discussed at the next byelaw working group meeting.

The Chair thanked everyone for attending, including members of industry and NWIFCA Officers.

The meeting closed at 13:15.