

SOUTHERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

TECHNICAL ADVISORY COMMITTEE – 4 FEBRUARY 2021

Minutes of the Technical Advisory Committee held by remote conference at 1400 on Thursday 4 February 2021.

Present

Dr A Jensen (Chairman, MMO Appointee)
Mr R Stride (Vice Chairman, MMO Appointee)

Dr S Cripps	(MMO Appointee)
Mr N Fisher	(MMO Appointee)
Prof J Humphreys	(MMO Appointee)
Mr T Legg	(MMO Appointee)
Mr L Stantiford	(MMO Appointee)
Mr G Wordsworth	(MMO Appointee)
Dr R Morgan	(Natural England)
Mr P Rudd	(Environment Agency)

The Chief Officer, Deputy Chief Officers Bateman and Richardson, Finance and Administration Officer, Research Officer Small and IFCOs Birchenough, Cooper, Parry, Pengelly and Smith were also present. Members of the public in attendance were Mr A Deeming, Mr T Ferrero (HIOWWT), Mr R Murphy (Commercial Fisher), Mr D Rodmell (NFFO), Ms L Henly (PhD Student).

Apologies

1. Apologies were received from: Ms L MacCallum (MMO Appointee), Ms R Irish (MMO).

The Chairman introduced and welcomed new General Members to the Technical Advisory Committee; Mr Stantiford and Mr Fisher and from the Environment Agency to replace Dr Sims, Mr Rudd who had similar responsibilities but for the Wessex area. The Chairman wished Dr Sims good luck in her new position within the EA. He thanked her for all the hard work, her positive attitude and her contributions towards the recent netting review.

The Chairman mentioned the high volume of paperwork accompanying the agenda for this meeting and asked Members to recognise the huge amount of work the officers undertook to complete reports and assessments required as necessary to comply with the legislative processes that have to be undertaken before new management measures are introduced.

Declarations of interest

2. Members declared non-pecuniary interest in the following Minutes: Mr Wordsworth (7, 14) Mr Stride (7, 10) Mr Rudd (7)

Minutes

3. Members considered the Minutes of the meeting held on 5 November 2020 which were agreed. The Chairman confirmed the Minutes would be signed in due course.

Progress Report

4. a. **COVID 19.** The Chief Officer reported to Members that as already established, officers were working within the current government guidelines. They would be supporting industry and conducting limited boarding operations unless there was an essential need for more involvement. The officers were continuing shoreside patrols and providing intelligence to DEFRA.

b. **EU Exit.** The Chief Officer explained that the MMO had started to issue licences for EU vessels fishing between the 6-12nm limits in UK waters for vessels with a proven track record. An adjustment period of 5½ years for fleets on both EU and UK vessels to adapt to new arrangements had been agreed. EU vessels would have to abide by licence conditions, any variations made to them, and applicable UK law, guidance for which would be updated in due course. UK vessels fishing in EU waters, including the 6-12nm zone would need to comply with EU requirements.

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Authority patrol vessels had been operating in the 6-12nm under a cost recovery agreement with the MMO. Further patrols were planned.

c. Fisheries Act 2020.

The Chief Officer explained that the Fisheries Act introduced the requirement to produce Joint Fisheries Statements (JFS) that must be published and set out the authority's fisheries policy for achieving or contributing to the fisheries objectives and how they would propose to make Fisheries Management Plans (FMP). FMPs would be prepared and published under the Act designed to restore one or more stocks of sea fish to, or maintain them at sustainable levels and the JFS must contain a list of existing FMPs. DEFRA had established national groups to develop and issue guidance. The AIFCA have direct involvement in this process and were representing the IFCA's. This JFS and proposed FMPs must be published by the end of 2022. The Chief Officer reported that he would keep Members updated and he expected involvement in producing the documents would increase the workload of officers and the Authority.

d. Export of Live Bivalve Molluscs.

The Chief Officer explained the recent issues regarding shellfish exportation. DEFRA were preparing a legal package to be sent to the EU arguing their case as last week the EU prohibited undepurated live bivalve molluscs from being imported into the EU originating from third countries (as the UK now is). He explained that this would have ramifications for the shellfish industry in this country.

e. **South Dorset MCZ.** The Chief Officer reported that the MMO were undertaking a consultation for the MCZ with a regard to a proposed prohibition of bottom towed fishing gear. A very small part of the MCZ was in the SIFCA District and this could impact on some of the district stakeholders. Closing date for comments on the consultation was 28 March 2021.

f. **Highly Protected Marine Areas (HPMAs).** The Chief Officer updated Members on the progress of proposals. Ministers would now respond to the Benyon Review findings by spring 2021 and a consultation would follow this to identify pilot HPMAs. Further details would be passed on when they became available.

Resolved

5. That the reports be noted.

Public Participation

6. The Chairman welcomed Mr Russell Murphy who had requested to address the TAC Members regarding his concerns of proposed changes to the net fishery within Christchurch Harbour.

Mr Murphy explained that he had been a stakeholder and commercial fisherman, based at Mudeford for nearly twenty years. He had a number of concerns that included the economic impact on local net fishermen and the evidence provided by the Environment Agency (EA) which was used to identify areas to be closed to drift netting, some of which he felt was incorrect. He explained that the methods used by fishermen in Christchurch Harbour meant the nets were usually only down for a short period of time and they were never left unattended.

The Chairman asked for his comments on the draft measures. Prof Humphreys asked if the EA could provide the original evidence of salmon bycatch or give more detail of how this evidence had been collected. Mr Rudd said that the details would have come from EA enforcement officers, in pocket notebooks, as part of gathering evidence of offences. Mr Stride added that at the beginning of the netting review the EA review of protection measures had been quoted and used as evidence for the proposals but the comments received on this report have never been circulated.

Mr Murphy also took issue with evidence of salmon caught at the mouth of the River Mude as he had never caught a salmon there. Mr Rudd confirmed that there was evidence of juvenile salmon and sea trout using the Mude. Mr Stride asked if there were aerial photographs of the area that could be annotated. Mr Stantiford observed that there seems to be a big difference between where

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Mr Murphy said the fish were and where the maps showed the fish. He felt that the information the Authority used had to be factually correct.

Mr Murphy asked why other potentially destructive activities around the River Mude had been allowed. Mr Stride added that the habitat had been devastated by excavation activities and he had mentioned it to EA officers. Prof Humphreys explained that though other activities were outside of the Authority's remit, he would not like to see management measures introduced by SIFCA to protect species undermined by other activities, including the quality of the water. The Chairman said that reports of this kind of activity would have to be formally reported to the EA so they would be able to investigate through their enforcement channels.

Mr Murphy had technical questions regarding entitlement to permits, costs, conditions attached to permits and the Chairman explained that these details would be discussed and confirmed at a future working group; the finer details had not been considered yet. He thanked Mr Murphy for presenting his concerns to the Members.

Netting Review

7. IFCO Pengelly explained for Members the details of the report. Members were invited to consider the draft management intentions specific to the net fishery, which had been discussed and developed by the Netting Working Group on a number of occasions to date. Following analysis of the outcomes of the Working Group discussions, IFCO Pengelly invited Members of the TAC to consider a recommendation for Members to revisit the management intentions proposed for the southern boundary of the River Hamble, in the context of the Authority's legislative responsibilities. IFCO Pengelly provided an overview of the options and proposals presented in the paper. The Chairman thanked IFCO Pengelly for the presentation and summarised the recommendations.

Mr Legg said he approved of the amendment but asked why an amendment had been possible for this area but not elsewhere like the subtidal areas of the River Itchen. IFCO Pengelly explained these areas had been examined in great detail during Working Groups and that the SAC Designation for the River Itchen in this case had to be considered. IFCO Pengelly explained that area in question had a direct link with the Atlantic salmon feature of the River Itchen SAC, more so than the River Hamble. Mr Rudd said he could not agree with the amendment as this was a potential feeding and foraging site for sea trout. Mr Wordsworth supported the amendment.

Mr Stride said he supported the amendment but he was disappointed that the evidence being used for the netting review included old EA statistics rather than actual credible fishing evidence from fishermen. Dr Morgan said he would defer to the expertise of the EA when it came to Atlantic salmon and could not support the amendment. Dr Cripps said he was not in favour of changing the boundary.

Members voted on the first recommendation to amend the boundary on the River Hamble. 6 Members agreed the recommendation, 3 Members opposed, and one Member abstained the recommendation.

Members continued to debate the second proposal to progress the work required to make a draft net fishing byelaw. Members discussed the issues brought up by Mr Murphy; the lack of recent evidence of salmonoids interaction and the inaccurate maps. The Chairman said that the working group had discussed these issues many times and had tried to strike a balance. The paperwork in front of Members was the outcome of these discussions.

Mr Stride was disappointed that more effort had not been made to include the fishermen in gathering fishing activity evidence. They were not casual observers but experts with 100% consistency. He felt there was no credible evidence in the reports that showed interaction with nets and so he would not support the recommendation. Mr Stantiford said it was a shock that the EA had not been able to provide the evidence requested. Dr Cripps said he agreed there was not enough evidence but he would support the scientific evidence over verbal fisher evidence.

IFCO Pengelly reported that Natural England (NE) and the EA had both been consulted for management options for Christchurch Harbour and Southampton Water. Because of the links to the SAC, officers had to demonstrate no adverse effects. He continued that gathering evidence would fall within the monitoring and control plans incorporated within a byelaw and the restrictions

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were to manage the habitat, nursery areas and ecology for a range of species, not only salmon and sea trout. 4 Members agreed the recommendation, 5 Members opposed, and 1 Member abstained the recommendation.

The Chief Officer asked Members to clarify if their only objections were specific to the measures proposed for Christchurch Harbour? As this was not the case, the Chairman offered to compile a summary of the specific issues which would require a further working group debate. It was decided that Members should contact the Chairman direct. The Chief Officer asked Members to consider all the papers tabled today and in particular the site assessments before they report back to the Chairman.

Resolved

8. a. the southern boundary of the River Hamble Net Prohibition Area be altered.

b. that the Chairman establish the next measures for the netting review.

Netting Review Assessments

9. This item was removed for consideration at a later date.

There followed a 5 minute comfort break. Mr Murphy left the meeting.

Potting Review

10. IFCO Smith reported to Members that the potting consultation had been completed and she asked them to consider the summary of responses from a range of stakeholders including recreational, commercial and conservation groups. She worked through some of the views and opinions received and asked Members to agree a working group to progress the Potting Review. Mr Legg reported that he had been seeing positive whelk stocks as a good sign of replenishment but he felt that management would still be useful for the recovery. The Chairman reported that in Southampton Water more small whelks had been seen. Mr Stride was pleased with the results of the consultation; good quality input from stakeholders who were receptive to management of this fishery. Mr Wordsworth asked how gear limitations would be enforced and the Chief Officer said he had been involved in the introduction of similar measures in Sussex. The pots were tagged, pots counted on boarding's and that working with industry to develop management measures was key to high percentages of voluntary compliance. The Chairman thanked IFCO Smith for the hard work producing a comprehensive consultation under pandemic conditions. Members agreed the recommendations under General Consent.

Resolved

11. a. that the report be published and disseminated.

b. for officers to begin developing draft management measures and supporting documentation for the attention of a Pot Fisheries working group

Solent Scallop Fishery Management

12. IFCO Cooper updated Members on the progress of the review. Following the call for information at the end of 2020 a working group had convened and a refreshed timeline and a draft code of conduct had been produced. He explained that the majority of commercial fishers consulted had agreed with the introduction of the code of conduct. Officers would continue to work with stakeholders to help them comply. The Chief Officer added that this was another exciting opportunity to work with industry to develop management measures. The Chairman asked Members to agree the recommendations under General Consent.

Resolved

13. a. that the report be published and disseminated.

b. that the timeline for the Solent Scallop review be agreed.

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c. that the draft code of conduct be recommended to the Authority.

Portland Mussel Seed Fishery

14. IFCO Pengelly reported that following the receipt of an application to remove seed mussels from an area within the Studland to Portland Special Area of Conservation (SAC) he was asking Members to consider whether an Appropriate Assessment should be undertaken of the proposed fishery. The applicant would be required to provide the necessary evidence for the Authority to undertake the assessment.

Dr Morgan reported that the applicant had already contacted NE for details of what was required. He explained that the activity would be classed as a SAC red risk as the removal of seed mussel would use bottom towed fishing gear. Dr Cripps remembered this fishery had been worked outside of the SAC. Did we know why they wanted to move into the protected area? He asked if there were other gear types that could be used for this fishery as dredging would not be sustainable. IFCO Pengelly explained that the applicant did not consider there to be enough resource available from outside the SAC boundary. Mr Wordsworth explained that in times past the seed mussel had thrived around Portland. Following storms in 2014 the fishery had been decimated. He did not feel that a dredge would cause any more damage than natural conditions in this high impact area, on hard rock. Prof Humphreys asked if the IFCA had a duty to provide this service when the activity may not be given permissions once the reports have been completed. Dr Morgan explained that although the mussels were not a feature of the SAC they would be classed as a notable community on this site and the applicant would have to show that features and community were maintained with no adverse effects. He added that Natural England would be consulted should an application be received by the IFCA.

Mr Stantiford explained that dredging would be the only way to collect the mussels in that area. He added that the population would not be affected by fishing as the mussels repopulate very quickly, but allowing this to happen in a SAC could open the floodgates.

Dr Cripps asked that if the Authority would not consider allowing this activity in principle, was it not inappropriate to ask the applicant to undertake expensive assessments? Members were uncertain whether the IFCA was obliged to carry out this work when asked. IFCO Pengelly explained that the decision as to whether to allow access would rest with the Authority, regardless of the conclusion of the assessment. The Chairman asked IFCO Pengelly to go back to the applicant with the concerns raised. The Chief Officer would check the legal opinion on obligation to carry out request for an assessment. The Chairman asked Members if they would agree these proposals and they were approved under General Consent.

Resolved

15. That officers seek further information.

2021/2022 Survey and Stock Assessment

16. IFCO Cooper updated Members on the proposals for the forthcoming year. Following the last TAC meeting he had developed new ways of working to progress the monitoring plan for 2021-22. Successful delivery of the programme will be subject to Covid Government guidelines and will remain under review throughout the year. He worked through the projects that would continue; some with amendments to methodology and some with ongoing review. Members discussed the usefulness of small fish surveys (SFS), whether they could be carried out less frequently, maybe to be considered next year. IFCO Pengelly explained for Members that data gathered during SFS had been used when considering Marine Licence Applications, fed into the understanding of how juveniles use harbours and estuaries and the surveys continued to develop close working relationships with local communities as in most years local groups had been able to contribute. Over time this would be a valuable dataset of evidence for future management measures. Members agreed the recommendation under General Consent, however they thought SFS should be reviewed for the following year.

Resolved

17. That the survey proposals for 2021/22 be agreed.

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Mr Legg left the meeting and took no further part in the discussions.

Minimum Conservation Reference Size Literature Review

18. Conservation and Research Officer Jamie Small reported that the literature review of species profiles to gather evidence ahead of the review of minimum size byelaws scheduled for 2021-2023 was progressing. She asked Members to consider reports on skates, plaice, turbot and black bream. These were live documents that would be updated or amended when required. She reported that three Plymouth University students would undertake research projects that would use the mullet collected by officers last year. However, samples of thick lipped mullet were proving difficult to source. Mr Stride offered to pass on the details to local fishermen who may be able to help with collecting samples. Mr Fisher reported that he had been involved in CEFAS ray surveys in Lyme Bay and would be happy to pass on contact details. The Chairman thanked Jamie for continuing to provide interesting reports.

Resolved

19. That the report be noted.

Live Wrasse Fishery

20. IFCO Smith updated Members on the performance of the wrasse fishery in 2020 against the triggers for assessment identified in the monitoring and control plan. She reported that none of the triggers had been activated however species-specific data would be required in future monitoring and the Wrasse Fishery Guidance for 2021 would be updated to include this and a requirement to submit catch return data by a specified date. She thanked PhD student Lauren Henly for her advice during the data analysis and production of the report. Members were interested in the possible decline within mixed wrasse species and IFCO Smith reported that when comparing only two years data it is not possible to attribute declines to fishing activity. Further monitoring throughout the coming year would provide more evidence for the status of the wrasse fishery.

Resolved

21. That the report be noted.

Date of Next Meeting

22. That the next meeting of the TAC would be held on 6 May 2021 at 1300 remotely via video conferencing.

Mr T Ferrero left the meeting.

Prof Humphreys told Members this was his last TAC meeting as he would be stepping down at the Authority meeting in March. The Chairman thanked him for his years of contribution to the TAC. All Members agreed with this sentiment.

23. There being no further business the meeting closed at 17.51.

Chairman:

Date: