

By: KEIFCA Chief Fishery Officer

To: Kent & Essex Inshore Fisheries and Conservation Authority
– 14 June 2022

Subject: Small-scale trial feedback and 2022 Permitted Cockle
Fishery Management

Classification Unrestricted

Summary: This paper outlines the feedback from Consultation 1 on the proposals to run a small-scale trial, the option of amending our current flexible cockle byelaw and management proposals for the 2022 cockle fishery.

Recommendation: Members are asked to:

1. **DISCUSS** and **APPROVE** amending the current Cockle Fishery Flexible Permit Byelaw as described in the report and opening the 2022 cockle fishery rather than running a small-scale trial as outlined in Consultation 1; and

2. If Members approve 1, then Members are asked to **APPROVE** that:

(a) The provision contained within the byelaw to reduce the permitted landing tonnage by half will be implemented for the 2022 fishery.

(b) The Total Allowable Catch (TAC) will be set at 319 tonnes which based upon the number of permits being applied for being 26, results in, for category 1 permits, 3 trips per vessel of a maximum volume of 6.8m³, and for the category 2 permit, 6 trips of 1.75m³.

(c) All areas other than Area 7 will be closed.

(d) The fishery will open on Monday 10th October 2022 and will close on Friday 14th October. Fishing will be permitted between 0900 on the Monday until 1200 on the Friday.

Background

Building on the feedback from stakeholders during the Listening Phase, the Consultation 1 document outlined an option to trial new methods of cockle fishing during the 2022 season in the cockle fishery outside the Regulating Order rather than run the permit fishery as normal. The aim of the trial was to help create a fishery that could be more easily accessed by the local inshore fleet and providing another form of income for fishers during the summer.

Why run a small-scale trial?

Suction dredging has been the predominant type of cockle harvesting in the Thames for the last 20 to 30 years. Feedback from the Listening Phase clearly indicated the current set-up of the permit fishery was not working nor providing a reliable income. Fishers not currently working in the Thames cockle fishery have indicated that they would like to set up a small-scale fishery. At present there is no small-scale cockle fishing in the Thames, so before any legislation is developed it is important to trial and understand the impact and economic potential of different types of cockle harvesting gear and operations.

Initial setup and premise outlined in Consultation 1

Using the scientific and fisheries management exemption contained in the current Cockle Fishery Flexible Permit Byelaw (CFFPB) it was outlined under the proposal that the normal fishery would be closed in 2022 and that six derogations (three in Kent and three in Essex) would be issued by the Authority to trial small scale fishing gear and operations. As the profitability of the trials are also an important component, fishers involved in the trial will be able to sell their catch.

Feedback from Consultation 1 on the small-scale trial

A collated summary of all the written replies can be found on our specific cockle consultation website <https://cocklereview.kentandessex-ifca.gov.uk/consultation-1>.

The vast majority of the current TECFO fleet backed some kind of small-scale cockle fishery that supported local fishing boats supplementing their income. Of those who answered the question from this sector, one person said they would apply, twenty people said they wouldn't and one person indicated they possibly would apply to take part in the trial. A view from some of the fishers in this sector was that the trial would not be a good use of resources in terms of time and money.

Although half of the cockle fishers that currently just work in the permit fishery, said they would take part in the trial as long as the trial included vessels up to

14 metres, when it came to the actual practicalities of the trial there was an overwhelming opposition to the trial. The majority view was that the trial wouldn't work, it wouldn't benefit anyone and that the financial return from 1 ton of cockles per trip limit was not worth the investment in either terms of time or money.

The small-scale trial received a mixed level of support and what can be best described as a lukewarm response from fishers who are not currently part of the cockle industry (the main focus of the trial).

The trial received very limited support from the oral evidence process from fishers outside the current cockle industry. Only one fisher who wanted to be included in the trial turned up and gave evidence, two fathers gave evidence indicating that their sons might be interested in taking part and four fishers booked slots to give feedback on the trial but either forgot or could not attend the session in the end. During the consultation period officers only received a handful of enquiries asking for more details and discussing options.

Of the fishers from outside the current cockle industry that did reply to the consultation eight out of thirteen fishers supported the proposal and said they would apply for a derogation. Of the eight fishers that supported the trial three of the fishers said yes but made the following comments

"Yes but over the summer July-Aug"

"Yes but would like to explore grant funding"

"I may apply it all depends on time and work commitments"

Feedback on the impact of running a trial rather than opening the permit fishery

As the permit fishery has been inconsistent since 2014, estimating the financial impact of closing the fishery in 2022 is difficult to assess as this does not form a stable income to the fishers that take part in the fishery.

Year	Category 1 ≈11 tonnes per trip	Category 2 ≈2.75 tonnes per trip twice the number of Category 1 trips	No. trips per permit
2014	37		2
2015	40	2	Closed
2016	37		Closed
2017	35		1
2018	35		1
2019	30		1
2020	30		1 (none landed)
2021	28	1	Closed
2022	25	1	

However, focusing solely on this year, the potential gross earnings for a category 1 permit, on three trips at 6 tonnes per trip (the proposed management) would be between £5,000 and £9,000 per permit with a potential overall gross income from the fishery of between £137,000 and £230,000. Closing the fishery to run a trial would deny the permit holders this opportunity.

Running the trial could generate a gross income of £3,000 - £5,000 per derogation with an overall gross income of £18,000 - £30,000. However, the trial would significantly progress the development of alternative gears and fishing methods that could open up the fishery to other fishers in the inshore fleet in the future.

A range of views was expressed in the consultation as to the impact of closing the permit fishery and running a trial. These comments were made before the surveys indicated that the permit fishery could be opened in 2022.

"This would impact me and my crew massively as we are fully committed to the permit fishery and have been over a long period of time."

"There have been years we have made a profit from the permit fishery, and some we haven't."

"We have not earned any money out of the permit so far. So it all depends on the agreed permits and the areas."

"The current permit fishery has failed and has no benefit to my business. The trials are a step in the right direction if it is encouraging involvement from the local fleet."

Finding a way forward

The feedback from consultation 1 generally supported the introduction of a small-scale fishery, which followed on from comments in the Listening Phase that the current permit fishery does not work as a result of a fleet which is too big for the available grounds, each taking too large a quantity of cockles per fishing trip. In Consultation 1, respondents were asked to describe what they pictured when thinking about a small-scale fishery. The vast majority of respondents agreed that this would look like a smaller quantity of cockles being landed per vessel than at present, with figures in the range of 1 to 6 tonnes per trip being quoted. There was less consensus when it came to vessel size, with some describing a fleet of vessels below 10m in length and others saying that vessel size didn't make any difference as they would only be able to land the smaller quantity in any case.

The existing Cockle Fishery Flexible Permit Byelaw (CFFPB) currently provides for two categories of permit which may be issued by the Authority to allow a person to fish for cockles within the permit fishery. Category 1 permits allow a maximum of 13.6m³ of cockles to be landed per trip, whilst a category 2 permit allows a vessel to land 3.4m³ of cockles per trip in multiples of two trips. These figures can be reduced by half to allow category 1 permits to land 6.8m³ per trip and category 2 permits to land 1.7m³ per trip in multiples of two trips.

As our current permit byelaw already gives a range of flexibility that matches most of what stakeholders have asked for in the consultation, it is suggested that efforts are made to adapt our current byelaw rather than run a small-scale trial this season. If adapting the current permit byelaw does meet the requirements of stakeholders, then the Authority could develop and make a new byelaw that would fit the needs of a small-scale fishery in the future.

This would give more time for fishers to work together through their Associations (as suggested in one reply) to form clearer ideas and business plans of how this fishery would work best for them and allow more time for fisheries to apply for grants etc (as suggested in one reply). Feedback also suggested that by creating clear legislation new fishers would also have more confidence in making the capital investment in new gear and the time commitment to make a new fishery work as there would be a clear long-term fishing opportunity rather than a trial that might or might not go ahead in future years.

What can be achieved under the current system?

For 2022 fishery - Reduce tonnages in line with management plan

The current byelaw provides a mechanism within the management plan to reduce the quantities landed by each vessel per trip by half. This would result in the category 1 permitted vessels landing 6 tonnes per trip (6 bags or 6.8m³) and the category 2 permitted vessels landing 1.5 tonnes per trip (1.5 bags or 1.7m³ per trip). This would enable the Authority to permit a fishery during 2022 which meets the quantity suggestions made by the industry during the consultation.

Importantly for the purposes of a small-scale fishery, the existing byelaw does not mandate the use of any particular type of gear, there is no requirement for vessels to use a suction dredge or a rotary riddle for example. The byelaw sets a maximum dredge blade/aperture width of 76cm and a minimum riddle length of 1.75m as well as specifies a requirement that the dredge be constructed of bars with a 16mm spacing to allow undersize cockles to be rejected at the seabed. The byelaw therefore does allow significant gear flexibility and room for creativity for smaller vessels to work the permit fishery.

For 2022, 26 permit applications have been received; 25 category 1 permits and 1 category 2 permit. This results in a fleet trip being 141 tonnes. It may be possible to create a temporal separation of category 1 and category 2, using different specified times for each category, to mitigate any operational risks of using conflicting gear types and to allow for the less efficient gear used on a category 2 vessel to work prior to the use of efficient suction gear. This would allow the category 2 permit holder to complete some or all of their allocated trips prior to the suction dredging fleet fishing.

This option is viable for this year's 2022 fishery as no changes are required to the byelaw or the management plan, however the Authority would need to approve the management plan instruction to reduce the quantities permitted to be landed.

What could be achieved with modifications to the current permit byelaw?

For 2023 fishery – modifications and changes which could be made to the current permit byelaw

- Modify management plan triggers to increase number of trips at which tonnage drops to half.
- Modify flexible permit conditions to specify gear/riddle for different categories of permit or types of gear

What could be achieved under a revised permit byelaw?

For 2024 fishery – write a new byelaw to change fixed parts of the current byelaw

- Need new byelaw to achieve spatial separation of categories
- Need new byelaw to vary tonnages from those specified

How could the current byelaw be used differently?

The byelaw provides that the Authority may issue two different categories of permit, with the primary difference between the two categories being that they allow the permit holder to land different quantities of cockles per trip. However, the Authority could make the decision to only issue one category of permit provided for in the byelaw. This could be combined with the power to halve the landing quantity described in the previous option.

If the Authority decided to only issue Category 1 permits then all permit holders would be able to land 13.6m³ (12, 1-tonne bags) or 6.8m³ (6, 1-tonne bags) per trip.

If the Authority decided to only issue category 2 permits, then all permit holders would be able to land 3.4m³ (3, 1-tonne bags) or 1.75m³ (1.5, 1-tonne bags) per trip.

Although this would not require any changes to the current byelaw or management system, it could not be implemented until 2023 at the earliest as the permit application period specified in the byelaw has already closed for the 2022 fishery and both categories of permit having been applied for.

Recommendation: Members are asked to:

1. **DISCUSS** and **APPROVE** amending the current Cockle Fishery Flexible Permit Byelaw as described in the report and opening the 2022 cockle fishery rather than running a small-scale trial as outlined in Consultation 1.

Recommended 2022 Fishery Management

Area 7 of the permitted cockle fishery is located within the boundary of the Essex Estuaries SAC and the Blackwater, Crouch, Roach and Colne Estuaries MCZ. It contains, as well as the cockle beds, a notable Native Oyster population which is protected by a permit byelaw. In addition, bottom trawling is prohibited in areas within the Essex Estuaries SAC immediately adjacent to these beds. As a result, making conservative decisions which are precautionary in their nature regarding this fishery would seem prudent, to try and create a regular fishery which the industry can make informed decisions about when deciding whether to take part.

The provisions listed below are intended to enable the fishery to operate in a time-efficient manner whilst reducing the impact of the fleet upon the ground and reducing fishing mortality as much as possible. Ensuring that the cockle harvesting process is as efficient as possible continues to be a major factor regarding this fishery, as due to the significant MPA protection of this site and the measures applied for all other types of bottom towed gear the minimising of ground impact is essential.

Fishing allocations

The fishery will occur in the week following the last week of the TECFO 1994 cockle fishery which is provisionally set to close on 7th October 2022. The fishery will therefore open on Monday 10th October 2022 and will close on Friday 14th October 2022. Fishing will be permitted between 0900 on the Monday until 1200 on the Friday. Vessels will be permitted to undertake three trips only in the case of category 1 permit vessels and six trips only in the case of the category 2 permit vessel.

Vessel Checks

The biosecurity elements of the Flexible Permit Byelaw continue to be a critical element of managing the cockle stocks within the Thames Estuary.

Each vessel and its cockle gear will be cleaned of all cockle debris including the hold, deck and all spaces that may hold cockles. The pumps, pipes, dredges and riddles on each vessel would also be cleaned. This would involve washing with a freshwater pressure washer and scrubbing each part, the vessel and gear would then be allowed to dry. The vessel would then be submitted for inspection.

Vessel owners would be required to contact the KEIFCA office to book a time and date for inspection. All vessels would be inspected in the week prior to the fishery with KEIFCA officers travelling to the most recent working port of each vessel to check the vessel decks and holds are clean and where the pumps and pipes would be flushed through with sea water for an appropriate period of time.

Each vessel taking part in the fishery will be inspected against the requirements of the Flexible Permit Byelaw and the biosecurity plan. If any vessel fails, its inspection then it may not take part in the fishery. In an extreme situation, the permit holder can write to the Chairman and Vice Chairman to appeal the decision, explaining the extenuating circumstances that led to the inspection

failure. In such circumstances, it would be at the Chairman's and Vice Chairman's discretion for a second inspection to be undertaken. If this inspection fails an inspection certificate will not be issued and the vessel will not be allowed to enter the fishery. If the vessel passes it will be issued with an inspection certificate. After the fishery opens officers would not be able to inspect any more vessels.

Bag inspections

Any cockles which are landed to be transported outside of the KEIFCA district for processing must be landed in bags. The requirements for the inspection of cockle bags are prescribed within the Flexible Permit Byelaw and must either be new bags or cleaned and disinfected using a prescribed process developed in conjunction with CEFAS. The cockle bags will be inspected by the KEIFCA officer during the biosecurity inspection.

Location of vessels

KEIFCA patrol vessels will be at sea throughout the period of the fishery ensuring that vessels only fish within the open areas and to monitor damage and catch rates.

Fishing vessels will be required to give notice to the cockle line upon leaving port providing information on which area they intend to fish in and will also be required to give notice to the cockle line 2 hours before landing.

Outlook for 2023 and beyond

Since 2017, the number of adult cockles on the beds has shown a steady and regular increase. There are good numbers of adult cockles below 16mm at some survey points in the main beds of the outside areas and depending on growth rates over the next year, these cockles may be of harvestable size in 2023 and beyond. This year's spatfall and fishery mortality as well as winter mortality over the 2022/23 winter will impact upon the 2023 fishery.

Recommendation: If Members approve recommendation 1, Members are asked to **APPROVE:**

(a) The provision contained within the byelaw to reduce the permitted landing tonnage by half will be implemented for the 2022 fishery.

(b) The Total Allowable Catch (TAC) will be set at 319 tonnes which based upon the number of permits being applied for being 26, results in, for category 1 permits, 3 trips per vessel of a maximum volume of 6.8m³, and for the category 2 permit, 6 trips of 1.75m³.

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