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Our Ref: TECFO2024/2025/

16 July 2025

To: TECFO 2024 applicants eligible for a transitional licence

LICENCE TYPE – CONFIRMATION OR REQUEST TO CHANGE

Background

In concluding the Licence Allocation Process for the first 7-year period of the Thames Estuary Cockle Fishery (No.2) Order 2024 (TECFO 2024) and following the laying of the Thames Estuary Cockle Fishery (No.2) (Variation) Order 2025, KEIFCA wants to be sure that no-one has been unfairly prejudiced by the change made to Article 5(12) of TECFO 2024.

On 18 June 2025 the Authority agreed to a process whereby all of those eligible to apply for a transitional licence under the terms of TECFO 2024 would be given the opportunity to consider the type of licence they wish to apply for to cover the first 7 years of TECFO 2024.

Legal advice from King's Counsel has been sought regarding how this process should be undertaken. The implementation of the decision taken by the Authority has been undertaken by officers in line with this advice.

The process will invite requests from all applicants for a TECFO 2024 licence who were eligible to apply for a transitional licence in accordance with Article 6 of that Order, to confirm or change the type of licence (transitional or non-transitional) for which they applied (in line with Option 3 agreed by the Authority). Where any applicant is requesting to change to the type of licence they have applied for, they will need to say why they have done so and explain how their decision to apply for the type of licence they did was prejudiced by the wording of the TECFO 2024 as made.

The Authority will retain a discretion and will permit an applicant to switch only where the applicant can satisfy the Authority that it would have applied for a different type of licence, had Article 5(12) not precluded companies with common officers or shareholders from each holding a transitional licence.

What do I need to do?

Taking into account the Thames Estuary Cockle Fishery (No.2) Order 2024 as varied by the Thames Estuary Cockle Fishery (No.2) (Variation) Order 2025, please consider the type of licence for which you applied (transitional/non-transitional) and then, via completion of the TECFO-001a form (attached), confirm whether you wish to remain with the type of licence you have already applied for or request a change to the type of licence you have applied for.

If you are requesting a change to the type of licence for which you are applying, you will need to say why you are requesting the change and explain how your decision to apply for the type of licence you did was prejudiced by the wording of the TECFO 2024 as made. You should provide any and all evidence which you feel supports your request.

When do I need to do this by?

You need to have submitted your TECFO-001a form and, where you are requesting a change, any supporting evidence to Kent and Essex IFCA by 3pm on 23 July 2025. This should be sent via email to info@kentandessex-ifca.gov.uk.

If no response is received from you by this deadline, then your TECFO-001 application will remain as it was submitted during the application window and the licence type you previously applied for will be the type considered for inclusion on the ranked list.

What will happen next?

Your request and supporting evidence will be considered by the Authority at its meeting on 6 August 2025 alongside the following; your responses during the cockle review process, your completed TECFO-001 application form, any relevant prior communications between yourself and KEIFCA or its officers, and legal advice provided to the Authority.

If the Authority is satisfied that; if the Order as varied had been in force during the licence application window, you would have applied for the type of licence you are now requesting; your TECFO-001 application form will be considered as though it was for the type of licence you are now requesting. No other changes to your TECFO-001 application form will be permitted prior to this consideration.

What happens if the Authority is satisfied by any requests to change?

If there are any successful requests to amend licence type from **non-transitional to transitional** then officers will provide information to the Authority as to the eligibility of those applying, under Article 6 of TECFO 2024 (as varied). The recommended ranked list will be amended accordingly at the meeting on 6 August 2025 and an issuing decision made by the Authority for all licences.

If there are any successful requests to amend licence type from **transitional to non-transitional** then the Application Panel will be reconvened to score the previously submitted TECFO-001 applications of those requesting this change against the scoring criteria in the Management Plan. This will take approximately 4 months to complete. No licences will be issued, and no fishing will be permitted, until this has been undertaken.

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Kent County Council - Essex County Council - Medway Council - Thurrock Borough Council - Southend Borough Council

Yours sincerely

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