



Cockle Biosecurity Emergency Byelaw Impact Assessment

1) Summary of atypical mortality within national cockle fisheries and how this could impact upon the Thames Cockle fisheries. Explanation of why the need to make the byelaw could not reasonably have been foreseen.

The KEIFCA has instructed officers to make a new permitting byelaw which will combine the six existing SFC byelaws, incorporate biosecurity requirements and allow two categories of permit to be issued to enable smaller vessels to exploit the fishery. When developing new legislation, an assessment of the legislation on the existing regulatory landscape is carried out once the byelaw wording reaches a final draft stage, it is not possible to do this sooner as the wording has not yet been developed.

When this assessment was carried out it was found that the existing byelaws also apply to the area of the Thames Estuary Cockle Fishery Order 1994 and provide mitigation of impacts on MPA's as part of the Habitat Regulations Assessment, which aren't encompassed within the Regulating Order itself. If the existing byelaws were to be revoked with the licence conditions and regulations of the TECFO in their current form, management measures essential to the sustainability of the TECFO and to the compliance with the Habitats Regulations would be lost. To remedy these issues will take time as well as changes to the regulations and licence conditions of the TECFO.

A second potential issue with the proposed new legislation also was raised during this assessment. Permits for cockle fishing have already been issued for the 2014 fishery, and there is uncertainty as to whether permit holders may assert legitimate expectation and whether revocation of those permits would create a possibility of legal challenge.

2) Summarise any legal powers relating to this activity.

The primary management measure used to regulate the cockle fishery in the Kent and Essex district is a suite of byelaws which were last reviewed in 1997, these include technical measures and catch return requirements as well as a permit requirement. There are no biosecurity measures within the current KEIFCA byelaws. CEFAS FHI have no powers to enforce restricted shellfish movements as currently the atypical mortality cannot be attributed to a specified notifiable disease.

3) Where possible K&EIFCA officers would gather and record first hand data about activity levels (e.g number of people/ boats/ amount of gear involved). Records would also be made of stakeholder's estimates of activity.

Historically there have been fluctuating numbers of cockle boats working on the outside area fishery. These comprise vessels from within the Thames Estuary including the 14 licensed vessels from the TECFO as well as vessels from outside the Thames, primarily from the Wash. The number of vessels in the past ten years has been between 20 and 40 with each vessel employing 1 skipper and usually 1 crew member. In addition there are a significant number of people ashore also

employed by the cockle industry including several processors both within the district in Whitstable and Leigh-on-Sea, and outside of the district in Boston and Kings Lynn.

The number of trips taken by the vessels varies depending upon the stocks available each year which are monitored via annual surveys by KEIFCA.

4) Where possible information would be gathered by K&EIFCA officers aimed at quantifying the amount of damage/ impact taking place by the activity.

The cockle fisheries within the KEIFCA district are valued at approximately £4-6 million at first sale and represent the largest single cockle fishery in the UK. If a mortality causing agent were to be introduced to the KEIFCA district the value could be significantly reduced and the output from the Thames cockle fisheries would reduce impacting on global markets.

5) A comparison would be made of current activity and impacts with previous activity/impacts.

See answer for question 4 above

6) Estimate of future impact on species or feature if action is not taken (if activity continues at current level).

If cockle mortality events are introduced to the Thames via the outside area fishery, these would be likely to also affect the Thames Estuary Cockle Fishery Order 1994 (TECFO). This fishery is worth approximately £6 million at first sale and is a significant input for the local economy. This fishery is also recognised by many, including the industry, as an best-practice example of a sustainable cockle fishery.

Introduction of mortality causing factors would likely result in significant mortality of older cockles across the site similar to that seen in the Wash in recent years. This reduces the spawning biomass and also the quantity of larger, older cockles across the affected area reducing future quotas.

7) Give a brief review of any efforts made to deal with the issue in a non-legislative way.

During 2012/13, KEIFCA held several meetings with stakeholders to develop a voluntary biosecurity code of conduct. Many were in agreement with the code developed, however the KEIFCA members felt that a lack of enforceability was an issue, especially given the possible consequences detailed in 6 above were non-compliance to be an issue. Therefore it was felt that the development of biosecurity measures in a legislative solution was the necessary way forward.

8) Suggestion on the possible wording of an emergency byelaw.

See Appendix 1

9) Estimate the cost on sectors undertaking the activity if the activity is managed using the suggested byelaw wording.

The primary cost for the industry will be the purchase of new bags for each trip. Up to 12 bags are required per trip and there will be approximately 4 trips given the current stock assessment and anticipated number of vessels. Therefore each vessel will require 48 bags at a cost of £5 - £10 each.

A secondary cost will be the work necessary for cleaning down of the vessels and making them available for inspection prior to the start of the fishery.

10) Estimate the cost of enforcement of emergency byelaw using the suggested byelaw wording.

As with estimating the enforcement requirement of any regulation, the amount of local support is critical to achieving compliance as enforcement level would have to be significantly increased if the majority disagreed with the measure (the initial feedback from the industry is that the majority do agree with the emergency byelaw).

K&EIFCA currently enforce all cockle fishery byelaws at sea whilst the fishery is in effect. Introducing this emergency byelaw to address the increased risk of mortality events within the cockle stocks, would require an additional number of vessel and gear inspections to be carried out prior to the fishery to assess initial compliance and to help gather intelligence to assess future compliance and help identify areas of future risk (this would equate to an initial 4-8 extra officer days ashore). Once the initial inspections have been carried out, further gear checks whilst the fishery is operating can be carried out at the same time as other general landing and sea inspections.