

By: Assistant Chief IFC Officer

To: Kent and Essex IFCA – 29<sup>th</sup> September 2014

Subject: Cockle Fishery Gear Type Emergency Byelaw

Classification: Unrestricted

---

Summary: To review a cockle gear type emergency byelaw

---

**1. Background**

At the last Authority meeting on 4<sup>th</sup> September, officers reported that a significant number of permit applications had been received from individuals wishing to carry out hand raking and tractor dredging operations within the cockle fishery outside area when the site is exposed over low water. KEIFCA do not have experience of a modern hand worked or tractor dredged fishery as the majority of KEIFCA cockle fishing operations since the late 1970s have been undertaken using a suction dredge deployed from a vessel over high water. It was reported that officers had spoken to the majority of these permit holders and that there appeared to be a real interest from them in working this fishery. This is an unforeseen change from previous years of the fishery in which enquiries have been received regarding hand raking but no permit applications were received. This type of harvesting operation is very different to the existing operations in use within the KEIFCA district and the management measures and biosecurity measures in place have not evolved to manage this type of operation.

**2. Information gathering with permit holders**

It was reported that a letter had been sent to those permit holders to ask them questions relating to their operations and how they intended to work the site in order to ensure that fisheries management and biosecurity issues were being considered by the permit holders and to help officers manage this type of operation in a similar manner to the dredged fishery. The letter sent to permit holders is attached as **Appendix A**. This letter was sent to all permit holders who had specified anything other than a 'suction dredge' on their permit application form. Two responses were received from fishermen, both of these permit holders wished to deploy dredges from their vessels. No

responses were received from any permit holders wishing to hand rake or tractor dredge.

### **3. Advice from regulators**

Natural England (NE), Marine and Coastguard Agency (MCA) and CEFAS were asked for their advice regarding this fishery in terms of environmental impact, public safety and biosecurity respectively.

In summary, NE felt that there was a significant risk to the designated features of the Marine Protected Areas (MPAs) in which the fishery operates from this type of operation both on its own and when considered together with the dredging operations. As a result, NE advice was that a full Habitats Regulations Assessment would be required prior to the fishery taking place and that they would have serious concerns regarding the use of quad bikes, tractors and other motorised vehicles being used on the site.

The response from MCA advised that the site is one of the most remote sites in the Thames to get a 'mud team' to, taking at least 1 hour and 49 minutes from base. MCA said that there are no RNLI hovercraft rescue units in the area and the broad expanses of shallow water would present significant difficulties in a RNLI lifeboat attending on the flood tide. MCA also reflected on the possible wind and tide combinations in this area during October, many of which result in dangerous conditions for persons on the sands as well as any shallow bottomed landing craft used to access the site from sea. MCA advice was that well thought out risk assessments would be required by the operators.

CEFAS felt that the biosecurity risk did not increase significantly with the introduction of a hand raked fishery but that the difficulties in enforcing the existing biosecurity measures on a large number of relatively dispersed individuals compared to commercial fishing vessels should be taken into consideration.

The full text of these responses can be found attached as **Appendix B**. These responses, in addition to the lack of information provided by permit holders were discussed with the Chairman and Vice-Chairman and it was felt an Emergency Byelaw to restrict certain gear types for the 2014 fishery was advisable.

### **4. Impact Assessment**

An initial Impact Assessment was undertaken and a draft byelaw was constructed. The Chairman and Vice Chairman were consulted on the 16<sup>th</sup> September 2014 as required under the emergency byelaw procedures approved by the Authority. The Chair and Vice-chair, in discussions with the Chief Officer, felt that there was an urgent need for the byelaw due to the short period of time before the fishery is due to open on 5<sup>th</sup> October 2014. The byelaw was made on 18<sup>th</sup> September and a copy of the Emergency Byelaw is attached as **Appendix C**. The Impact Assessment is attached as **Appendix D**

**Recommendation:** To **DISCUSS** and **APPROVE** the actions taken