



Cockle Biosecurity Emergency Byelaw Impact Assessment

1) Summary of management issue. Explanation of why the need to make the byelaw could not reasonably have been foreseen.

Since the 1970's, all commercial cockle harvesting within the KEIFCA district has been via dredge – primarily suction dredge utilising a solids handling pump. These activities occur over the high water period when the gear is deployed from a fishing vessel.

In other parts of the country on other cockle fisheries, various low water access activities are undertaken including; hand raking, prop washing and tractor dredging. All of these activities require the use of very different methodologies to those in use in recent years and all of them include abrasion, access and trampling effects on the ground. They also result in commercial fishing operations taking place when bird SPA features will be accessing the site for feeding. None of the management measures currently in place within the KEIFCA district are designed for the management of a low water access cockle fishery and the Appropriate Assessment carried out by KEIFCA for cockle harvesting does not consider or address any gear types other than dredges deployed from vessels.

The area outside of the TECFO 1994 has been closed for the past four years following concerns relating to atypical mortalities in other parts of the UK. This year the Authority has made an Emergency Byelaw to introduce biosecurity measures which are also being included in a review of the byelaw system used for managing the cockle fishery from 2015. Following the Authority's decision to open the fishery in 2014, a large number of permits applications have been received for low water access fishing activities including hand raking and tractor dredging. In previous years officers have received informal enquiries relating to these activities but it is unforeseen that permits be applied for. Officers have spoken to the permit holders and several have expressed their intention to harvest cockles using these methods – again this intention was unforeseen given the lack of activity in previous years.

There are three concerns relating to this activity:

1. Impact of gear type on designated features of MPAs
2. Public Safety
3. biosecurity

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 is also an Emergency Byelaw which was made in August 2014 which introduces biosecurity measures for the fishery. The byelaws include technical restrictions on how harvesting gear must be constructed but do not limit the type of gear which may be used. The type of harvesting gear used can legally be restricted.

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.

Officers have written to all permit holders 109 total permits from who, on their permit application form, had either said they wished to undertake some form of hand raking/tractor dredging/prop washing or had not specified a gear type. 25 letters were sent out and 2 responses were received. Both of these responses were from vessels wishing to deploy a dredge over high water. No responses were received from any hand rakers/tractor dredgers/prop washers. This would suggest that approximately 20 – 23 individuals would want to use some sort of low water gear type. The majority of these would likely be hand raking. Hand raking is achieved primarily through the use of a rake and net to gather the cockles, however the site is normally accessed using quad bikes and ATV's across the intertidal area towing trailers which the cockles are loaded onto in small bags of approximately 20kg. These are then transported up to the shore line for 'tonning up' operations where the cockles are put into larger bags of approximately one metric tonne on the back of a lorry. This activity can also be accomplished by taking the cockles to a vessel which has been dried out on the intertidal area. Landing craft can be used to deliver quad bikes to the site to enable a greater area to be covered.

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

In writing to the permit holders wishing to carry out low water activities, questions were asked about how the site would be accessed and whether site visits had taken place by the permit holders. No responses were received. KEIFCA also wrote to NE, MCA and Cefas to ask for advice relating to this activity, their responses are attached in Appendices 1,2 and 3.

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

Previous activity has not included low water access activities. Therefore any occurrence of these activities will result in increased activity and impacts over a larger part of the tidal cycle and of greater intensity. See NE response in Appendix 1.

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

See NE response in Appendix 1.

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

KEIFCA wrote to the permit holders who had applied for a permit to carry out low water activities, the letter is attached in Appendix 4, asking for information relating to the operation of the fishery. No responses were received.

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

See attached draft byelaw

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

These gear types will be prohibited if the suggested byelaw wording is followed. This will prevent any financial gain from these activities. However, this activity has not occurred in the KEIFCA district previously therefore the cost is theoretical.

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 from land and sea whilst the fishery is in effect, the site is usually patrolled at high water given the vessel-deployed nature of the dredge gear types used. Additional low water patrols from land and sea will be required to check for compliance with this emergency byelaw.