

ANNEX A

PROPOSED OPENING OF THE FOULNAZE COCKLE FISHERY IN JUNE 2012 AND MANAGEMENT ARRANGEMENTS

Purpose: To consider opening the Foulnaze cockle fishery on 18 June 2012

Recommendation: Members are asked to consider the proposed opening date and management arrangements for this fishery

Background

1. The NWIFCA became aware of the Foulnaze cockle bed in late August 2011, 4 days before the fishery opened on 1 September. This bed had greater stocks of sized cockles than other beds in the Ribble and became the focus of the fishery in September and October. The offshore location meant that the bed could only be accessed by boat and large numbers of small unsuitable vessels were used unsafely in the fishery.
2. Widespread safety concerns arising from frequent calls to the rescue services and media attention forced closure of the fishery under Emergency Byelaw on 7 November. Subsequent survey showed that the majority of the remaining stock was undersize. The industry and NWIFCA agreed that the fishery should remain closed throughout the winter for safety and fishery management reasons.
3. The Emergency Bylaw expired on the 30th April 2012 but the closure continued with the start of the seasonal cockle bed closure under Byelaw 14 from 1st May to 31st August. On the 1st September 2012 cockle fisheries including Foulnaze, will open unless the NWIFCA makes further closures under Byelaw 13a for management or scientific purposes.

State of stocks in May 2012

4. 3 surveys of cockle stocks on Foulnaze were undertaken in May 2012 (as attached). Data was also collected on bird usage and the associated ecosystem. Cockle growth has led to approximately 80% now being above the minimum landing size compared with approximately 25% in November. The total stock is estimated to be approximately 1,500 tons. Although much less than the 10,000 tons estimated at the start of the Foulnaze fishery in 2011, this stock will provide a small commercial fishery in 2012.

Rational for opening in June

5. A June opening as opposed to September would have a number of advantages for the NWIFCA and the fishing industry:
 - I. Health and safety concerns to gatherers would be reduced in conditions of summer weather and longer daylight.
 - II. Enforcement would be easier for Officers for the same reasons of weather and daylight.
 - III. A June opening would coincide with opening of the South Wales (June 11) and Dee (1 July) fisheries so the numbers of fishers attracted to the Ribble may be reduced.
 - IV. June 18 is the earliest date that can be achieved to complete the preparatory work required.
 - V. The fishery will close on 12 July to avoid conflict with the Open golf Championship at Lytham which starts on 16 July.

- VI. The commercial stock is much smaller than was available in 2011 and is expected to be exhausted in about 4 weeks. In the conditions of reduced stock, It is unlikely that the fishery would re-open in September so a winter fishery with attendant risks would be avoided.

Mechanism for opening in the closed season and regulations to be applied

6. The Fishery would be opened to hand gathering only, under derogation from the Seasonal closure (Byelaw 14). Access would be limited to a single route via the Seafield road slipway at Lytham. All other Ribble cockle beds accessible from both Fylde and Sefton coasts and other access points would remain closed.
7. All fishers must hold byelaw 5 permits. An additional permit to fish in the closed season would be issued on application. This mechanism has the advantage that site and seasonally specific conditions and regulations can be applied to the permit. There will be no charge for this permit.
8. Agreement to the conditions by signing a written declaration is a condition of receiving the permit. The declaration lists fishing regulations, safety training required (including Sea Survival, Health and Safety at Sea and First Aid at Sea), safety equipment to be carried on all vessels and a code of conduct to protect the shellfish beds and the local community at Lytham. The declaration will be available for download from the NWIFCA website or on request from the office.
9. The use of riddles is required to ensure only sized cockles are taken.
10. A total allowable catch (TAC) of 700 tons will be permitted. This will be monitored through catch returns from fishers and records of landings from transport vessels. If this catch level is achieved before the closure date, the fishery will be closed early.
11. All permit holders are required to submit weekly catch returns on forms which will be provided on the NWIFCA website.
12. Transport of cockles to shore must be via registered fishing vessels over 10m registered length. Such vessels must not be overloaded. Transport of cockles on inflatable vessels or towed barges of any sort will not be permitted to reduce risk of accident
13. Any breach of the permit regulations or safety guidance may result in withdrawal of permits or closure of the fishery.
14. **Prohibition on use of quad bikes.** We have considered prohibiting the use of quad bikes on the Foulnaze bed to reduce impacts on birds and the sand ecosystem. This would slow the fishery by limiting the amount each fisher could harvest to what could be transported in wheelbarrows or other non-mechanical means. However, it could also encourage the unsafe use of small boats to transport cockles either to the larger transport ships or back to Lytham. The South Wales cockle fishery has a prohibition of this nature.
15. If quad bikes are permitted on the beach they must be carried on registered fishing vessels only. Carrying quads on inflatable vessels will not be permitted.

Proposed opening date

16. We suggest opening on 18 June 2012 for 4 days a week (Monday – Thursday) for an initial period of 4 weeks, closing on Thursday 12 July 2012.

17. The closure is dictated by the timing of the Open Golf Championship. If tides and weather conditions permit it may be possible to survey the beds during the period of the championship and collate landing returns so that the potential for a reopening could be considered.

Work required in advance of opening

18. The management arrangements with Fylde Council and other regulatory bodies must be discussed and updated.
19. Advice from Natural England has been requested and necessary assessment of impacts under the Habitats Directive must be completed. The Ribble Estuary is designated Special Area of Protection, SSSI and Ramsar.

Enforcement

20. A number of factors lead us to expect that the overall enforcement of this fishery can be significantly improved this year compared with 2011.
21. The NWIFCA has considerable experience of the fishery from last year and is confident that by working with partner bodies, the fishery can be effectively managed. With weather and daylight in our favor, the risks of boat usage are much reduced and Officers expect to mount a strong presence at the departure slipway, on the fishery and at the landing docks.
22. We have strong working relationships with Flyde and Sefton Councils, Lancashire Police, the Gangmaster Licensing Authority, the Marine and Coastguard Agency and other Agencies with an interest in the shellfish industry.
23. Some of the main cockle merchants such as Danni Seafoods have taken Gangmaster licenses. The cockle merchants are the main drivers of the industry and it is appropriate that they acknowledge their role in directing and resourcing the cockle industry by taking out Gangmaster licences. The licence imposes duties of care on holders to ensure workers are properly equipped and have all the permits and qualification required to participate in the shellfish industry. The NWIFCA welcomes this initiative by the cockle merchants which should significantly reduce the numbers of non-permit holders able to exploit the fishery illegally.
24. Environmental Health Services in the District are more experienced in ensuring that cockles harvested are accompanied by registration documents. We expect much improved compliance with the registration document system this year compared with previously. Gangmasters will also have a duty to ensure that all batches of cockles have correct documentation.

Contingency plans

25. If the fishery results in unsafe use of boats as occurred in 2011 or unacceptable disruption to the local community at Lytham the fishery can be closed at short notice by withdrawal of the permits.

CEO and Science Officer
16th May 2012