



North Western IFCA
Byelaw 3 (Cockle and Mussel Permit)
Minimum Use Policy



At a Glance

- Byelaw 3 permit holders may be subject to minimum use thresholds in good fishing years
- Members will set thresholds dependent on the season's fishing opportunities
- Fishers falling below these thresholds will not be eligible to renew their permits
- There will be an appeals process for extenuating circumstances

1. Introduction and Background

The Authority's Byelaw 3 creates a permit regime for hand gathering of cockle and mussel within the district. It sets out a statutory limit of 150 permit holders, who are then entitled to fish commercially on opened cockle and mussel beds in the North West; any individual who does not hold a permit cannot hand gather cockles or mussels commercially on any beds at any time. Allocation of permits was carried out several years ago and were broadly issued on a first come first served basis, with the ordering of the associated waiting list being established in the same manner.

Over the subsequent years, 150 permits have been reissued each year, with existing permit holders invited to renew their permits on an annual basis, with no prerequisites for doing so. Each year, the Authority has seen low numbers of individuals not renewing their permit, with the majority always electing to renew. This has meant that the turnover of the waiting list has been slow, with only a small number of new entrants gaining a permit in any given year. Typically, between five and 10 permit holders have not renewed each year, with the same number of new permit holders therefore then coming off the waiting list to take a permit and maintain the number of holders at the maximum 150.

Following a recent refresh of the waiting list, where individuals were contacted by the Authority to confirm that they wished to remain on it, the size of the waiting list was reduced slightly, but still sits at 164 individuals (as of September 2025). Clearly, for those further down the waiting list, the prospect of their receiving a permit in the coming years is very low, given the low turnover of permit holders. In and of itself, this is not necessarily an issue, were it that the 150 permit holders were all routinely using their permits each year and fishing cockles and / or mussels within the district. However, the Authority is aware that levels of activity differ greatly between permitted gatherers, and there are individuals who, despite paying the £500 renewal fee each year, do not fish regularly or to expected levels. There are of course many different reasons for this, and individual circumstances can dictate fishers' ability to fish in any given period. However, the routine low levels of activity from some individuals creates an inherent inequity in the

established system, whereby some permit holders, who were originally given permits on a first come first served basis, are limiting the socio-economic return from the fisheries as a whole and are simultaneously – yet inadvertently – reducing opportunities for new entrants.

2. Utilisation Thresholds

To ensure the maximum socio-economic benefit from the 150 cockle and mussel permits issued each year, it is proposed that a minimum utilisation threshold is set towards the end of each fishing season. This threshold would stipulate a minimum required level of fishing effort in the form of number of days fished by each permit holder, below which permits would be considered for removal. Number of days rather than quantity of cockle / mussel fished is more appropriate as this does not penalise fishers who are less productive at gathering. The period over which holders' fishing effort would be assessed would be from 1st May to 30th April, as the cockle season closes at the end of April.

Setting such a threshold would provide two key benefits for the fisheries in terms of its socio-economic contributions to the local communities of the North West. Firstly, it would motivate *all* permit holders to fish for cockles and / or mussels against their permit. Secondly, for those that are not fishing against their permit, and who do not have a legitimate justification for not having done so, they would not be eligible to have their permit renewed and it would be offered to those at the top of the Byelaw 3 waiting list. This would increase turnover of the waiting list and provide more opportunities for new entrants into the fisheries.

Utilisation thresholds could not be predetermined prior to a fishing season commencing, nor could a standing threshold be set. This is because, for the district's *cockle* fisheries, the opportunities and incentives to fish these beds are not guaranteed year-on-year as they are dependent on the Authority's decision as to whether to open said beds. This decision is delegated via the Authority's Constitution to our Technical, Scientific and Byelaw Sub-Committee (TSB), which, after receiving officers' recommendations, decides whether to open or close each cockle bed ahead of the new cockle season beginning. Were arbitrary thresholds to be preset, this could render large numbers of fishers ineligible for permit renewal if few, or indeed no, cockle beds were then opened that season¹. Instead, utilisation thresholds would be varied annually, relative to the level of opportunities and incentives to fish for cockles *and* mussels each year. Furthermore, in years where there were no / few opportunities to fish cockles, or where market conditions rendered fishing less profitable, the Authority may decide that it is not appropriate to set a threshold that year, in which case, all permit holders would be eligible for renewal regardless of levels of activity.

¹ Note that most Byelaw 3 permit holders routinely only fish for cockles, very few fish mussels. For example, in 2024/25, only 13 of the 150 permit holders fished mussels.

3. Process

Byelaw 3 permits expire at the end of August each year. In anticipation of the Byelaw 3 permit renewal process beginning in May, the Authority would look to decide whether to set a utilisation threshold (*i.e.* minimum number of days fished) as soon as practicable, and by the end of April of that year at the latest, which is when the cockle season closes. If the Authority does choose to set one, this threshold would then determine which, if any, of the 150 permit holders had not met this threshold come the end of the cockle season; these individuals would be informed that they would not be eligible for renewal. Setting and publicising the year's threshold too early on in the season could risk some permit holders who are below the threshold mis-recording their statutory fishing returns by claiming to be present at fisheries on days they weren't, in order to meet the minimum amount, or carrying out arbitrary fishing activities to meet the minimum number of fishing days where they otherwise would not have done so.

The decision of what minimum number of fishing days to set will be made by the Authority's Byelaw Working Group, which is a subset of TSB members, with recommendations provided by officers. They will be provided with fishing data for the current season, with quantities of cockles and mussels landed by each permit holder and number of days fished for each species. Permit holders' details will be anonymised, omitting names and permit numbers and simply delineated by a randomly allocated number from 1 to 150.

Permit holders identified as not having achieved the agreed minimum number of fishing days by the end of the season on 30th April would then be contacted in early May to inform them that, based on their fishing returns, they would not be eligible for renewal of their Byelaw 3 permit. If they wished to, they would be given the option to join the Byelaw 3 waiting list but would be placed at the bottom.

4. Example – 2024/25

As an example of how this would work, we can use the most recently completed season in 2024/25 (May 2024 to April 2025) to demonstrate what the utilisation threshold might have been if this policy had already been in place, and how this would have impacted the 150 fishers who held a permit during this period.

Firstly, with the ongoing productive mussel fishery at Foulney, and with three major cockle fisheries at Flookburgh, Pilling and Leasowe opened in 2024/25, there were ample opportunities for each of our 150 permit holders to have fished for one or both species over the course of the 12-month period. This would mean that a utilisation threshold of a minimum number of days could have been set for the year. In other years, limited opportunities would mean no threshold would be set and therefore all 150 permits would be automatically eligible for renewal.

In 2024/25, of the 150 holders, 11 did not submit any returns over this 12-month period. A further four only submitted one day's worth of returns, each recording a small quantity of cockles (100-197kg), and no mussels at all. Of the remaining 135 holders, 115 fished cockles but no mussels (from four days to 127 days fished), whilst just three fishers recorded only mussels (from two to 88 days), and 16 submitted returns for both cockles *and* mussels (ranging from 30 days up to 142 days).

Therefore, if a minimum utilisation threshold of just *two days* fishing had been set for 2024/25, a total of 15 permit holders would not have been eligible for renewal, with 11 of these having not fished at all during the entire year, and a further four having fished cockles on just one day. Of these 15 non-users / low users, three voluntarily chose not to renew their permits with us this year anyway, but this still leaves 12 who have renewed for the 2025/26 season who would not have been entitled to. In total, eight 2024/25 permit holders did not renew for another year, so there were eight new permit holders for 2025/26. However, were this policy already in place, a further 12 fishers would not have been eligible for renewal and so there would have been a further 12 new entrants, 20 in total.

Evidently, increasing the minimum days threshold would increase the number of permit holders who would have been ineligible for renewal. For example, increasing it to 10 days would have meant a further nine fishers would not have been eligible to renew their permits.

5. Appeals

In identifying permit holders who have undertaken no, or little, fishing activity over the course of a 12-month period, the Authority needs to be mindful of the fact that there may be various reasons why this might be the case. As such, upon informing holders who have not reached the minimum days threshold that they will not be eligible to renew their permit, there will then be facility made for them to submit an appeal against this decision. From the point of being notified, the permit holder will have 28 days to submit an appeal, if they believe that they have reasons for not fishing that the Authority could reasonably deem to be justifiable. Such reasons could include, but are not limited to:

- fishing other species or methods within the district²
- medical issues that have limited their ability to fish
- a bereavement of a close relative
- a significant *force majeure* situation.

² This means across any part of the district (from the Scottish to Welsh border and out to six nautical miles), as defined in Section 3 of The North Western Inshore Fisheries and Conservation Order 2010.

Reasons that would likely not be deemed justifiable would include, but would not be limited to

- not living in the area at the time
- fishing outside of the district (whether for cockles, mussels or any other species)
- working other, non-fishing jobs.

In submitting an appeal, holders will be provided with an appeal form to prompt them on the relevant information to convey and will also be asked to submit confirmatory evidence to support their case as appropriate. Any appeals will then be considered by the Byelaw Working Group, and the permit holder will be informed of the outcome of the Authority's decision within 28 days of the deadline for the appeal submission. Therefore, the entire appeal process will be completed within 56 days (eight weeks) of the Authority notifying the permit holder that they are not eligible for renewal. The Authority's decision on any appeals will be final.

During any appeals process, a permit holder's permit would still be valid, and therefore they would still be entitled to fish. However, as this process would be conducted after the end of the cockle season, it would only apply to fishing for mussels anyway.

North Western Inshore Fisheries and Conservation Authority

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