

# NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY



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## **BY EMAIL**

### **Morecambe Bay Cockle Fishery Habitats Regulation Assessment Review:**

Dear Laurence Browning,

The North Western Inshore Fisheries and Conservation Authority (NWIFCA) is the relevant body for the regulation of inshore sea fisheries within its District and has a range of duties including ensuring the sustainable exploitation of sea fisheries resources and protection of the marine environment from sea fishing activities.

NWIFCA submitted the Morecambe Bay cockle Habitats Regulation Assessment (HRA) on July 5<sup>th</sup> 2021. In the assessment, Piling Sands cockle bed was proposed to be opened to hand gathering once confirmed to be HRA compliant by NE, and Newbiggin to be opened on the 1<sup>st</sup> of September. The remaining cockle beds in the bay (Aldingham, Flookburgh, Leven, Middleton and Warton) have been closed due to low cockle biomass levels compared with previous years. The purpose of the Newbiggin and Pilling Sands assessment was to identify whether the activities associated with opening the cockle beds would affect the integrity of the Morecambe Bay European Marine Site's designated features.

The HRA determined that opening both beds had the potential to effect the integrity of the site by impacting non-target bird species. The rationale behind this conclusion was based on the following information:

- 1) NWIFCA annual cockle surveys identified a significant reduction in the biomass of both undersized and sizeable cockle stocks compared to the previous years; and
- 2) Without clear knowledge of the volume and density of cockles required to support overwintering birds there were concerns that removal of stocks would result in a lack of resource for bivalve eating SPA bird features.

In addition, the low spat fall and biomass of the previous year's undersize cockle that have survived the winter is of concern regarding the following year's sizeable stock availability. Though sizeable, older cockle may perish during the winter months, some will survive which will be required to contribute to the following year's recruitment cohort.

To mitigate this impact, but ensure cockle fishing could continue, it was determined that the Newbiggin cockle bed remain closed to serve as a food source for overwintering birds protected under the SPA designation.

Under these conditions, NE deemed the fishery to be HRA compliant (Ref: NE Letter 359004, 6<sup>th</sup> September 2021).

### **Technical, Science and Byelaw Meeting:**

Subsequently, on the 2nd of November 2021, the Technical Science and Byelaw (TSB) Committee discussed the conclusion of the HRA and individual members raised the following concerns:

- 1) The assessment did not accurately represent the number of permit holders that would take part in the fishery on Newbiggin and Pilling. Their reasoning was that cockle cooking plants closed in December and the live market would only be available to those who have access to purification tanks which is a small number of permit holders;
- 2) The biomass of sizeable cockles surveyed may be higher than those identified in the 2021 surveys. The surveys were carried out by NWIFCA officers 6 to 8 weeks earlier than usual due to requests from industry to access Pilling cockle beds for live export markets. It is, therefore, possible that the number of sizeable cockles have increased during the interim period; and
- 3) The dependence of protected bird species on the sites cockle stocks is unknown. There are a variety of other bivalve species in the bay which they could utilise as an alternative food source.

It was then proposed, and voted upon, that NWIFCA should review the HRA as it pertains to point 1, taking into consideration the predictions from industry that a limited number of individuals will take part in activities, and, under these circumstances, identify whether a fishery at both Newbiggin and Pilling Sands would be HRA compliant.

The following information is provided as a review of the HRA to carry out the motion passed at TSB. We welcome NE's consideration of the additional information and recommendations regarding the fisheries interaction with the designated site's features.

### **Review of number of permit holder numbers accessing the site:**

European Marine Sites are protected under the Conservation of Habitats and Species Regulations 2019. Under this legislation regulators are required to consider the effect of an activity on the designated features, and it is common practice to consider the realistic worst case scenario when doing so. In the HRA submitted July 5<sup>th</sup> 2021, the maximum number of 137 permit holders who have the potential to access the site was considered the worst case scenario. However, on paragraph 3, under section 6.1.2 (ii), the assessment considers 20-60 permit holders to be a more likely scenario for the season across both Newbiggin and Pilling Sands cockle beds. This number was based on officer knowledge and previous year's enforcement data.

This year, cooking plants will close from the 17<sup>th</sup> of December until the spring, and it is, therefore, likely that only individuals with access to purification tanks will utilise the site to gather large cockles for the winter live markets. The maximum number of individuals with either direct access to purification tanks, or will sell on to tank owners is approximately six to ten individuals. Previous year's data shows the number of permit holders fishing Newbiggin from December 2020 to May 2021 was from 1 to 3. Over the same time scale the number of permit holders fishing Pilling was from 1 to 5. Newbiggin was fished an average of 4 hours a day, for 27 days out of the five months. Pilling was fished for an average of 8 hours a day for 29 days over the same period. During this time, additional cockle beds in the bay such as Flookburgh were open where significantly larger numbers of permit holders fished. It is likely that similar levels of fishing activity will be seen for both Pilling Sands and

Newbiggin, however, it is possible that permit holders that fished on other beds in previous years will access Newbiggin given they are closed this year.

**Outstanding considerations:**

The proposal to review the HRA based on the number of individuals targeting the site does not capture additional factors which contributed to NWIFCA's decision to propose Newbiggin cockle bed as mitigation for Pilling Sands.

NWIFCA annual cockle surveys identified a reduction in both the biomass and number of high density patches of cockles across Morecambe Bay. This information is detailed in the HRA and was been provided to NE for further analysis on the 27<sup>th</sup> of July. The closing of Newbiggin allowed for Pilling Sands to be within the envelope of previously HRA compliant fisheries with regards to; stock biomass and density for protected bird species, and availability of undersized cockles for knot (Ref: NE Letter 359004, 6th September 2021). As none of these concerns have changed, NWIFCA are not confident that opening the Newbiggin fishery in addition to Pilling Sands will sufficiently protect the Morecambe Bay SPA bird features. We ask NE to confirm where their position stands on the HRA given the new information provided here.

**Further research:**

A key issue in making confident management decisions regarding the Morecambe Bay cockle fishery has been the lack of information on bird food requirements. This information is critical to determining the impact of fishing activity on the designated bird features of the site.

Outstanding knowledge gaps that require further research in order to build confidence in future decision making are:

- 1) Cockle size preference of feeding birds;
- 2) The minimum cockle density required to support birds;
- 3) Minimum cockle biomass required as an energy source to support over-wintering birds;
- 4) Minimum cockle biomass required to re-populate the following years fishery;
- 5) Bird food preferences for, and diet composition of, other bivalve species; and
- 6) The potential benefits of cockle fishing activities for the bird populations.

Going forward, we ask that NE, NWIFCA and industry work jointly to address these outstanding concerns and develop agreed parameters to provide greater confidence in future decisions that both ensure the protection of designated species, and sustain viable fisheries for the local industry.

Yours sincerely,

NWIFCA