



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION

Cockle Fishery Management Measures 2022

Safeguarding cockle stocks and the environment to ensure the sustainability of cockle fisheries in Wales through adaptive management.

First published: 11 February 2022

Last updated: 11 February 2022

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

Get [information on copyright](#).

Contents

[Introduction](#)

[Detailed proposals](#)

[Implementation](#)

[Consultation questions](#)

[How to respond](#)

[Your rights](#)

[Further information and related documents](#)

Section I: Introduction

1. The Welsh Government is committed to the conservation and sustainable management of fisheries informed by robust scientific evidence. We want Wales to be able to meet the needs of current and future generations, by maintaining a healthy marine environment and supporting a profitable, stable and diverse fishing industry.

2. To meet this vision of long term sustainability the Welsh Government is reliant on and supportive of using the most environmentally sustainable and safe means of gathering cockle; for example gathering with rake and riddle and the use of boats compliant with the appropriate Maritime and Coastguard Agency safety legislation.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

Get [information on copyright](#).

3. Wales has many intertidal areas with highly productive cockle beds. Cockles provide a healthy source of protein which supports both a thriving cockle industry and large aggregations of wading birds particularly during the winter. The first sale value of cockle gathered in Wales is thought to be approximately £8 million per annum and provides income for around 250 people.

4. The Welsh Government manages public cockle fisheries throughout Wales. North Wales cockle fisheries are currently managed under the Cockles and Mussels (Specified Area) (Wales) Order 2011 and Byelaws of the former North West and North Wales Sea Fisheries Committee (NWNWSFC). The South Wales fisheries are currently regulated under Byelaws of the former South Wales Sea Fisheries Committee (SWSFC).

5. The Dee Estuary and Burry Inlet cockle fisheries are currently separately managed under different legislation by Natural Resources Wales (NRW). Both fisheries are managed under Regulating Orders which will continue in force and be unaffected by this consultation. On expiration of each of the Regulating Orders NRW will decide whether to apply for new Regulating Orders. Any application will be subject to public consultation before a Ministerial decision is taken.

Why are additional management measures needed?

6. The current legislation used to manage public cockle fisheries is inconsistent across Wales and needs updating. Feedback from previous public consultations on proposals for new cockle management measures (<https://gov.wales/consultations>) highlighted the need to address a wide range of issues.

7. At present, individuals applying for a cockle gathering permit for public fisheries in Wales undergo limited eligibility checks. Furthermore, not all public cockle fisheries in Wales require a permit and some have minimal regulation.

8. In light of the potentially hazardous nature of intertidal areas where cockles are gathered, this ease of access to the public fisheries has led to concerns about the safety of inexperienced gatherers. At times these concerns have been exacerbated by large numbers of gatherers accessing cockle beds at once.

8. As well as safety concerns, high numbers of gatherers pose a risk to both sensitive habitats and cockle stocks as well as having a potentially negative impact on local communities adjacent to the fisheries.

9. The intention of these proposed measures is to:

- Ensure the protection of the environment and future sustainability of Welsh cockle fisheries through adaptive management.
- Modify the permit application system to ensure gatherers work legitimately and safely.
- Adapt and simplify the management of all public cockle fisheries in Wales to ensure the sustainability of our cockle stocks and protect the wider environment for future generations. This will include the introduction of an All Wales Permit to gather cockle on any or all public fisheries in Wales.

What additional management measures are being proposed?

10. Building on feedback from previous consultations and recent experience of the pilot opening of the Three Rivers cockle fishery (2018-2021), the Welsh Government is now consulting on new cockle fishery management measures including:

- i. An all Wales cockle permit to gather on any public cockle bed
- ii. Carrying out eligibility checks for cockle permit applications
- iii. Charging an annual fee for cockle permits
- iv. Attaching a number of universal permit conditions to all cockle permits
- v. Making provision to allow for additional local conditions specific to individual named fisheries for the purposes of adaptive cockle fishery management
- vi. Standardising the personal recreational allowance across Wales

11. The proposed measures will apply to all public cockle beds in Wales, amending or revoking previous legislation and introducing new legislation where necessary.

12. These measures will introduce a new permitting regime in Wales which will

underpin the Welsh Government's aims to improve management of the fisheries, stock assessments, the harvestable surplus known as the Total Allowable Catch (TAC) and permit conditions now and in the future. Once implemented, it is expected the measures will be subject to further review and refinement with relevant stakeholders.

Section II: Detailed proposals

A. Issuing annual All Wales cockle permits

13. We propose the new All Wales cockle permit will be valid for one year. The start and end dates of the permit period will be determined following this consultation.

14. Each year, an 8 week cockle permit application window will open. Should an applicant miss the window, late applications will be possible but may take longer to process.

15. The opening of the cockle permit application window will be announced on the Welsh Government website GOV.WALES and it will be the responsibility of the permit holder to regularly check the website for updates. If an individual permit holder has requested an alternative method of communication, announcements will be made using that method.

16. Anyone who wishes to gather cockles commercially on public cockle beds (i.e. more 5kg per day) will require a permit. This permit will last for one calendar year. Each permit holder will be expected to pay the full fee, regardless of when the permit is applied for. The permit period will be decided following this consultation.

17. Permit holders will be entitled to gather cockle from any open bed in Wales. All beds will remain closed until they are actively opened by the Welsh Government in response to a favourable stock assessment survey and Habitats Regulation Assessment to ensure sustainability. The Welsh Government will open and close fishery beds and apply daily or seasonal quotas for fishery

management purposes.

18. When applying for a permit, applicants will be required to:

- i. Supply evidence meeting the eligibility criteria (see Box 1).
- ii. Pay the required fee in full before a permit is issued.

B. Eligibility checks for the All Wales cockle permit applications

19. Applicants for a permit will be required to complete an application form and provide the evidence described in Box 1.

Box 1: Eligibility Criteria for All Wales cockle permit applicants

- i. Evidence to demonstrate completion of an appropriate intertidal safety training course. This training will ensure all permit holders are familiar with conducting risk assessments, tidal information, position fixing, dangers of crossing water and soft areas, commercial boat use legislation and how to request assistance in an emergency.
- ii. Evidence of registration for tax purposes i.e. either a Unique Taxpayer Reference number (UTR) for those self-employed, or a National Insurance (NI) number for those working for an employer.
- iii. Evidence that, if an applicant intends to use a boat, it is compliant with the relevant UK Maritime boat safety legislation for the waters in which it will be used, i.e. a copy of a certificate confirming this.
Categorisation standards will differ to each area of water. This could mean conditions will differ depending on the fishery. (It is understood some permit holders may share ownership or use of a boat. In such cases, confirmation of the sharing agreement from the named certified owner on the MCA certificate will be required.)

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022.html> for the latest version.

Get [information on copyright](#).

Permits will not be issued to applicants who have not provided all the necessary evidence above.

20. Applicants may be ineligible for a permit following a criminal conviction for a fisheries offence in the previous 24 months. The Court will hold a power, upon conviction, to disqualify a defendant from holding a permit the duration of which will be at the discretion of the Court. In doing this, the Court will take into account the severity of the conviction and/or repeat offences.

C. Charging an annual fee for All Wales cockle permits

21. The Welsh Government intends to charge a fee for the All Wales cockle permit to cover the costs associated with management, administration and scientific surveys (excluding enforcement). Full payment of the fee will be required before a permit is issued.

22. Based on current operating costs we expect the fee for a permit to be in the range of £400 to £800. Initially, if these measures are implemented, in the first year of operation the Welsh Government will charge a flat fee of £250 for a permit, in subsequent years we will seek full cost recovery.

23. The Welsh Government will consult on both the methodology for calculating the fee and the amount charged before changing the fee. That consultation may be limited to those with a direct interest in the fees concerned and will be held before the fees are applied.

24. For each permit period, the permit fee will be the same regardless of when an application is made.

D. Universal permit conditions attached to All Wales cockle permits

25. All public cockle fisheries will remain closed unless they are actively opened by the Welsh Government.

26. Public fishery cockle beds will be opened after:

- i. A stock assessment survey has been conducted
- ii. A commercially viable stock and TAC has been calculated
- iii. A Habitats Regulation Assessment (HRA) has been completed (if required)

27. Once a bed is open it will be subject to continuous monitoring and, if necessary, may be closed for fishery management purposes.

28. Decisions to open and close beds will be communicated through the Welsh Government website GOV.WALES. Permit holders will be required to check the website for updated announcements before gathering. If an individual permit holder has requested an alternative method of communication, announcements will be made using that method.

29. It is proposed daily catch returns will be required from all gatherers in order to ensure uptake of the TAC is accurately managed and stocks are not over-exploited.

30. To safeguard stocks, the use of net bags will be prohibited on all cockle beds to ensure undersize cockle are not inadvertently removed from the beds.

31. To ensure the safety of gatherers, night time gathering will be prohibited on all beds. Night time will be defined as “between half an hour after sunset on any day and half an hour before sunrise on the following day”.

32. To ensure the safety of all those using vessels, all vessels used to remove commercially gathered cockle must clearly display evidence that any boat used is compliant with the relevant UK Maritime boat safety legislation for the waters in which it will be used i.e. a copy of a certificate or badge confirming this.

33. To reduce the potential for over-exploitation and ensure safe navigation, all vessels used to remove commercially gathered cockle must be less than 10m in length overall (LOA).

34. To prevent illegal activity, sorting and washing of cockles must be undertaken before cockles are removed from the fishery. In addition, a cockle shall be deemed to be removed from the fishery as soon as it is placed in any container (including bags, sacks and other similar receptacles), trailer, vehicle or vessel.

35. To ensure the accurate monitoring of TAC uptake, when weighing gathered cockle, no allowance will be made for the weight of sacks, sand or other materials present after gathering.

E. Adaptive management measures to suit local conditions

36. For the purposes of sustainably managing individual cockle fisheries (groups of beds) or individual cockle beds, fishery or bed specific permit conditions may be applied to reflect local conditions. For example, at present different methods of gathering are permitted in different fisheries and gathering may take place on different days of the week or restricted to specific tides. As part of these proposals such local differences will be applied by permit conditions.

37. Those with an interest in the fishery will be consulted on changes to permit conditions before introduction and following advice on the latest scientific/ environmental evidence. Changes to permit conditions will be listed on the Welsh Government website. GOV.WALES Permit Holders will be required to check the website regularly for updates. If an individual permit holder has requested an alternative method of communication, announcements will be made using that method.

F. Standardising the personal recreational allowance across Wales

38. A maximum limit of 5kgs per day will be set across public fisheries in Wales for anyone gathering cockle for personal consumption. Anyone wishing to gather more than 5kgs a day will require an All Wales cockle permit.

Section III: Implementation

How will the proposals be implemented?

39. The Welsh Ministers intend to make new legislation to introduce these changes and create a new All Wales cockle permitting regime. Anyone wishing to gather more than 5 kg per day of cockle from a public cockle bed (or beds) in Wales will require a permit. The legislation will set out the eligibility criteria applicable to applicants and enable the Welsh Ministers to charge a fee for the permit. The legislation will enable the Welsh Ministers to:

- I. Sustainably manage public cockle fisheries and safeguard the environment in Wales.
- II. Set out in legislation, one set of universal conditions to the permit, i.e. those standard conditions that are very settled and very rarely require change and which will be applicable across Wales.
- III. Enable Welsh Government to attach further flexible fishery specific permit conditions that will allow conditions to be fishery or bed specific and be reviewable. For example in relation to matters such as minimum conservation size and fishing methods, days, times and tides which will be reviewed regularly with those who have an interest in cockle fisheries in Wales.
- IV. Make every permit subject to a fishery/bed specific daily quota which is variable from time to time. This will be on the basis of ongoing stock assessments carried out throughout the season.
- V. Every permit will be subject to a power for Welsh Government to sustainably

manage public fisheries in Wales on the basis they are closed until actively opened. This will enable Welsh Government officials to effectively manage exploitation of the fishery following a stock survey and scientific advice.

What will the effects of the proposals be?

40. It will be a criminal offence:

- I. To commercially gather cockle from any public cockle bed in Wales without an All Wales cockle permit (a person is considered to be commercially gathering if they remove more than 5 kg of cockle from a fishery in a single day)
- II. To contravene either the requirements of the new legislation or a condition of the All Wales cockle permit.

Who will be affected by the proposals?

41. Anyone wishing to gather cockles from public cockle fisheries in Wales.
What are we hoping to achieve?

What are we hoping to achieve?

42. This package of measures is intended to provide the Welsh Ministers with a suite of tools to:

- Ensure the protection of the environment and future sustainability of Welsh cockle fisheries through adaptive management.
- Modify the permit application system to ensure gatherers work legitimately and safely, and
- Adapt and simplify the management of all public cockle fisheries in Wales to ensure the sustainability of our cockle stocks and protect the wider environment for future generations. This will include the introduction of an All Wales Permit to gather cockle on any or all public fisheries in Wales.

Questions relating to the above proposals

Question 1

What is your interest in the cockle industry in Wales?

(Please tick one of the boxes below that best describes your interest in the Cockle fishery in Wales).

- Commercial Gatherer
- Recreational Gatherer
- Buyer
- Processor
- Environment / Conservation
- Enforcement / Regulation
- Other (please state)

Question 2

Do you agree with Welsh Government's aims to improve the management and sustainability of cockle fisheries and protect the environment by introducing new legislation?

- Yes
- No

Question 3

Do you agree with the issuing of annual all Wales cockle permits, as described in proposal A?

- Yes
- No

Question 4

Do you support the introduction of a daily limit if deemed necessary, as mentioned in proposal A?

- Yes
- No

Question 5

Do you support the carrying out of eligibility checks on applications for all Wales cockle permits, as described in proposal B?

- Yes
- No

Question 6

Do you support the charging of an annual fee for a cockle permit, as described in proposal C?

- Yes
- No

Question 7

Do you support universal permit conditions attached to all permits as described in proposal D?

- Yes
- No

Question 8

Do you support the submission of daily catch returns to enable effective monitoring, as mentioned in proposal D?

- Yes
- No

Question 9

Do you support the proposal for adaptive cockle fishery management through additional local conditions specific for individual named fisheries, as described in proposal E?

- Yes
- No

Question 10

Do you agree with the proposal to standardise the personal recreational gathering allowance throughout Wales, as described in proposal F?

- Yes
- No

Question 11

We would like to know your views on the effects that changes to the management of cockle fisheries would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be

increased, or negative effects be mitigated?

Question 12

Please also explain how you believe the proposed policy changes to the management of cockle fisheries could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 13

We have asked a number of specific questions. If you have any comments you would like to make on related issues which we have not specifically addressed, please use this space to report them:

How to respond

Submit your comments by **6 May 2022**, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email marineandfisheries@gov.wales. Please ensure you state “Cockle Management Measures 2022” in the subject box.
- download, complete our [response form](#) and post to:

Cockle Management Measures 2022
Marine and Fisheries Division
Welsh Government Office
Suite 3, Cedar Court
Haven’s Head Business Park

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

Get [information on copyright](#).

Milford Haven
Pembrokeshire
SA73 3LS

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please **tell us**.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

Get [information on copyright](#).

Information Commissioner's Office

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: ico.org.uk

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

Get [information on copyright](#).

legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Further information and related documents

Number: WG42711

You can view this document in [alternative languages](#). If you need it in a different format, please [contact us](#).

About this document

This document is a copy of the web page [Cockle Fishery Management Measures 2022](#) downloaded.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

This document may not be fully accessible, for more information refer to our [accessibility statement](#).

Get [information on copyright](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://gov.wales/cockle-fishery-management-measures-2022-html> for the latest version.

Get [information on copyright](#).