

[The Cockle Fisheries Management and Permitting \(Specified Area\) \(Wales\) Order 2024](#)

Habitats Regulation Assessment: which includes a Test of Likely Significant Effect (TLSE) and Appropriate Assessment (AA) for a plan or project affecting a European Site

1. Legal and procedural context of this document

Article 6.3 of Council Directive 92/43/EEC ('the Habitats Directive') states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

The summarised position from the Habitats Directive, the England and Wales transposing legislation (Conservation of Habitats and Species Regulations 2017 SI 2017 No.1012), guidance published by the European Commission, and case law is that any consent, permission or other authorisation for fishing or aquaculture activity in, or affecting a European marine site must be assessed in order that its impact is considered upon the features for which the site has been designated taking account their conservation objectives. In doing so, account must be taken of any reduction or avoidance measures or other factors (introduced or present) that will mitigate or ameliorate any impacts of the proposal.

This document has been prepared specifically to undertake a Habitats Regulations Assessment (HRA) for gathering cockles (*Cerastoderma edule*) in the intertidal areas of Wales. The HRA is required to satisfy the obligation under Article 6.3 of the Habitats Directive as quoted above. Under the Habitats Regulations 2017 both Welsh Government and Natural Resources Wales (NRW) have statutory responsibilities; Welsh Government are responsible for carrying out the HRA and NRW advise the Welsh Government on the content of their HRA.

2. Project description

2.1 Type of activity proposed	Gathering cockle (<i>Cerastoderma edule</i>) from intertidal areas along the coast of Wales.
2.2 Legislation under which the consent is sought	The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024
2.3 Site location	<p>The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will apply to all cockle fisheries managed by the Welsh Government. The Specified Area includes Burry Inlet (when the current regulating order expires) and Three Rivers Fishery in the former South Wals Sea Fisheries Committee (SWSFC) jurisdiction and Traeth Lafan, Traeth Melynog, Red Wharf Bay in the former North Wales and North Western Sea Fisheries Committee (NWNWSFC) jurisdiction and subsequent Cockles and Mussels (Specified Area) (Wales) Order 2011 permitted areas.</p> <p>i.e. The new Order will only apply in a specified area which will include those areas specified in the inherited byelaws plus the Burry Inlet RO area, when it expires.</p> <p style="text-align: right;">Map? <input type="checkbox"/> Yes, see Map (Annex 1)</p>
2.4 Is the proposal directly connected with or necessary to the management of the site for nature conservation?	No
2.5 Site reference	'Specified Areas' in the Welsh Zone.
2.6 Brief description of proposal	Introduction of an Order to change the management of Welsh Government managed cockle fisheries in Wales.
2.7 Proposal start date	4 June 2024
2.8 Proposed duration	Until order amended or repealed
2.9 Application details	<p><u>The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024</u></p> <p>This Order creates a permitting scheme for the exploitation of cockles from public cockle beds in Wales for the purposes of conserving cockle stocks, protecting the environment, and to ensure the long-term sustainability of cockle fisheries. The Order makes provision for the new cockle permitting regime, including provision for universal permit conditions and adaptive management conditions, eligibility to apply for a permit, the duration of a permit, how to apply for a permit, and provision about fees.</p> <p>The Order makes provision that all public cockle beds in Wales are closed to cockle fishing unless expressly declared open by the Welsh Ministers, and provision for the closure of public cockle beds previously declared open. It also makes provision for the Welsh Ministers to impose catch limits for open public cockle beds and for imposing daily catch limits. Adaptive management will allow for effective management of cockle fisheries where conditions specific to that area apply.</p>

Adaptive management conditions

Adaptive management conditions may include:

- the harvestable surplus;
- a daily catch limit;
- a specified minimum landing size;
- specified dates, times or tides during which fishing for and taking cockles is not permitted;
- specified methods or equipment that can be used when fishing for or taking cockles;
- specified access routes and means of access to a specified area or a cockle bed;
- any other condition on fishing for or taking cockles required following an environmental assessment of the cockle bed in accordance with articles 5 or 7 of this Order.
- Adaptive management conditions may be varied or removed pursuant to the outcome of assessments of a cockle bed in accordance with articles 5 and 7 of this Order.

Where reasonably practicable, the Welsh Ministers will consult with permit holders and other stakeholders before varying or removing any adaptive management conditions.

The Welsh Ministers must notify the following persons of any decision to vary or remove adaptive management conditions:

- permit holders, and
- any other person who they consider appropriate.

A notification under paragraph (4) must include the reasons for the Welsh Ministers' decision.

In this article "a daily catch limit" means the total live weight of cockles which can be fished for or taken each day by each permit holder.

'Any cockle fishery component which remains open outside of the proposals' this will be regulated fisheries, e.g. Dee and Burry Inlet currently. *(see below note in italics)*

Declarations opening a cockle bed

The Welsh Ministers must, by declaration, open a cockle bed within a specified area after the assessments carried out in accordance with article 4 or 7(a) or (c) of this Order have concluded that:

- (a) opening the cockle bed will not adversely impact the integrity of a relevant protected site,
- (b) opening the cockle bed subject to specified conditions on fishing for or taking cockles will not adversely impact the integrity of a relevant protected site, and
- (c) there is a harvestable surplus of cockles.

Declarations closing an open cockle bed and prohibition

The Welsh Ministers must by declaration close any open cockle bed if the assessments carried out in accordance with article 7(b) of this Order have concluded that:

- (a) the harvestable surplus has been fished or taken,
- (b) closure is necessary to avoid any adverse impact on the integrity of a relevant protected site, or
- (c) closure is necessary to assess the risk of adverse impact on the integrity of a relevant protected site.

Exemptions from the provisions of this Order

The provisions of this Order do not apply:

- (a) to a person who takes, by hand, no more than 5 kilograms in live weight of cockles (only cockles above the minimum landing size are legally taken) in any one day for personal consumption,
- (b) to a person who fishes for or takes cockles with the prior written authority of the Welsh Ministers for scientific or fisheries management purposes, and
- (c) to the extent that they prohibit, restrict or interfere with,
 - (i) any right of several fishery, or
 - (ii) any right on, to or over any part of the seashore that is enjoyed by a person under a local or special Act, a Royal charter, letters patent, or by prescription or immemorial usage.

Summary of management changes

At present, the inherited byelaws restrict the gathering for personal consumption of cockle to 8kg in the inherited South Wales Fisheries Committee specified areas (Burry Inlet and Three Rivers Fishery) and 5kg in the inherited North Wales and North Western Sea Fisheries Committee and subsequent Cockles and Mussels (Specified Area) (Wales) Order 2011 (permitted areas: Traeth Lafan, Traeth Melynog, Red Wharf Bay).

The new Order will only apply in a specified area which will include those areas specified in the inherited byelaws plus the Burry Inlet RO area, when it expires. The only change to management made on the face of the Order will be a reduction in the amount of cockle which can be taken for personal consumption in the previous South Wales Fisheries Committee specified areas from 8kg to 5kg.

3. Test of Likely Significant Effect (TLSE)

The first stage of an HRA is a Test of Likely Significant Effect (TLSE) which is a screening assessment of impacts, to determine if an appropriate assessment is required. Unless this screening assessment enables significant effects on any European site to be ruled out, the project will need to be subject to an Appropriate Assessment.

The legislation requires consideration of plans and projects “either alone or in combination with other plans and projects”. The test of likely significant effect is initially carried out by considering the proposal on its own (i.e., rather than in-combination with other plans or projects). If it is decided that the proposal alone is likely to have a significant effect, it is subject to appropriate assessment alone. An assessment in combination with other plans/projects is only required if the proposal would be insignificant on its own but has effects which may be significant if combined with the effects of other plans/projects which are also insignificant on their own. This is dealt with further in Section 5.

Screening Assessment				
3.1 Which European sites might be affected by the proposal?	<p>Based on the information in the application the assessment is that the following European sites have features which could be affected by the project:</p> <ul style="list-style-type: none"> - Y Fenai a Bae Conwy/ Menai Strait and Conwy Bay SAC (Natura 2000 site code UK0030202) - Bae Caerfyrddin ac Aberoedd/Carmarthen Bay & Estuaries Special Area of Conservation (Natura 2000 site code UK0020020) - Bristol Channel Approaches / Dynesfeydd Môr Hafren Special Area of Conservation (Natura 2000 site code UK0030396) - Anglesey Terns / Morwenoliaid Ynys Môn Special Protection Area (Natura 2000 site code UK9013061) - Traeth Lafan a Bae Conwy / Lafan Sands and Conwy Bay Special Protection Area (Natura 2000 site code UK9013031) - Glannau Mon: Cors Heli/Anglesey Coast: Saltmarsh SAC (Natura 2000 site code UK0020025) - Bae Caerfyrddin/Carmarthen Bay Special Protection Area (Natura 2000 site code UK9014091) - Burry Inlet SPA / RAMSAR (Natura 2000 site code UK9015011) <p>The likelihood of significant effect on the features for which the above sites are designated is considered further below. It is not considered necessary to address potential impacts of the proposal on any other European sites.</p>			
3.2 Potential pathways through which the proposal may impact European site features?	<p>The screening assessment indicates the possible pathways through which the proposal may impact upon the relevant European site features. Each designated feature (taken from the official Natural 2000 designation documents) is recorded in the left-hand column below. The assessment in the right-hand column below is made in view of the conservation objectives for the European sites concerned, as set out in NRW's extant advice under Regulation 35 of the Conservation of Habitats and Species Regulations 2009 (documents published by CCW).</p> <p>Colour coding is used as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #add8e6; text-align: center;">= There is no impact pathway from the proposal to the designated feature</td> </tr> <tr> <td style="background-color: #90ee90; text-align: center;">= There is an impact pathway in principle, but significant effects can be ruled out</td> </tr> <tr> <td style="background-color: #ffcc00; text-align: center;">= There is an impact pathway and significant effects cannot be ruled out</td> </tr> </table> <p>As well as the colour coding, the following numbers are used to describe the type of impact pathway considered to be present:</p> <p>1 = Direct capture, damage, or harm to a designated species feature.</p> <p>2 = Damage to a designated habitat feature (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics, light etc).</p> <p>3 = Damage to the habitat of designated species features (including through direct physical impact, pollution, changes in thermal regime, hydrodynamics etc).</p>	= There is no impact pathway from the proposal to the designated feature	= There is an impact pathway in principle, but significant effects can be ruled out	= There is an impact pathway and significant effects cannot be ruled out
= There is no impact pathway from the proposal to the designated feature				
= There is an impact pathway in principle, but significant effects can be ruled out				
= There is an impact pathway and significant effects cannot be ruled out				

	<p>4 = Damage to a designated habitat feature via removal of, or other detrimental impact on, typical species. 5 = Removal of prey species of a designated species feature. 6 = Damage to habitat of prey species.</p> <p>Note that several impact pathways may be relevant to the same designated feature.</p>	
European Marine Site and Conservation Features	Assessment of likelihood of significant effect	
	Relevant conservation objectives <i>*Insert relevant conservation objectives from NRW Reg 35 advice document</i>	Potential impact pathway <i>*For each row assign appropriate colour and number(s) (as above) and give short explanation as required</i>
Y Fenai a Bae Conwy / Menai Strait and Conwy Bay SAC (Natura 2000 site code UK0030202)		
Sandbanks slightly covered by seawater all the time	Range Structure and Function Typical Species	<p>The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will restrict commercial cockle fishing activity by managing the opening and closing of cockle beds via permit conditions and only allowing gathering by annually permitted individuals. The introduction of the Order does not enable any commercial fishing activity to take place.</p> <p>Currently recreational cockle gatherers are allowed to collect their personal daily catch limit of 8kg in the 'Specified Area' of the former SWSFC district and 5kg in the 'Specified Area' of the former NWNWSFC district. The amount of recreational gathering is unknown but considered to be minimal as the small personal daily catch limits are suspected to be typically taken by relatively few people on an infrequent basis. The Order will standardise the individual recreational allowance to 5kg per day across the specified areas in Wales. This management change will reduce potential maximum daily recreational catches in the 'Specified Area' in South Wales, reducing the scale of potential impacts. Therefore, although there is an impact pathway in principle, a likely significant effect may be ruled out.</p>
Large shallow inlets and bays		
Reefs		
Submerged or partially submerged sea caves		
Mudflats and sandflats not covered by seawater at low tide		
Anglesey Terns / Morwenoliaid Ynys Môn Special Protection Area (Natura 2000 site code UK9013061)		
Roseate tern <i>Sterna dougallii</i>	Population	The Cockle Fisheries Management and Permitting

Common tern <i>Sterna hirundo</i>	Supporting Habitat	(Specified Area) (Wales) Order 2024 will change cockle fishery management in Wales. There is not considered to be a resulting impact pathway which could cause significant effects to the designated feature.
Arctic tern <i>Sterna paradisaea</i>		
Sandwich tern, <i>Sterna sandvicensis</i>		
Traeth Lafan a Bae Conwy / Lafan Sands and Conwy Bay Special Protection Area (Natura 2000 site code UK9013031)		
Red-breasted Merganser, <i>Mergus serrator</i>	None identified	The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will restrict commercial cockle fishing activity by managing the opening and closing of cockle beds via permit conditions and only allowing gathering by annually permitted individuals. The introduction of the Order does not enable any commercial fishing activity to take place. Currently recreational cockle gatherers are allowed to collect their personal daily catch limit of 8kg in the 'Specified Area' of the former SWSFC district and 5kg in the 'Specified Area' of the former NWNWSFC district. The amount of recreational gathering is unknown but considered to be minimal as the small personal daily catch limits are suspected to be typically taken by relatively few people on an infrequent basis. The Order will standardise the individual recreational allowance to 5kg per day across the specified areas in Wales. This management change will reduce potential maximum daily recreational catches in the 'Specified Area' in South Wales, reducing the scale of potential impacts. Therefore, although there is an impact pathway in principle, a likely significant effect may be ruled out.
Great Crested Grebe, <i>Podiceps cristatus</i>	Range Structure and Function Typical Species	
Oystercatcher, <i>Haematopus ostralegus</i>	Range	
Curlew, <i>Numenius arquata</i>	Structure and Function	
Redshank, <i>Tringa totanus</i>	Typical Species	
Glannau Môn: Cors Heli/Anglesey Coast: Saltmarsh SAC (Natura 2000 site code UK0020025)		
<i>Salicornia</i> and other annuals colonizing mud and sand	Range	The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will restrict commercial cockle fishing activity by managing the opening and closing of cockle beds via permit conditions and only allowing gathering by annually permitted individuals. The introduction of the Order
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)	Structure and Function	
Mudflats and sandflats not covered by seawater at low tides	Typical Species	
Estuaries	Extent Distribution	

	Condition	<p>does not enable any commercial fishing activity to take place.</p> <p>Currently recreational cockle gatherers are allowed to collect their personal daily catch limit of 8kg in the 'Specified Area' of the former SWSFC district and 5kg in the 'Specified Area' of the former NWNWSFC district. The amount of recreational gathering is unknown but considered to be minimal as the small personal daily catch limits are suspected to be typically taken by relatively few people on an infrequent basis. The Order will standardise the individual recreational allowance to 5kg per day across the specified areas in Wales. This management change will reduce potential maximum daily recreational catches in the 'Specified Area' in South Wales, reducing the scale of potential impacts. Therefore, although there is an impact pathway in principle, a likely significant effect may be ruled out.</p>
Bae Caerfyrddin ac Aberoedd / Carmarthen Bay & Estuaries SAC (Natura 2000 site code UK0020020)		
Allis shad <i>Alosa alosa</i>	Populations Range Supporting Habitats and Species	<p>The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will restrict commercial cockle fishing activity by managing the opening and closing of cockle beds via permit conditions and only allowing gathering by annually permitted individuals. The introduction of the Order does not enable any commercial fishing activity to take place.</p> <p>Currently recreational cockle gatherers are allowed to collect their personal daily catch limit of 8kg in the 'Specified Area' of the former SWSFC district and 5kg in the 'Specified Area' of the former NWNWSFC district. The amount of recreational gathering is unknown but considered to be minimal as the small personal daily catch limits are suspected to be typically taken by relatively few people on an infrequent basis. The Order will standardise the individual recreational allowance to 5kg per day</p>
Twaite shad <i>Alosa fallax</i>		
Sea lamprey <i>Petromyzon marinus</i>		
River lamprey <i>Lampreta fluviatilis</i>		
Otter <i>Lutra lutra</i>		
Sandbanks slightly covered by sea water all the time	Structure and Function Range Typical Species	
Large Shallow Inlet and Bay		
Estuaries	Structure and Function Range Typical Species	
Atlantic Saltmeadow		
<i>Salicornia</i> and other annuals colonising mud and sand		
Mudflats and Sandflats not covered by seawater at low tide		

		across the specified areas in Wales. This management change will reduce potential maximum daily recreational catches in the 'Specified Area' in South Wales, reducing the scale of potential impacts. Therefore, although there is an impact pathway in principle, a likely significant effect may be ruled out.
Bae Caerfyrddin / Carmarthen Bay Special Protection Area (Natura 2000 site code UK9014091)		
a) Common Redshank <i>Tringa totanus totanus</i>	Population Size Habitat Extent	<p>The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will restrict commercial cockle fishing activity by managing the opening and closing of cockle beds via permit conditions and only allowing gathering by annually permitted individuals. The introduction of the Order does not enable any commercial fishing activity to take place.</p> <p>Currently recreational cockle gatherers are allowed to collect their personal daily catch limit of 8kg in the 'Specified Area' of the former SWSFC district and 5kg in the 'Specified Area' of the former NWNWSFC district. The amount of recreational gathering is unknown but considered to be minimal as the small personal daily catch limits are suspected to be typically taken by relatively few people on an infrequent basis. The Order will standardise the individual recreational allowance to 5kg per day across the specified areas in Wales. This management change will reduce potential maximum daily recreational catches in the 'Specified Area' in South Wales, reducing the scale of potential impacts. Therefore, although there is an impact pathway in principle, a likely significant effect may be ruled out.</p>
b) Pintail <i>Anas acuta</i>		
c) Eurasian oystercatcher <i>Haematopus ostralegus</i>		
d) Red knot <i>Calidris canutus islandica</i>		
e) Northern shoveler <i>Anas clypeata</i>		
Bae Caerfyrddin / Carmarthen Bay Special Protection Area (Natura 2000 site code UK9014091)		
Common scoter <i>Melanitta nigra</i>	Population Size Habitat Extent	The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will change cockle fishery management in Wales. There is not considered to be a resulting impact pathway which could cause significant effects to the designated feature.

Bristol Channel Approaches / Dynesfeydd Môr Hafren Special Area of Conservation (Natura 2000 site code UK0030396)		
Harbour porpoise <i>Phocoena phocoena</i>	Species is a viable component of the site No significant disturbance of the site Supporting Habitat and species are maintained	The Cockle Fisheries Management and Permitting (Specified Area) (Wales) Order 2024 will change cockle fishery management in Wales. There is not considered to be a resulting impact pathway which could cause significant effects to the designated feature.

ALL rows in the right-hand column of the table above are blue or green. Therefore, a conclusion may be made that the proposal is not likely to have a significant effect on any European site.

6. Conclusion

Based upon the considerations presented above, Welsh Government conclude that beyond reasonable scientific doubt, there will be no adverse effect on the integrity of any European Marine Site, either resulting from the plan or project on its own or considered in combination with other relevant plans or projects.

7. References

- Joint Nature Conservation Committee (2024). Y Fenai a Bae Conwy / Menai Strait and Conwy Bay Special Area of Conservation Standard Data Form. Available at: [Y Fenai a Bae Conwy/ Menai Strait and Conwy Bay - Special Areas of Conservation \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Joint Nature Conservation Committee (2024). Bae Caerfyrddin ac Aberoedd/Carmarthen Bay & Estuaries Special Area of Conservation Standard Data Form. Available at: [Carmarthen Bay and Estuaries/ Bae Caerfyrddin ac Aberoedd - Special Areas of Conservation \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Joint Nature Conservation Committee (2024). Traeth Lafan a Bae Conwy / Lafan Sands and Conwy Bay Special Protection Area Standard Data Form. Available at: [UK9013031.pdf \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Joint Nature Conservation Committee (2024). Glannau Môn: Cors Heli / Anglesey Coast: Saltmarsh Special Area of Conservation Standard Data Form. Available at: [Glannau Môn: Cors heli / Anglesey Coast: Saltmarsh - Special Areas of Conservation \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Joint Nature Conservation Committee (2024). Bae Caerfyrddin/Carmarthen Bay Special Protection Area Standard Data Form. Available at: [UK9014091.pdf \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Joint Nature Conservation Committee (2024). Bury Inlet SPA / RAMSAR Information Sheet. Available at: [untitled \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Joint Nature Conservation Committee (2024). Mor Hafren/Severn Estuary RAMSAR Information Sheet. Available at: [untitled \(jncc.gov.uk\)](https://jncc.gov.uk). Last accessed: 06/03/24.
- Natural Resources Wales and Joint Nature Conservation Committee (2016c). Harbour Porpoise (*Phocoena phocoena*) possible Special Area of Conservation: Bristol Channel Approaches / Dynesfeydd Môr Hafren. Draft conservation objectives and advice on activities. Available at: [Natural Resources Wales / Bristol Channel Approaches / Dynesfeydd Môr Hafren possible SAC](https://jncc.gov.uk). Last accessed: 06/03/24.