



Llywodraeth Cymru
Welsh Government

IMPACT ASSESSMENT, DOCUMENT

The Cockle Management and Permitting (Specified Area) (Wales) Order 2024

Conclusion of an Integrated Impact Assessment on the impact of the new Order on Welsh Government cockle fishery management and permitting.

First published: 19 June 2024

Last updated: 19 June 2024

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Conclusion

Introduction

The conclusion of the Integrated Impact Assessment (IIA) relates to the following draft statutory instrument, “The Cockle Management and Permitting (Specified Area) (Wales) 2024”.

The Cabinet Secretary for Climate Change and Rural Affairs will lay the draft SI in the Senedd on 19 June 2024, in advance of seeking Senedd approval to it being made at a plenary session in July 2024.

The draft SI will be laid in the Senedd alongside the full IIA .

The purpose and impact of the legislation:

The purpose of this instrument is to:

- introduce new, more flexible management measures which will adapt and simplify the management of cockle beds in the specified area to ensure the sustainability of cockle stocks and protection of the wider environment for future generations,
- introduce a new, modified permitting regime for fishing in cockle beds within the specified area, and
- revoke and replace and modify the existing regulation of cockle beds in Wales

Legislative background

Prior to 1 April 2010, cockle fishing around the coast of Wales was managed by

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the North Wales and North Western Sea Fisheries Committee and the South Wales Sea Fisheries Committee.

The Sea Fisheries Committees were abolished in relation to Wales on 1 April 2010 when the Fisheries Regulation Act 1966 was repealed by section 187 of the Marine and Coastal Access Act 2009 (“the MCAA”).

The Byelaws of the former North Wales and North Western Sea Fisheries Committee and South Wales Sea Fisheries Committee have had effect since 1 April 2010 as if made by the Welsh Ministers in a statutory instrument by virtue of article 13(1) and (3) of and Schedule 4 to the Marine and Coastal Access Act 2009 (MCAA) (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

Byelaw 5 of the North Wales and North Western Sea Fisheries Committee was revoked and replaced by the Cockles and Mussels (Specified Area) (Wales) Order 2011.

The Order revokes and replaces or amends a number of the Byelaws and the Cockles and Mussels (Specified Area)(Wales) Order 2011.

The Welsh Ministers have powers to make to enact the Order in section 189(1) and 316(1) of the MCAA.

Section 189(1) provides powers to make any provision in an Order in relation to Wales, that an Inshore Fisheries Authority can make under section 155 of that Act including provision to manage the exploitation of inshore fisheries in relation to Wales.

Section 316(1) provides additional powers to make different provision for different cases and to make incidental, consequential, supplemental or transitional or savings provisions.

The Order is made by statutory instrument and is subject to the negative

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procedure.

Intended effect of the legislation

The Order will introduce a series of measures to provide robust, consistent, and flexible management of cockle beds within the specified area, in Wales. The specified areas in this Order are areas where cockles are classified as fit for human consumption and exploited for commercial purposes.

The inherited and historic nature of the current legislation used to manage cockle fisheries creates a wide range of inconsistencies across Wales. With limitations in the current legislation, cockle fishing represents one of the greatest challenges for fisheries management and enforcement in Wales. The management of cockle fishing is currently highly labour intensive as they are the source of frequent complaints from both the public and other public bodies.

Cockles abundance is highly variable, they are harvested by hand gathering which is environmentally sustainable if well-managed.

When managing the sustainable harvesting of cockles, environmental factors are a key consideration. Intertidal cockle beds are situated around the coastline of Wales within or adjacent to Sites of Special Scientific Interest (SSSI) and European Marine Sites (EMS) designated for intertidal features. These features include wading birds which feed on cockle and other invertebrates. The restoration of other features such as 'sea grass' beds and saltmarsh habitats form part of the Programme for Government and Net Zero Wales commitments.

Under the new Order, being able to adapt management in response to changes in stock levels and the environment will enable Welsh Government to ensure the sustainability of the cockle beds and a source of employment for future generations.

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Cockle gathering is also potentially hazardous work. The Order will introduce eligibility checks to ensure those who are issued permits are suitable and able to work in a safe manner.

The measures introduced by the new Order include:

- i) a prohibition on fishing for and taking cockles from cockle beds which are closed and without a permit,
- ii) provision for the assessment and opening and closing of cockle beds within the specified area,
- iii) provision for a new cockle fishing permitting regime including a cockle fishing permit which will permit fishing from cockle beds within the specified area and will be issued annually, modified eligibility criteria and an annual fee for cockle permits,
- iv) provision for conditions to be attached to every permit issued,
- v) provision for additional conditions to be attached to every permit which are specific to individual cockle beds and are variable.
- vi) provision which standardises the personal recreational allowance across the specified area.

Consultation

A 12-week public consultation on proposals for new cockle fishery management measures was launched on 11 February 2022 and closed on 6 May 2022. The consultation was drawn to the attention of a wide range of stakeholders including cockle gatherers, processors, buyers, local authorities, Natural Resources Wales, Food Standards Agency, Gangmasters Labour Abuse Authority, Cefas, Seafish and all local stakeholders and landowners with an interest in cockle

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fisheries.

One hundred and seventy-four responses were received from a range of individuals and constituted bodies who have an interest in the Welsh cockle industry. Of these, 80 were received via the Welsh Government website, 80 were completed response forms received via email and 14 were written responses received via email not on a response form. The 14 responses received by email not on a response form did not respond to the specific consultation questions. However, they were direct responses to the consultation and were received during the consultation period. Therefore, they have been considered in the total consultation responses.

The majority of respondents agreed with all but one of the proposals in the consultation. The proposed daily catch limit divided opinion equally. After careful consideration of the responses the daily catch limit has been included in the measures contained in this order. This is because the ability to constrain catches and exploitation is fundamental to the sustainable management of cockle stocks. This method is widely used in other cockle fisheries.

The consultation documents and a summary of the responses are available at [Cockle Fishery Management Measures 2022 | GOV.WALES](#)

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