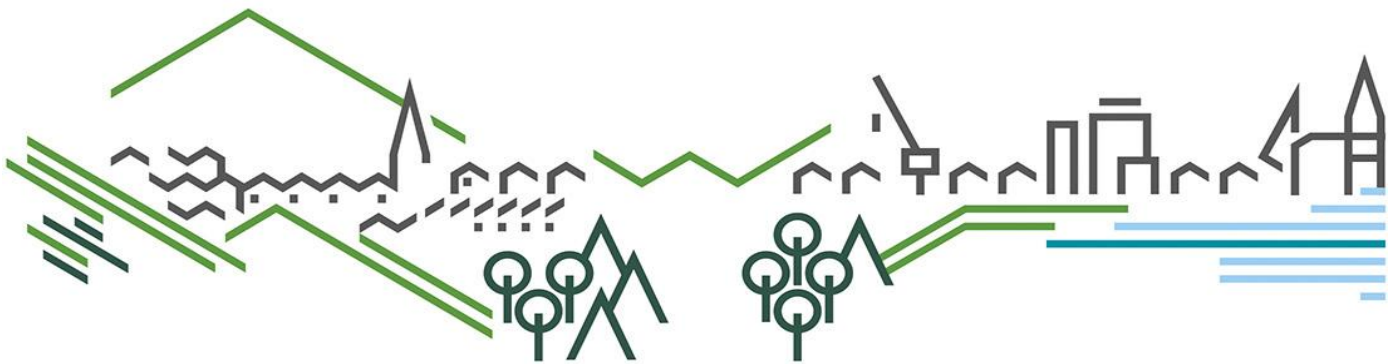


Burry Inlet Cockle Fishery Order 1965 Management Plan

Natural Resources Wales Management Plan
Revision Date: September 2013



OVERVIEW

1. This Management Plan relates to the Burry Inlet Cockle Fishery (**the Fishery**).
2. With effect from 1 April 2013, Natural Resources Wales (**NRW**) assumed responsibility for management of the Fishery pursuant to the Burry Inlet Cockle Fishery Order 1965 (**the Order**). The Order confers upon NRW powers to regulate the Fishery until 15 June 2025. This Management Plan identifies NRW's aims and objective in its management of the Fishery and sets down detailed arrangements for its management of the Fishery for cockles (*Cerastoderma edule*).
3. This Management Plan will be subject to an overall review at intervals of not greater than 5 years.

MANAGEMENT AIMS AND OBJECTIVES

4. NRW's overall aim in its management of the Fishery is to develop a thriving cockle fishery in the Burry Inlet which supports, protects and enhances the needs of the community and the environment upon which it depends.
5. In order to achieve this aim, NRW has identified and will pursue, through its management of the Fishery, the following 3 objectives:

Objective 1: to deliver and maintain a sustainable fishery which can provide regular income to licence holders

Objective 2: to avoid adverse effects on the European designated site and local residents.

Objective 3: to improve management, monitoring and enforcement within the Fishery.

GEOGRAPHICAL DESCRIPTION OF THE FISHERY

6. The Burry Inlet is a large estuarine complex located in South Wales between the north coast of the Gower Peninsula and the south-east coast of Carmarthenshire. The area geographical scope of the Fishery is illustrated on the Definitive Map which accompanied the Order (see Fig.1). It is also defined within article 2(1) of the Order as follows:
 - On the west: that part of a line drawn from the seaward end of Pembrey Pier to the most northerly point of Whiteford Point, which lies between High Water Mark of Ordinary Tides on the northern and southern shores of the estuary respectively

- On the east: the seaward side of that part of the Loughor Railway Bridge which is situated between High Water Mark of Ordinary Tides on the north-western and south-eastern shores respectively of the River Loughor and a line drawn from the south-eastern end of that part of the railway bridge herein before described, due south until it again meets High Water Mark of Ordinary Tides.
 - On the north and south: High Water Mark of Ordinary Tides on the northern and southern shores of the estuary respectively between the western and eastern boundaries herein before described as the same is shown on the definitive map sealed by the minister for the purpose of this order and thereon coloured pink.
7. The total area of the Fishery, below mean high water springs (MHWS) on the Definitive Map is 4,247 hectares.

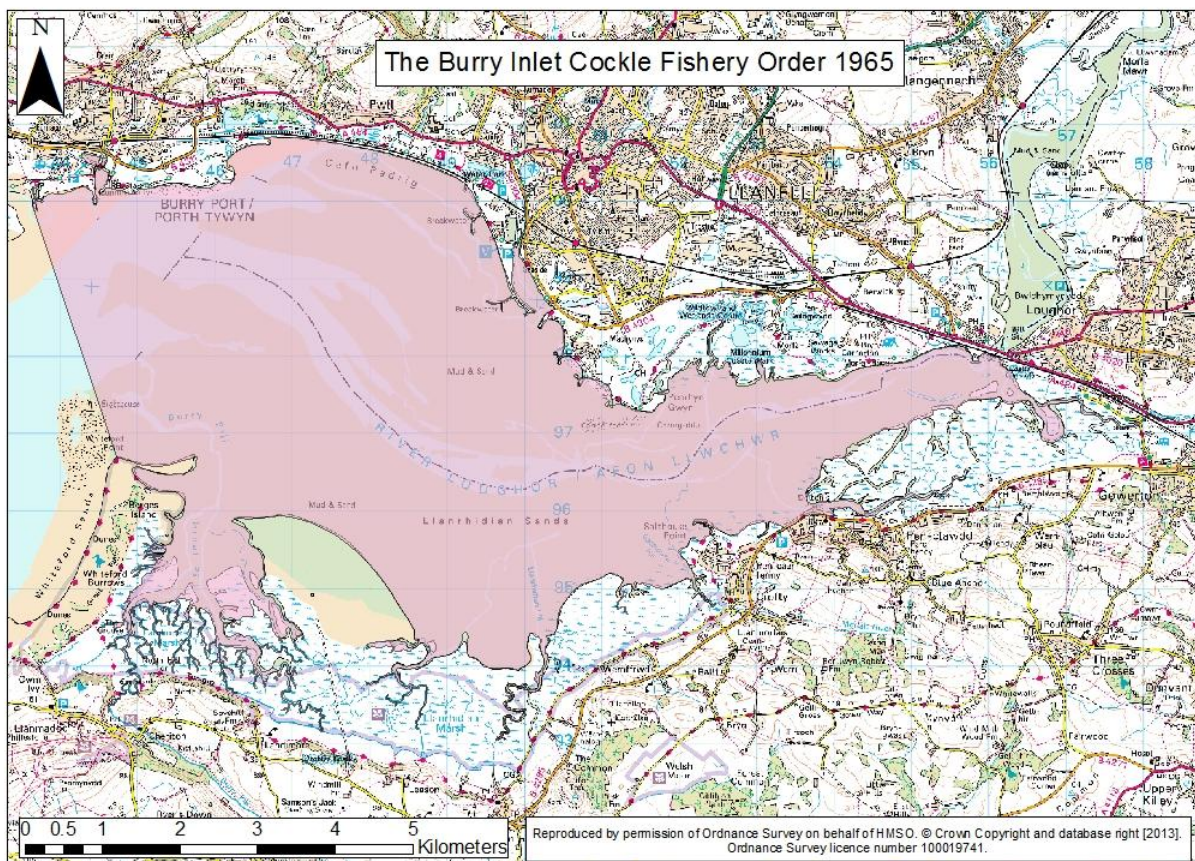


Fig. 1 Burry Inlet Cackle Regulating Order 1965, Definitive Map.

BACKGROUND

8. The Burry Inlet is an internationally important over-wintering site for wildfowl and wading birds and of European importance for its estuarine, mud and sand-flat and salt-marsh habitats and communities. It is designated as a Special Protection Area (**SPA**) under the EC Birds Directive, it is a component part of a Special Area of Conservation (**SAC**) designated under the EC Habitats Directive and a Ramsar Site under the International Convention on Wetlands. The Inlet also encompasses Sites of Special Scientific Interest (**SSSI**) designated under the Wildlife and Countryside Act 1981: Loughor Estuary SSSI, Pembrey Coast SSSI, Llandimore Marsh SSSI - and part of the Whiteford Burrows National Nature Reserve (**NNR**).
9. The Burry Inlet has supported a commercial cockle fishery for well over a century. In 1965, the Order was made by the Minister of Agriculture, Fisheries and Food, granting to the South Wales Sea Fisheries Committee (**SWSFC**) a right to regulate the fishery for cockles.
10. Regulating Orders (which now operate pursuant to the Sea Fisheries (Shellfish) Act 1967) grant powers to a responsible organisation enabling them to manage and regulate a fishery.
11. The Order relating to the Burry Inlet Fishery generally prohibits unlicensed cockle fishing and allows for regulations to be imposed (with the consent of the Welsh Ministers) which prohibit or regulate cockle fishing. Regulating Orders also encourage long term investment in the Fishery. Over the years, the number of licences issued to in respect of the Fishery has varied, with the highest number being 67 and the lowest number being 35.
12. In September 2008, the Minister for the Environment, Food and Rural Affairs announced that the Welsh Government would assume full responsibility for the management and enforcement of sea fisheries in Wales, and that a new management and enforcement regime would be in place by April 2010.
13. Following the royal assent of the Marine and Coastal Access Act 2009, the Sea Fisheries Regulation Act 1966 was repealed and the SWSFC was abolished. Sea fisheries functions were transferred to the Welsh Ministers and a new grantee of the Order was needed to manage the Fishery. In April 2010, after a period of public consultation, Welsh Ministers appointed the Environment Agency Wales (**EAW**) to assume responsibility for management of the Fishery. EAW assumed the role of 'grantee' under the Order. Subsequently, and with effect from 1 April 2013, by virtue of the Natural Resources Body for Wales (Function) Order 2013, responsibility for management of the fishery transferred to NRW.

14. In order that the transfer of management duties in respect of the Fishery could be achieved as efficiently and effective as possible, EAW and SWSFC agreed that EAW should not to make any substantive changes to the Fishery's management arrangements (in the first year at least). The existing management arrangements were adopted, the licensing procedure remained the same and the survey methodology was left unchanged.
15. Over the course of its first year managing the Fishery, EAW encountered issues including minimum and maximum landing sizes, areas of fishing, landing quotas and atypical mortality (first reported in 2002). It became apparent that existing management procedures needed to change and that a new management plan was required to ensure the sustainability and development of the Fishery. The main drivers being; the dynamic nature of the estuary, and the ongoing atypical mortalities that continued to have a devastating effect on the Fishery and the available cockle stocks.
16. The Fishery, although not the largest in Europe, has generally been regarded as a very consistent cockle fishery. Since 2002 however, atypical cockle mortality events have been observed annually. As a result, in 2008 the Welsh Government requested an investigation into the cockle mortalities. EAW was asked to facilitate and co-ordinate these investigations. The three-year investigation was linked to the management of the cockle beds and aimed to understand the causes and consequences of cockle mortalities.
17. A report titled "Burry Inlet Cockle Mortalities Investigation 2009-2011" was produced by Hull University who collated contributions from leading experts based at Bangor and Swansea Universities, Centre for Environment, Fisheries & Aquaculture Science (**CEFAS**) and the Countryside Council for Wales (**CCW**) and EAW.
18. The report comprised four main sections:
 1. Scientific Reviews (including water quality, physical characteristics of estuaries and cockle beds, ecology and dynamics of cockles, other bivalves and sand flat fauna, cockle individuals and shellfish health)
 2. Scientific investigation undertaken in 2009
 3. Fisheries Management
 4. Conclusions and Recommendations
19. The key recommendations of the report were:
 1. Redesign the stock survey to provide higher accuracy of overall biomass estimates.

2. Model the options for cockle size limits to optimise both stock sustainability and the economic return from the fishery.
3. Determine whether there are biosecurity issues with the movement of cockles into and out of the Burry Inlet and whether this could have contributed to genetic and health changes.

STOCK ASSESSMENT SURVEYS AND TOTAL ALLOWABLE CATCH (TAC)

20. Traditionally, the TAC in the Burry Inlet was established using the “rule of thirds” method (where the commercial fishery takes 1/3 of estimated adult (>19 mm) cockle biomass). This rule of thirds assumes that the remaining cockle represented sufficient biomass for bird prey and breeding stock reserves. This rule of thirds is not based on scientific research and is thought to do injustice to both fishermen and birds (i.e. in years of cockle glut fishermen could fish for more than a third but in years where stocks are low, a third may impact on bird food availability).
21. Recently, computer simulations using individual bird based models such as the one developed by the Centre for Ecology and Hydrology (CEH) have been tested as an alternative method to set TAC. The most appropriate version of these models will be used to set the TAC for the Burry Inlet.
22. Stock assessment surveys will be carried out as required using standard methodology (Moore 2011). Surveys will estimate the biomass of each cohort in each bed within the fishery.

ENVIRONMENT

23. As well as its importance as a cockle fishery, the Burry Inlet supports nationally and internationally important populations of shellfish-feeding wetland birds, such as the oystercatcher (*Haematopus ostralegus*) and knot (*Calidris canutus*).
24. The Inlet is a designated Site of Special Scientific Interest (**SSSI**) under the Wildlife and Countryside Act 1981, a Special Protection Area (**SPA**) under the European Community Birds Directive, a Ramsar Site under the International Convention on Wetlands and its estuarine, mud and sand-flat and salt-marsh habitats are component features of the Carmarthen Bay and Estuaries Special Area of Conservation (**SAC**) designated under the EC Habitats Directive. Together with the adjacent Carmarthen Bay SPA, the SAC and the Burry Inlet SPA comprise the Carmarthen Bay and Estuaries European Marine Site (EMS) and are subject to the requirements of the Conservation of Habitats and Species Regulations 2010 (**‘the 2010 Regulations’**).

25. Management measures (including the annual opening of the fishery under licence), require a Habitats Regulations Assessment (**HRA**) under Regulation 61 of the 2010 Regulations. An HRA will be undertaken by NRW before adopting this Management Plan, and thereafter each year following the determination of the TAC and prior to the issue of cockle licences.

LEGISLATIVE CONTEXT

NRW may issue licences under the Order (Sea Fisheries (Shellfish) Act 1967) in such numbers and to such persons, and operative for such periods, and may authorise the dredging, fishing for or taking of shellfish at such times, in such manner and to such extent as it may determine. This includes the setting of licence conditions, daily and annual quotas and size limits, and the determination of fishing times and areas and methods.

Under the provisions of the Sea Fisheries (Shellfish) Act 1967 NRW may, with the consent of the appropriate Minister:

- revise the tolls leviable under the Order
- make or change regulations made under the Order
- adopt or change any policy as to whom, and under what conditions, they propose to issue licences.

Subject to Byelaw 17 entitled "Licensing of Cockle Gathering in the Burry Inlet":

(a) No person shall fish for, take or otherwise remove cockles (*Cerastoderma edule*) from within any part of the area regulated by the Burry Inlet Cockle Fishery Order 1965, except as permitted by the provisions of a licence in that behalf, or by the prior written authority of the Director to the Committee and in accordance with the conditions set out in that authority or by the authority of the appointee of the Director present at the time of removal except that:-

(b) In that part of the area regulated by the Burry Inlet Cockle Fishery Order 1965, which lies to the east of a line drawn from the eastern bank of the Llanrhidian Pill in the south, true north until it meets the western extremity of the Llanelli Dock 51° 39.95'N, 04°09.80'W, in the north, a person who is not the holder of a licence under that Order may fish for, take or otherwise remove not more than 8 kg of cockles in any one day and those cockles shall not be offered for sale or processed for sale, and that these shall be removed from the fishery on his/her own behalf and on the day on which they were gathered

Which allows the public to remove a limited quantity of cockles, no person shall take cockles from within the regulated fishery, except under the authority of a

licence issued by NRW (or by prior written permission from NRW) and in accordance with any regulations made under Section 5 of the Order 1965. The boundary of the Order is shown on the plan attached to these notes, which is split into six areas for management purposes. The authority of a licence shall not be transferable, and shall apply only to the person named upon it.

RESTRICTIONS AND REGULATIONS ON HARVESTING

26. The following restrictions and regulations apply to the fishery:

1. *Each year, prior to the issuing of new licences, NRW will consider the allowance of fishing for a Total Allowable Catch (**TAC**) within the Fishery. NRW will consider the most appropriate Minimum Landing Size (MLS), and may consider a Maximum Landing Size (MaxLS) for the season based on the most appropriate survey data and modelling predictions. MLS and MaxLS will be managed using licence conditions which NRW may alter throughout the season should NRW deem it necessary. Licence holders will be notified of any changes in writing.*
2. *Each licensee will be allocated an individual daily or annual quota based on the total TAC.*
3. *Using an evidence based approach, individual cockle beds may be opened and closed depending upon cockle condition, levels of harvesting and survey results at the discretion of NRW. This may also include a closed season should NRW deem it necessary to protect the fishery. No person shall, without the specific prior written authority of NRW, fish for, remove, take or disturb any cockles from any part thereof, which has been closed.*
4. *No person shall fish for, take or otherwise remove cockles from within any part of the area regulated by the Burry Inlet Cockle Fishery Order 1965 on a Sunday except with the prior written authority of NRW.*
5. *No person shall fish for or take cockles (*Cerastoderma edule*) from any part of the area regulated by the Burry Inlet Cockle Fishery Order 1965 between half an hour after sunset on any day and half an hour before sunrise the following day.*
6. *No person shall bring ashore, fish for, or take or remove cockles (*Cerastoderma edule*) from any part of the area regulated by the Burry*

Inlet Cockle Fishery Order 1965, otherwise than on his or her own behalf and on the day on which they were gathered.

7. *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.*
8. *Any person fishing for scientific purposes, or for stocking or breeding purposes, under the written authority of NRW shall not be subject to these restrictions and regulations.*
9. *All cockles will be hand gathered by rake and riddle approved by NRW only, unless by prior written authority of NRW.*
10. *No cockle bags or other equipment or litter are to be left on the beds following fishing.*
11. *No person shall engage in any activity which disturbs or damages the Fishery without the prior written consent of NRW.*

FISHING LICENCES

Issuing Licences

27. Under the Order, a licence is required to fish for cockles within the Fishery. NRW enjoys powers to issue licences under section 4(4) of the Sea Fisheries Shellfish Act 1967. No individual may hold more than one licence for the Fishery.
28. It is the aim of this Management Plan to allow up to 36 fishermen to participate in the Fishery, on an annual basis. The figure of 36 licences is based on the following justification:
 - Total allowable annual catch is estimated to vary between 500 and 2,500 tonnes.
 - Maximum annual exploitation rate is estimated at 70 tonnes per person.
 - Exploitation rate above 36 licences will result in an unsustainable, part time fishery.

In addition, at times when NRW considers that the fishery could sustain it, temporary licenses may be issued at NRW's discretion.

29. A Habitats Regulations Assessment (**HRA**) under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) is required prior to the issuing of any licence to assist in the identification and formulation of appropriate conditions, including TAC, under which the fishery can be opened.

Protected Licences

30. There are currently 36 licence-holders who have held a licence in respect of the fishery for at least 36 (non-consecutive) months. These licence-holders are deemed to be 'protected'. They will be invited to renew their licence each year.
31. Each year, NRW will invite all protected fishing licence-holders to renew their licence by 1st April and such licences shall be renewed provided each protected licence-holder continues to meet the licence eligibility criteria. Where an individual either decides not to renew their licence or does not meet the licence eligibility criteria, they will not be offered a licence, they will lose their protected fishing licence. If in future they do meet the eligibility criteria, they would be entitled to re-apply for a position on the licence waiting list should the list be open.

Temporary Licences

32. In addition to the renewal of protected fishing licences, each year by *1st April* NRW will determine whether it may issue any additional temporary licences. This decision will be taken following an appropriate stock assessment survey taking into consideration over-winter and post spawning losses as well as the conservation objectives of the Inlet.
33. If, having regard to scientific advice on the desirability of limiting the level of exploitation, and in consideration of other factors, NRW is satisfied that the cockle stocks are likely to support additional fishing effort, it will determine to issue additional licences (referred to as 'temporary' licences) in respect of the fishery.
34. The number of temporary licences to be issued will be determined by *1st April*.
35. Temporary licences will be offered to named persons on the Licence Waiting List in the order they appear on that List, provided they continue to meet the licence eligibility criteria.
36. Where an individual either refuses the offer of a protected licence or does not meet the licence eligibility criteria, and as a consequence is not offered a licence, they will lose their position on the waiting list. If in future they do meet

the eligibility criteria, they would be entitled to re-apply for a position on the licence waiting list should the list be open

Licence Eligibility Criteria

37. The eligibility criteria require that, at the time of application for a licence, or on the date of issue of a licence, as the case may be each licence-holder:
- a) Is aged 16 years or older;
 - b) accepts that as a condition of making a licence application and of holding a licence, and in accordance with the Data Protection Act 1998, that certain personal data supplied to NRW, but at a minimum, the individual's name, address and date of application for and date of receipt of a licence, and whether they are on the waiting list or a licence holder, will be made publicly available by NRW;
 - c) is registered to pay, and has paid Class 2 National Insurance Contributions or equivalent commensurate with being a self-employed fisherman at the time of application for a licence (note that new applicants / licence-holders will have one month in which to register); and
 - d) has paid in full all outstanding fees for all previous licence periods except where authorisation not to pay some or all fees has been granted in circumstances where the holder is unable to fish for reasons beyond control (e.g. sickness);

Licence Waiting List

38. The waiting list was compiled by the SWSFC prior to the fishery being regulated by NRW. There are currently 91 people on the list, all of whom have been assessed against the licence eligibility criteria. The list is maintained by NRW requiring individuals to renew their position annually by sending a written confirmation to NRW by 28th February each year.
39. The administration burden of the waiting list is currently disproportionately high (costing in excess of £2000 per year to administer). NRW will endeavour to reduce the waiting list to an equal number of positions as the number of protected licences it issues each year. This will be achieved by closing the current waiting list until the number reduces to the same number of positions as protected licences issued. Should the number of waiting list members fall below the number of licences issued, the waiting list will re-open and new applicants will be accepted. Notice of the waiting list status (open or closed) will be posted on the NRW website.

40. Applicants for the waiting list can apply at any time the list is open and must provide details of: name, address, date of birth and National Insurance number, by completing on initial application, the prescribed form. A copy of the current application form can be found at **Appendix 1**.
41. No person may apply to be on the waiting list until they have reached 16 years of age.
42. Applicants themselves must renew their interest annually on their own accord and in writing each year, so that the letter arrives at the NRW office (Maes Newydd, Britannic Way West, Llandarcy, Neath Port Talbot, SA10 6JQ) by 28th February at the latest - the proof of receipt of which shall lie upon the applicant. No reminders will be sent by NRW.
43. Failure to renew an interest by this time would require the applicant to make a fresh application and be placed at the bottom of the waiting list (should the list be open).
44. At any one time a person's name may only appear once on the waiting list. No transfer or substitute of names on the waiting list shall be permitted for whatever reason.
45. Any person being the holder of a licence under the Order cannot hold a position on the waiting list until they are no longer in receipt of a licence.
46. Should a protected licence become available, the licence will be offered to an applicant at the head of the waiting list provided he or she complies with such conditions as NRW may determine, and in accordance with the same conditions that apply to existing (protected) licence holders where appropriate. Any person not wishing to take up the offer of a protected licence will be removed from the waiting list. In the case of an offer of a temporary licence only, a person not wishing take up the offer will remain in position on the waiting list.
47. Any person on the Burry Inlet waiting list convicted of a relevant offence may, at NRW's discretion, be removed from the list. Such a person may, at that time, apply to be placed on the list as a new applicant with no previous service on the date of conviction (should the list be open).

Licence Duration

48. Licences will ordinarily be granted for a period of 12 months from the date of issue. NRW reserves the right to issue temporary licences for less than 12 months according to the stock management, marketing and other conditions prevailing at the time.

49. Where a temporary licence has expired and is not renewed by NRW, the holder of that licence will return to the Waiting List at a position commensurate with the position previously held.

Securing a Protected Licence

50. Should a protected licence become available, the licence will be offered to an applicant at the head of the waiting list provided he or she complies with such conditions as NRW may determine, and in accordance with the same conditions that apply to existing (protected) licence holders where appropriate.

Licence conditions

51. Dynamic and reactive management of a commercial fishery in the marine environment which will by nature experience conditions that are difficult to predict, is best achieved through the imposition of licence conditions.
52. NRW will use licence conditions to manage the fishery effectively and efficiently. Examples of the licence conditions issued at the start of the 2013/14 season are shown below, and an example of the full licence is shown in **Appendix 2**.
1. No licence-holder shall fish for, or take or remove cockles from the fishery except under the authority of and in accordance with the licence conditions and the restrictions and regulations on harvesting contained within this Management Plan.
 2. A licence shall only be issued to an individual.
 3. A licence is not transferable.
 4. A licence must be carried by the fisherman and be available for inspection at all times.
 5. A valid licence must be produced when requested by an NRW officer and the fisherman shall not continue to fish for cockles until a valid licence is produced.
 6. Each licence-holder must personally bring ashore all cockles taken under the authority of a Licence and shall on being requested to do so permit any officer of NRW to examine such cockles and in addition when requested or required by an NRW officer), assist in the removal and the weighing of each bag.
 7. Each licence-holder shall on the first working day of every calendar month deliver or send to NRW, such particulars as NRW require with

regard to cockles taken by him or her as the case may be under the authority of this licence during the preceding calendar month. Failure to do so may result in the suspension of this licence, and / or standard NRW enforcement action.

8. Each licence-holder shall not gather more than the personal daily quota (an example of the 2013 daily quota is summarised in table 1) of cockles in any one day from the area regulated by the said Order without the prior written authority of NRW. This condition is may be reviewed by NRW throughout the year.

Month	Maximum Daily Quota	Month	Maximum Daily Quota
April	200 Kg/day	October	300 Kg/day
May	300 Kg/day	November	200 Kg/day
June	300 Kg/day	December	200 Kg/day
July	300 Kg/day	January	200 Kg/day
August	300 Kg/day	February	200 Kg/day
September	300 Kg/day	March	200 Kg/day

Table 1. Personal Daily Quota summary (example from 2013).

9. Information required on a licence shall include a photograph of the licence-holder, a unique licence number, the name and address of licence-holder and the licence's period of validity.
10. For all purposes the weight of cockles gathered from the fishery shall be determined by weighing the same in sacks and no allowance shall be made in respect of the weight of the sacks (whether wet or dry) nor of any sand or other materials present.
11. The licence-holder shall transport all cockles taken by him or her as the case may be, from the regulated fishery, in bags of such dimensions and of such materials as NRW shall in their absolute discretion determine as appropriate from time to time. Gatherers shall use these bags at their own risk, and the undersigned will agree that NRW shall not be liable for any actions arising from their use or misuse.
12. The licence-holder personally shall ensure that all bags holding cockles gathered by him or her on the same day, are conspicuously and clearly and individually labelled with the licensees name and/or licence number, using one label as NRW shall in their absolute discretion determine as appropriate from time to time fastened to the neck of each bag.

13. The following exit points for vehicles will be used during the period of Authorisation except by express permission of NRW:-

(a) on the North side at the slipway leading to the Machynys foreshore.

(b) on the South side at the main track leading out to the sands at Salthouse Point. Weobley Castle track may only be used in cases of emergency.

14. No licensee shall take into the area covered by the Burry Inlet Cockle Regulation Order any cockles that have been gathered from out-with this area except by express written permission of NRW.

15. Minimum Landing Size (**MLS**). The licensee shall not take or otherwise remove from any part of the Burry Inlet Cockle fishery cockle (*Cerastoderma edule*) below 10 mm. This is defined as a cockle that will not pass through the gauge of a 10 mm riddle. This condition is subject to review by NRW throughout the year.

16. Maximum Landing Size (**MaxLS**). No MaxLS will apply. This condition is subject to review by NRW throughout the year.

17. The use of Net or Bag-riddles is not permitted under this licence.

18. Cockle gathering is prohibited within seagrass *Zostera* sp. beds / pioneer saltmarsh (*Salicornia* and *Sueda* spp.).

19. The licensee shall ensure that undersized riddled cockles are evenly spread over the cockle bed, and that holes are backfilled with tailings

53. Licence conditions are, should NRW deem it necessary in the interests of the sustainability of the Fishery, subject to review and change before the commencement of each fishing season.

Licence Fee

54. The licence fee must be paid in full by an applicant on acceptance of an offer of a licence, unless by prior written agreement of NRW.

55. The current 2013 licence fee of £684 was set in 2004 by the South Wales Sea Fisheries Committee. This figure does not fulfil the current management costs of the Fishery; it only contributes to less than a quarter of the current management costs. The current management regime relies heavily on Welsh Government Grant in Aid.

56. In 2004 it is estimated that the licence fee represented less than 2% of a gatherers earnings. In 2011 it is estimated that the same fee (£684) represented more than an estimated 12%.
57. The licence fees may be revised with the consent of the Minister.

Cancellation of a Licence

58. Where a licence holder is convicted of an offence of contravening a restriction or regulation on harvesting, NRW may, with the consent of the Welsh Government, cancel their licence.
59. Where an individual's licence is cancelled, they may, following the date on which that licence would have expired, apply for a place on the Licence Waiting List, should it be open, but in such circumstances they will be treated as a new applicant without previous service as a licence-holder on the Fishery.
60. A list of relevant enforcement offences and options can be found in the Burry Inlet Cockle Enforcement Policy (see **Appendix 3**).

ENFORCEMENT

61. NRW's enforcement and prosecution policy will be applied in developing a specific enforcement plan for the Burry Inlet (see **Appendix 3**). The plan will cover all aspects of enforcement including byelaw compliance, breach of licence conditions, breach of regulations and restrictions and illegal or un-licensed fishing.
62. The enforcement plan will be reviewed in consultation with BIMAG and will contribute to any review of the overall management plan.

HYGIENE AND DISEASE

Bed Classification

63. The cockle harvesting areas for food hygiene purposes are under the jurisdiction of 2 local authorities (Carmarthenshire County Council to the North and Swansea County Council to the South) and are monitored monthly as required by the food hygiene directive.
64. The beds on the north side of the estuary (Llanelli side) are currently classified by the Food Standards Agency as class B and the beds on the south side (Penclawdd) are classified as class C.

65. Class B molluscs must be depurated (cleansed of bacteria through an approved depuration unit) or relayed in an approved class A relaying area, or heat treated by an approved method before being sold for human consumption. Class C must be relayed (for a minimum of 2 months) to meet Class A or B, or be heat treated.
66. It is an objective of the Welsh Government that all shellfish harvesting areas in Wales are categorised as a minimum of B. NRW will work with all agencies including the Food Standards Agency, Cefas and Local Authorities to develop measures to ensure long term Welsh Government objectives are achieved where practicable.

Bio-Security

67. Bio-security means taking steps to ensure good hygiene practices are in place to minimise the risk of introducing and spreading disease and invasive non-native species (INNS) into an area.
68. The Burry Inlet Cockle Mortalities Investigation 2009-2011 found that the prevalence of certain parasites in cockles in the Burry Inlet was of concern and could potentially threaten the health and commercial value of the fishery. It is also indicated that there may also be a threat to the wider environment and other fisheries through movements of live shellfish in the Burry Inlet. The investigation also showed that in 1999 there were only 15 different parasite infections within the Burry Inlet whereas since 2004, 29 different infections have been recorded. This is thought to be around twice the level of a normal cockle fishery. While the significance of this is unknown at present, it is of note that *Minchinia* spp (linked to recent mortalities on the Wash) were absent from samples collected in 1999 but present in samples taken in the Burry Inlet in 2004 (indicating that this parasite first appeared in the Burry Inlet between 1999 and 2004).
69. NRW will work with partner organisations such as the Centre for Environment, Fisheries & Aquaculture Science (**Cefas**) to develop and implement bio-security measures.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION

70. The principal mechanism for stakeholder engagement will be the Burry Inlet Management Advisory Group (**BIMAG**). BIMAG will meet on a regular basis and work with NRW to inform and develop the management of the fishery.
71. Membership of the group needs to represent the range of community and regulatory bodies and their views, but not be too large to work in detail together and maintain consistent attendance. NRW will invite people who can show that they represent the views of others, not just individual opinions. The membership list will ideally include 4 representatives of the Burry Inlet Licenced Cockle Gatherers, 3 representatives from NRW, 1 representative from each of the

following organisations: Swansea City Council, Carmarthenshire County council, the Shellfish Association of Great Britain (**SAGB**), and representatives from each of the main cockle processors within the Burry Inlet. Other people will be invited to meetings as appropriate.

72. Changes to any licence conditions, bed closures, payments and general fishery operations will be communicated to all licence holders through the written “Notice to Cocklers” (an accepted formal letter regarding any fishery management issues).
73. To assist BIMAG in communicating to the wider community, the Burry Inlet Stakeholder Forum (BISF) will also be used. The BISF is to be an open forum accessible to anyone who wishes to attend and will be held as required when key messages need to be communicated.

EVALUATION/MONITORING OF PLAN OBJECTIVES

Objective 1: to deliver and maintain a sustainable fishery which can provide regular income to licence holders

This objective will be monitored through:

- Liaison with Burry Inlet Management Advisory Group (BIMAG) to agree the TAC, quotas and other management decisions
- Stock monitoring / maintenance of exploitable stock at predicted levels
- Improve understanding of cockle population dynamics.

Objective 2: to avoid adverse effects on the European designated site and local residents.

This objective will be monitored through:

- Completing and implementing the latest and most appropriate bird food / stock models available with regard to calculating the TAC
- Ensuring there is no detriment to the achievement of Favourable Conservation Status (**FCS**) for relevant SAC, SPA and Ramsar features
- Monitoring beds for illegal fishing
- Ensuring access and exit from the cockle beds is at agreed points.

Objective 3: to improve management, monitoring and enforcement within the Fishery.

This objective will be monitored through:

- Regulation of the fishery according to current statutory requirements.
- Use of resources to improve understanding of population dynamics.
- Production of a fishery management and enforcement plan
- Ensure regular monitoring of catch and byelaw/regulations compliance.
- Use the most appropriate stock model to predict food requirements for shorebirds, predict effects on shorebird populations of different management scenarios, and recommend methods for setting sustainable TAC.

BURRY INLET COCKLE FISHERY ORDER 1965

Natural Resources Wales

Application for a Cockle Licence OR to be placed on the Waiting List for a Cockle Licence

Title:..... Surname:First name(s):.....
Address:
.....
Date of Birth:.....Tel No: Mobile:
Email address:.....National Insurance No:

IMPORTANT - Please Read:

Note 1: One of the conditions attached to the offer of a licence is that during its term, the applicant must be able to provide evidence that he/she is self employed and is able and does take full part in the fishery. The Department of Inland Revenue and the Department of Social Security and National Insurance office may contact Natural Resources Wales to verify this or may be informed that you have entered the industry.

Note 2: IT IS A CONDITION OF APPLICATION to be on the Cockle Waiting List and of holding a Cockle Licence that the details supplied above in the form of name, address, and date of application for, and/or date of holding a licence be in the public domain. Natural Resources Wales may from time to time make available a list of Cockle Waiting List persons and/or licence holders for supply to the public or provide such details at the request of a member of the public at any time.

If you are not in agreement with this provision, then you should not apply for a cockle licence.

The above is consistent with the Natural Resources Wales's entry with the Data Protection Registrar made under the Data Protection Act 1998.

Note 3: Data Protection Act 1998 We, Natural Resources Wales, will process the information you provide so that we can: deal with your application, make sure you keep to the conditions of the licence permit or registration; and process renewals.

We may also process or release the information to:

- offer you documents or services relating to environmental matters;
- consult the public, public organisations and other organisations (for example, the Health and Safety Executive, local authorities, the emergency services, the Department for Environment, Food and Rural Affairs) on environmental issues;
- carry out research and development work on environmental issues;
- prevent anyone from breaking environmental law, investigate cases where environmental law may have been broken, and take any action that is needed;
- access whether customers are satisfied with our service, and to improve our service, and;
- respond to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulation 2004 (if the Data Protection Act allows)

We may pass the information on to our agents or representatives to do these things for us.

Note 4: RENEWAL OF A LICENCE IS NOT AUTOMATIC. All licence holders and people on the waiting list must apply for a licence each year in writing:-

- Existing licence holders must apply by application form each year, which Natural Resources Wales will send out before 1st April.
- Each person on the waiting list must re-apply each year in writing so that the letter is received by Natural Resources Wales by 28th February, providing their name, address, and contact telephone number in order to retain their position.

No reminders from Natural Resources Wales will be sent. Failure to comply fully with this ruling will result in a loss of position to the end of the waiting list (should it be open) at that time.

- **New applicants** may apply at any time using this form and their names will be placed on a waiting list in date and time order of receipt of the completed form by the office. Note 3.2 will apply at the next occasion.

Note 5: LICENCE FEE. The licence fee for 2013/14 remains at **£684**. The licence fee will be paid in full by an applicant on application of a licence, unless by prior written agreement of NRW. Non payment may result the commissioning of a criminal offence.

Signed:

Dated:

Send completed forms to:

Burry Inlet Cockle Licencing
Natural Resources Wales
Maes Newydd
Llandarcy
Neath Port Talbot
SA10 6JQ

Tel: 01792 325526

Fax: 01792 325511

For Office use only:

Date received by Office:..... Date(s) of last conviction if any:.....

Date Acknowledged:..... Application Number:.....

How to pay:

Note 6: Please include TWO recent passport photos of the applicant.

Please indicate if you wish to pay in full £684 or in four instalments of £171 (**see note 4**)

Tick the relevant box

Payment in Full Quarterly Instalments

1. BY TELEPHONE (Credit/Debit Card)

You can pay by any Credit/Debit by calling: **02920 466198**

2. BY POST

Return this form with your payment to the address shown overleaf:

Cheques and Postal Orders should be made payable to NATURAL RESOURCERS WALES and crossed "A/C Payee".

Please write your company name and application number (shown overleaf) on the reverse of your cheque or postal order.

POST DATED CHEQUES WILL NOT BE ACCEPTED.

You are advised NOT to send CASH through the post. If this is unavoidable please use a recorded delivery postal service and enclose your application reference details.

3. IN PERSON

Cheques or cash payment can be made at our Area Office:

Natural Resources Wales, Maes Newydd, Llandarcy, Neath Port Talbot, SA10 6JQ

Natural Resources Wales

LICENCE TO FISH FOR COCKLES BURRY INLET COCKLE FISHERY ORDER, 1965

YEAR: <<Season>>

Licence Number: «LicenceID»

«Title» «FirstName» «LastName»

«Address1»

«Address2»

«Address3»

«Address4»

«PostCode»

The above named person (hereinafter called "the Licensee"), is hereby licenced to fish for cockles within the limits of the area to the above mentioned Order subject to the provisions of the said Order, to Regulations made to the byelaws of Welsh Government (hereinafter called "WG") and to the following conditions:

This licence shall remain in force from: **1st April <<StartYear>> until 31st March <<EndYear>>**
 AMOUNT PAID FOR THIS LICENCE **£684.00**

(NB: If paying by instalment, a licence holder commits an offence under Sec 3(3) of the Sea Fisheries (Shellfish) Act 1967 if he/she does exercise a licence without paying such tolls in advance).

1. This licence is not transferable.
2. The Licensee personally shall bring ashore all cockles taken by him or her as the case may be under the authority of this Licence and shall on being requested to do so permit any officer of the Committee to examine such cockles and in addition when requested or required by an officer of Natural Resources Wales (hereinafter called "NRW"), assist in the removal and the weighing of each bag.
3. The licensee shall on the first working day of every calendar month deliver or send to NRW, such particulars as NRW require with regard to cockles taken by him or her as the case may be under the authority of this licence during the preceding calendar month. Failure to do so may result in the suspension of this licence, and / or standard NRW enforcement action.
4. The licensee shall not gather more than the personal daily quota (summarised in table 1) of cockles in any one day from the area regulated by the said Order without the prior written authority of NRW or by the written authority of his appointee present at the time. This condition is subject to review by NRW throughout the year.

Month	Maximum Daily Quota	Month	Maximum Daily Quota
April	200 Kg/day	October	300 Kg/day
May	300 Kg/day	November	200 Kg/day
June	300 Kg/day	December	200 Kg/day
July	300 Kg/day	January	200 Kg/day
August	300 Kg/day	February	200 Kg/day
September	300 Kg/day	March	200 Kg/day

Table 1. Personal Daily Quota summary (example for 2013).

5. For all purposes the weight of cockles gathered from a fishery shall be determined by weighing the same in sacks and no allowance shall be made in respect of the weight of the sacks (whether wet or dry) nor of any sand or other materials present.
6. The Licensee shall transport all cockles taken by him or her as the case may be, from the regulated fishery, in bags of such dimensions and of such materials as NRW shall in their absolute discretion determine from time to time. Gatherers shall use these bags at their own risk, and the undersigned will agree that NRW shall not be liable for any actions arising from their use or misuse.
7. The Licensee personally shall ensure that all bags holding cockles gathered by him or her on the same day, are conspicuously and clearly and individually labelled with the licensees name and/or licence number, using one label as NRW shall in their absolute discretion determine from time to time fastened to the neck of each bag.
8. The following exit points for vehicles will be used during the period of Authorisation except by express permission of NRW:-
 - a. On the North side at the slipway leading to the Machynys foreshore.
 - b. On the South side at the main track leading out to the sands at Salthouse Point. Weobley Castle track may only be used in cases of emergency.
9. No licensee shall take into the area covered by the Burry Inlet Cockle Regulation Order any cockles that have been gathered from out-with this area except by express written permission of NRW.
10. Minimum Landing Size (MLS). The licensee shall not take or otherwise remove from any part of the Burry Inlet Cockle fishery cockle (*Cerastoderma edule*) below 10 mm. This is defined as a cockle that will not pass through the gauge of a 10 mm riddle. This condition is subject to review by NRW throughout the year.
11. Maximum Landing Size (MaxLS). No MaxLS will apply. This condition is subject to review by NRW throughout the year.
12. The use of Net or Bag-riddles is not permitted under this licence.
13. Cockle gathering is prohibited within Zostera beds / pioneer saltmarsh (*Salicornia* and *Sueda* spp.).
14. The licensee shall ensure that undersized riddled cockles are evenly spread over the cockle bed, and that holes are backfilled with tailings
15. No person shall, within the limits of the fishery to which the Burry Inlet Cockle Fishery Order 1965 applies, dredge, fish for or take cockles except under the authority of and in accordance with this licence and the conditions contained within this licence. Any person who dredges, fishes for or takes cockles in contravention of this licence or the conditions contained within this licence shall be guilty of an offence pursuant to section3(3) of the Sea Fisheries (Shellfish) Act1967.

Signed:

<<Name>> Environment Monitoring Manager

Dated:

The Regulations made under that Order require production of this licence to an NRW Officer on request.

NOTE 1: This licence does not provide right of access/exit over privately owned land/foreshore. It is the licensees responsibility to gain the consent of the owners of the land/foreshore where appropriate.

NOTE 2: Attention is drawn to the provisions of Sea Fisheries (Shellfish) Act 1967 under which this licence may be subject to suspension or forfeiture upon a conviction for contravention of any of the restrictions imposed by the Burry Inlet Cockle Fishery Order.

Burry Inlet Cockle Fishery Enforcement Policy

The purpose of an enforcement policy to regulate the licenced Burry Inlet cockle fishery and take enforcement action for illegal activity is to ensure consistency and be transparent. A range of tools are available for dealing with non-compliance ranging from advice and guidance to prosecution. The appropriate response will be decided through consideration of a number of public interest factors and with a clear vision of the overall desired outcome, e.g. to deter others from committing similar offences or to bring the offender into regulatory compliance.

The normal criminal responses listed against each offence or breach below are indicative only as each case will be assessed as outlined above.

Offences under Article 3 of Burry Inlet Cockle Fishery Order 1965 – Section 3, subsection 3 of Sea Fisheries (Shellfish) Act 1967

Fishing for cockles in the area covered by the Order without a licence

Normal criminal enforcement response: Prosecution

Supplementary action:

- Seizure of any instruments, vehicles, vessels and application to court for forfeiture.
- Return illegally gathered cockle to the beds, providing safe to do so.
OR If cockle cannot be returned then sell them to the highest bidder.

All monies to be held in accordance with financial procedures, pending enforcement outcome.

- Remove person from Burry Inlet cockle licence waiting list if applicable

Offences under the Serious Organised Crime Act 2007 C7.21 part 2 S44 (1) (a) encouraging or assisting the commission of an offence, or aiding and abetting.

Accepting illegally gathered cockles in to the processing plants by the processors.

Normal criminal enforcement response: Formal caution or Prosecution

Protecting the environment

Disturbing or damaging the Fishery without prior written consent from NRW.

Normal criminal enforcement response: Prosecution

Breach of Restrictions and Regulations on Harvesting

a) *Fishing for, removing or disturbing cockles in any area which is temporarily closed or from any area of the fishery during a closed season.*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

b) *Fishing for or removing cockles from any area covered by the Order on a Sunday*

Normal criminal enforcement response: Prosecution

c) *Fishing for or removing cockles from any area covered by the Order between half an hour after sunset on one day and half an hour before sunrise on the following day*

Normal criminal enforcement response: Prosecution

d) *Fishing for, removing or bringing ashore any cockles from an area covered by the Order on behalf of someone else*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action for all of the above i.e. a) – d):

- Return illegally gathered cockle to the beds, providing safe to do so.
- OR If cockle cannot be returned then sell them to the highest bidder.

All monies to be held in accordance with financial procedures, pending enforcement outcome.

- Upon conviction seek consent of Ministers to remove a licence where applicable

Breach of licence conditions

a) *Failure to bring ashore all cockles taken by themselves*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Upon conviction consider making application to Minister to remove licence.

b) *Failure to use NRW approved cockle bags.*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Suspend licence until compliance is achieved

Upon conviction consider making application to Minister to remove licence.

c) *Failure to individually and clearly mark each bag of cockles as to ownership using tags approved by NRW **

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Upon conviction consider making application to Minister to remove licence.

d) *Accessing the fishery at non-designated or otherwise specifically agreed landing points, except in an emergency,*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Upon conviction consider making application to Minister to remove licence.

e) *Failure to complete monthly landing declarations and return to the designated NRW office on the first working day of each month.*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Suspend licence until compliance is achieved
- Upon conviction consider making application to Minister to remove licence.

f) *Exceeding the personal daily quota of cockles from the area covered by the Order ***

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Return over harvested cockle to the beds, providing safe to do so.
OR If cockle cannot be returned then sell them to the highest bidder.

All monies to be held in accordance with financial procedures, pending enforcement outcome.

- Upon conviction consider making application to Minister to remove licence.

g) *Failure to comply with cockle size limits as defined in the licence ****

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Return over or undersized cockle to the beds, providing safe to do so.
OR If cockle cannot be returned then sell them to the highest bidder.

All monies to be held in accordance with financial procedures, pending enforcement outcome.

- Upon conviction consider making application to Minister to remove licence

h) *Taking cockles gathered from outside the area covered by the Order into it*

Normal criminal enforcement response: Formal caution or prosecution.

i) *Using net or bag riddles*

Normal criminal enforcement response: Where we reasonably believe it was unintentional or for first time offences - warning. Intentional or repeat offences - formal caution or prosecution.

Supplementary action:

- Upon conviction consider making application to Minister to remove licence.

* Licenced gatherers frequently share vehicles with up to three or four people's catch being landed together. In the event of an offence being committed it is imperative to be able to establish the ownership of individual bags of cockles. It is the responsibility of

the licensee to clearly mark each cockle bag with his / her unique licence number with NRW approved tags. It is recognised that over time tags may be damaged and subsequently fall off, or that gatherers could be a tag short on a given day. Therefore provided best endeavours are made, the following general response being followed:

- If 10% or less of landed bags are untagged the breach will be recorded on the compliance form
- If more than 10% of bags are untagged a verbal warning will be issued and recorded on the compliance form

Continued non-compliance with this licence condition, or where it is considered that the breach is deliberate to conceal another offence may result in an escalated enforcement response.

** A discretionary measure of up to 10% by weight over the personal daily quota will generally be accepted. Details will be recorded on the compliance form but no enforcement response will follow.

*** A licence may have a maximum size limit or a minimum size limit. A level of discretion will be afforded by NRW while undertaking compliance checks.

For example, the licence for 2013-14 has a minimum size limit of 10mm. There will be a general acceptance of instances where undersized cockles represent up to and equal to 10% of the catch based on the weight of undersized cockles riddled from a bag selected by the licence holder, compared to the weight of the bag before riddling. In these cases the results will be recorded on a compliance form. Where the first bag has undersized cockles the rest of the catch will be measured to get the overall undersize percentage. Where this exceeds 10% the normal response as outlined above will be followed.

The above leniencies are not a change to the licence conditions but will ensure effective management and regulation of the fishery to protect cockle stocks