

# NWIFCA TSB Meeting 11 Aug 2020

## By video conference

**AGENDA  
ITEM  
7c**

### **Byelaw 3 issues and request from Mr Benson in relation to promote seed mussel hand fishing at Heysham flat**

**Purpose of Report:** To discuss cockle and mussel management issues and consider request from Mr Benson.

**Recommendation:** Discuss viability of options below in respect of Mr Benson's question and identify other issues and solution

#### **Background**

1. NWIFCA on 18 June resolved that cockle and mussel management be considered at the forthcoming TSB. The main issue raised at that meeting was a concern raised by Mr Benson subsequently sent in writing to the Authority on 27 July and attached at Annex A.
2. Mr Benson (MMO appointee and TSB member) requested a means to promote seed mussel fishing at Heysham Flat. The request arises from the potential concurrence of seed mussel fishing with cockle and/or sized mussel fishing in the NWIFCA District. If this were to happen Mr Benson's concern is that byelaw 3 permit holders would opt to fish the more lucrative cockle or sized mussel in preference to seed mussel. A valuable seed mussel fishery would then not be exploited.
3. At the 18 June meeting Mr Benson stated that it was possible that 5000 tons of seed mussel worth £25M would not be exploited. This example values Heysham Flat seed mussel at £5000 /ton
4. In summer 2020, there are cockle fisheries in areas outside the District open now and stocks indicate that cockle fisheries in the NWIFCA District will open at the end of the closed season on 1 September 2020. Sized mussel fisheries are already being fished in North Morecambe Bay which may continue into winter 2020 and beyond. Seed mussel fisheries are open for dredge fisheries at Fleetwood and further dredge fisheries may open later this year. Therefore demand from byelaw 3 permit holders to fish for seed mussel may be reduced in 2020.

#### **Comments.**

5. To date there is no evidence that mussel seed has not been fished because cockle fisheries were available. Generally mussel seed is available in July and August. Cockle fisheries open on 1 September. In the years when cockles have been scarce, mussel seed and sized) were fished on into autumn and winter. In 2019 quoted in the discussion on 18 June, Heysham flat opened for Mussel seed in late July when all cockle beds in the District were closed. Very little seed fishing took place.

6. The value of seed quoted by Mr Benson (£5000/ton) is very high relative to the price paid to gatherers of £100-150/ton. Gathering a ton of seed mussel is a good day's work and gatherers regularly complain the return on effort for mussel seed is insufficient.
7. The estimate of 5000 tons of seed on Heysham flat in 2020 appears very high compared with the quantity taken in previous years.

### **Possible solutions and assessments**

8. **A new byelaw to set up a mussel seed permit:** Would take more than 1 year to complete. The Authority has a very full and demanding byelaw programme in place.
9. **An amendment to byelaw 3 or to the proposed replacement byelaw 3** This byelaw is now with MMO for confirmation. Making substantive amendments would delay the byelaw by weeks or months.
10. **Use of Byelaw 3 para 10:** *'This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw if that act were carried out in accordance with a written permission issued by the NWIFCA permitting that act for scientific, management stocking or breeding purposes.'* Mr Brown said this may be an option at the 18 June meeting. The Authority could give written permission to persons who do not hold a full gathering permit, to fish for undersize mussel by hand for management or stocking purposes. However, it would contravene most aspects of Byelaw 3 and would likely be unacceptable to current permit holders. Legally enforceable conditions could not be attached to a written permission
11. **Use of an Emergency byelaw:** The Authority could make an emergency byelaw setting up a permit scheme to promote sustainable use of fisheries resources. However, an emergency byelaw would likely face challenge as not being unforeseeable and not being necessary to promote sustainable use.

### **Conclusion**

12. No immediate solution to the problem raised by Mr Benson has been identified.

Dear Stephen and Paul

I have spoken to Mandy Knott this week about the seed mussel fishery in the NWIFCA district this year. She has advised me that there are good settlements of seed mussels at both Heysham and around Foulney Island and that the Authority was likely to approve the opening of these areas to fishing.

This is very welcome news. We are particularly grateful that the Authority's scientific staff have been able to progress with surveys and stock assessments despite the Covid-19 restrictions. This clearly demonstrates their support for the interests and livelihoods of local fishermen and businesses like ours.

Unfortunately there is a very real risk that this work will have been in vain, and that the value of these seed mussels to the local economy will be lost. As I explained at the last Authority meeting, the main obstacle to a successful seed mussel fishery over the past few years has been the Authority's byelaws and fishery management policy.

To recap my points very briefly:-

- Seed mussels can only be gathered by Byelaw 3 permit holders.
- Many of the Byelaw 3 permit holders are currently gathering cockles and adult mussels elsewhere in the UK, and are thus not inclined to gather the lower value seed mussels from within the NWIFCA District.
- When the cockle fishery in the NWIFCA District reopens on 1<sup>st</sup> September, the Byelaw 3 permit holders will preferentially gather cockles (high value) rather than seed mussels (low value).

As a consequence, local shellfish businesses are unable to respond to the market demand for seed mussels because nobody is willing to gather them. To illustrate this point, we have been able to find only one Byelaw 3 permit holder who is interested in gathering seed mussels this summer. All of the others have found more lucrative fisheries elsewhere.

We are very keen to work with the Authority to find a solution to this issue before the autumn storms remove these seed mussels and their value is lost again.

One suggestion we would like to propose is that the Authority issues temporary permits under Byelaw 3 to allow a seed mussel fishery to proceed in a specific area. We think that paragraph 10 of Byelaw 3 provides a basis for doing this. Such an action would no doubt raise questions of eligibility. We are aware that the Authority maintains a waiting list of Byelaw 3 applicants. These applicants could be

regarded as the ideal candidates for any temporary permits. We would be equally happy to work with the Authority to progress any alternative solutions.

Given the impact of the Covid-19 pandemic on the economy and the challenges ahead from Brexit, UK businesses like ours can ill afford to lose opportunities like this. We hope that you and the Authority will be able to take swift action to make the most of the investment of effort from the Authority's scientific staff, and to create an opportunity for local businesses before it is lost.

If you have any queries about this request or would like to discuss any details before responding to me please do not hesitate to get in touch.

Best regards  
Rob

**Rob Benson**  
Director

Kingfisher Seafoods Limited  
14 Forge Close  
Barrow-in-Furness  
Cumbria LA14 2UF  
United Kingdom

Mob: +44 (0) 771 47 94 157  
Tel: +44 (0) 1229 445010  
Fax: +44 (0) 330 66 00 133  
EM: [info@kingfisherseafoods.com](mailto:info@kingfisherseafoods.com)  
Web: [www.kingfisherseafoods.com](http://www.kingfisherseafoods.com)