

Intertidal hand-gathering of shellfish in Northern Ireland

A call for evidence



Sustainability at the heart of a living, working, active landscape valued by everyone.



Department of
**Agriculture, Environment
and Rural Affairs**

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- **Email:** MarineConservation@daera-ni.gov.uk

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Table of Contents

1. Overview of consultation	4
2. Introduction.....	8
3. Potential impacts of shellfish gathering	11
4. Potential management options	13
5. Evidence Questionnaire	16

1. Overview of consultation and call for evidence

Thank you for taking the time to consider this consultation paper. The Department welcomes your views on the development of management measures for intertidal hand-gathering of shellfish in Northern Ireland. This activity is currently unregulated and as a result, the Department holds limited information on the commercial scale of this fishery. This consultation outlines potential management measures that are intended to protect intertidal shellfish stocks from unsustainable exploitation and to provide protection for habitats and species that could be damaged or disturbed by intertidal shellfish gathering. The Department is also making a call for evidence to inform the socio-economic impact assessments.

The consultation will last for 12 weeks, commencing on 09 June 2022.

Please ensure that your response reaches us before the closing date of 01 September 2022.

What documents should I read to answer the questions?

The relevant information required to respond to the consultations questions is contained within this consultation paper.

You may also wish to consider the following information sources:

1. AFBI Strangford Lough Periwinkle Study
2. Habitats Regulations Assessment (HRA); and

Links to all the relevant documents and the consultation questions can be found at:
<https://www.daera-ni.gov.uk/consultation/shellfishgathering2022>

Policy assessments

The proposed fisheries management measures have been subject to an Equality and Human Rights Impact Screening exercise, Regulatory Impact Assessment and a Rural Needs Impact Assessment. These accompanying assessments are available to download from the Department's website.

How to respond

Please respond to this consultation using one of the following methods:

- Online at: <https://consultations2.nidirect.gov.uk/daera/intertidal-hand-gathering-of-shellfish-in-northern>

- By e-mail at: MarineConservation@daera-ni.gov.uk

- By post to:

Marine Conservation and Reporting Team

Marine and Fisheries Division

Klondyke Building

Cromac Avenue

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Belfast

BT7 2JA

When responding please provide the following information:

- Your name;
- Your district council area;
- Contact details (preferably email);
- Organisation you represent (if applicable); and
- Your main area of interest (e.g. hand gathering for personal consumption, commercial gatherer, shellfish processor, marine conservation etc.)

This information will assist in the analysis of responses. A summary of the responses received will be published after the consultation has closed. We will not respond individually to the points you raise nor will we acknowledge receipt of individual responses unless requested.

Accessibility

Alternative formats can be made available on request in large print, disc, Braille, audio cassette, or text phone for the hearing impaired. The document may also be made available on request in minority ethnic languages to those who are not proficient in English. The Department will translate executive summaries of key

publications into Irish or Ulster Scots upon request. Information and additional copies of the document can be requested by text phone on: 028 9056 9854.

Freedom of Information (Fol), Confidentiality of Responses and Sharing of Information

DAERA will publish a summary of responses following completion of the consultation process. We are unable to reply individually to the points you may raise as part of your reply.

Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and this will provide you with guidance on the legal position about any information submitted by you in response to this consultation.

Section 8(e) of the Data Protection Act 2018 permits processing of personal data when necessary for an activity that supports or promotes democratic engagement. Information provided by respondents to this stakeholder engagement exercise will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation. For more information and to view the DAERA Privacy Statement please go to: <https://www.daera-ni.gov.uk/publications/daera-privacy-statement-document>

The FOI Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential, information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response including any harm you believe such a disclosure might cause.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the FOI Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- The Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature, acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office, or visit the [ICO Website](#).

2. Introduction

What is hand gathering of shellfish?

Intertidal hand gathering of shellfish refers to the collection of wild shellfish from the shore without the aid of mechanised equipment. In Northern Ireland this is predominantly for periwinkles but also includes cockles, native oysters and blue mussels. The activity is common and is undertaken for both personal consumption and as a commercial activity.

Current position in Northern Ireland

There is a common law right for members of the public to gather shellfish from the shore for their personal consumption.

Shellfish gathering undertaken as a commercial activity and sold into the food chain must comply with retained EU Regulation 853/2004, which lays down specific hygiene rules for premises that handle or process fishery products. For bivalves such as native oyster, blue mussels and cockles, harvesting can only be undertaken within classified production or relaying areas. The classification of a production area determines the treatment required before live bivalve molluscs may be marketed for human consumption.

Section 42 of the Belfast Corporation Act 1930 prohibits all shellfish gathering along shores of Belfast Lough. The purpose of this regulation was to protect the public from poor water quality in Belfast Lough and enforcement of the Act is the responsibility of local council authorities.

The Strangford Lough (Prohibition of Fishing for Shellfish) Regulations (Northern Ireland) 2001 prohibits the removal of shellfish “from or by any means of any mechanically propelled vehicle” within Strangford Lough. This therefore prohibits the use of tractor dredges for harvesting of cockles and the use of quad bikes or other mechanised transport for the removal of animals from the intertidal.

The Inshore Fishing (Prohibition of Fishing and Fishing Methods) (Amendment) Regulations (Northern Ireland) 2003 prohibits diving for scallops in the North of

Strangford Lough between the 1st May and 31st October. This relates to subtidal shellfish gathered by diving rather than intertidal gathering.

Beyond the above regulations, the hand-gathering of shellfish from intertidal areas is unregulated. The Department therefore does not hold accurate records on the number of commercial operators, the level of activity, or the value of the fishery. A number of studies have been undertaken and periwinkle landings reported in 2011 and 2012 had first sale values of £374,400 and £432,000 respectively. These figures are indicative of the potential value of commercial shellfish gathering but it is impossible to assess the true value of this fishery without mandatory activity reports.

Why management is required

Sustainability is embedded within marine and fisheries policy and legislation, including the Northern Ireland Inshore Fisheries Strategy and more recently the Fisheries Act 2020 and draft Joint Fisheries Statement. The Department has a duty to manage fishing within sustainable limits and to ensure fishing does not have detrimental impacts on marine protected areas.

Small-scale collection of shellfish for personal consumption may be regarded as being sustainable and previous assessments by the Department have indicated that this could be the case. However, an increase in the number of reports of shellfish gathering received by the Department suggests that intensity of gathering may have increased in recent years. Responses received to the DAERA consultation on *Fisheries Management Measures in Marine Protected Areas* in 2021 called on the Department to ensure that shellfish gathering is regulated to protect biodiversity.

An Agri-Food and Biosciences Institute (AFBI) ¹study that was commissioned by DAERA investigated the potential for a minimum landing size and a closed season for collection of periwinkles in Strangford Lough. The recommendations from this report were for the minimum landing size to be set at 16mm and a closed season between January and April to protect spawning stock.

¹ AFBI, 2019. Strangford Lough Periwinkle Study

A study on Management of the periwinkle fishery in the Strangford Lough and Lecale coast was undertaken by the Strangford Lough and Lecale Partnership (SLLP)². This report recommended introducing a regulatory framework for hand gathering of periwinkles including implementing increased levels of certification of gatherers, introducing a minimum landing size and increased reporting of data by fish processors to better quantify amounts of shellfish gathered.

Importance of sustainable fisheries to marine ecosystems

Sustainable fishing practices can have wide-ranging benefits to marine ecosystems. This applies to all forms of fishing both at sea and along the coast. Fishing in a sustainable way can:

- Help contribute to the achievement of conservation objectives within Marine Protected Areas by reducing damage caused to sensitive habitats and species.
- Improve overall species diversity and ecosystem health in our marine environment by ensuring target species are not over exploited and minimising knock-on effects to the food web.
- Help contribute towards Government targets to reduce greenhouse gas emissions. Shellfish beds such as native oyster and blue mussel beds have been classified as a 'blue carbon habitats'. Blue carbon is the term for carbon stored within the marine environment and shellfish beds form an important part of this. If we ensure that shellfish gathering practices are sustainable then our shellfish beds will continue to act as a carbon store, contributing towards carbon reduction targets.

Importance of sustainable fisheries to coastal communities and the economy

Sustainable fishing practices can also provide social and economic benefits, including:

² Clear Direction, 2013. Report on the Management of Shore-Based Periwinkle Collection on Strangford Lough and the Lecale Coast.

http://www.strangfordlough.org/images/publications/Shore_Based_Shellfish_Collection_Report_1.pdf

- Providing job security to those employed in the fishing industry by ensuring stocks are protected for the future.
- Allowing stocks to recover and providing an increased resource that can continue to be fished responsibly for future generations.
- Helping to safeguard the historical and cultural identity of coastal fishing communities and preserve small scale local fishing practices

The purpose of a call for evidence

For the Department to introduce management measures, decisions need to be based on robust evidence and risk assessments. As this activity is unregulated, the Department does not have a source of reliable quantitative data on intensity and scale of activity within Northern Ireland.

This call for evidence aims to address that by reaching out to the public and stakeholders seeking all available information and evidence on current shellfish gathering practices in Northern Ireland. This will improve the evidence base for the Department and enable the Department to more accurately assess the ecological, social and economic impact of the activity.

Stakeholder involvement is fundamental in the development of any management measures and is welcomed by the Department. Initiating a call for evidence gives the opportunity for stakeholders to have their input into the decision making process from the start, having their knowledge and opinions incorporated into the development of measures.

3. Potential impacts of shellfish gathering

Ecological impacts

The potential impacts of intertidal shellfish gathering are dependent on the scale and intensity of the activity. Different methods of gathering (hand picking/raking/digging) will have different impacts but there is extensive research that shows shellfish

gathering practices can have a negative impact on sensitive habitats and the wider marine ecosystem.

These include:

- Trampling of intertidal habitats such as mudflats and seagrass beds by gatherers can cause damage and reduce the quality and extent of these habitats.
- Removing a target species from an ecosystem will have knock on effects for predators and prey alike. For example, large scale removal of periwinkles could lead to a reduction in food source for predators. Similarly, it could lead to increases in algal growth as algae is the primary food source for periwinkles. Increased algal growth can have further negative environmental impacts such as smothering, decrease in water quality etc.
- Disturbance of protected birds and marine mammals can occur when gatherers are regularly present on the shore in close proximity to their feeding/resting areas. For example, this can reduce the feeding time available to wading birds or the rest and reproductive cycles of hauled out grey and harbour seals.

Social Impacts

Intertidal shellfish gathering by the public has always occurred in some form along our coastline. It is a valued recreational activity and is an important part of the cultural and historical identity of coastal communities. It can also provide an important food source for families gathering for their personal consumption. Prohibiting all shellfish gathering along our shoreline could negatively impact these important social and cultural factors.

An unregulated commercial shellfish gathering industry can lead to labour exploitation of unregistered workers. This is an ongoing issue in Northern Ireland and is regulated by the Gangmasters and Labour Abuse Authority (GLAA). The Department works closely with the GLAA to share intelligence and reports of potential cases of exploitation. This negative social impact of shellfish gathering could be improved through introducing regulations and bringing fishing practices and employers into compliance.

Economic Impacts

Commercial shellfish gathering can provide valuable jobs and income to coastal communities. However if the fishing practices are not being managed sustainably there is risk of collapse of the fisheries, leading to job loss and loss of income for fish processors/sellers etc. The Department wants to ensure that these fisheries are being managed sustainably to safeguard the economic potential of shellfish gathering to coastal communities.

Having a more accurate idea of the economic value of current shellfish gathering practices will help the Department assess the economic impact of different types of regulation and build that into the decision making process. This will help to ensure any negative impact incurred through introducing new regulations will be minimised.

To do this accurately the Department requests any evidence available on the economic value of shellfish gathering to be provided by respondents. This evidence will be used to help inform the formulation of potential management options.

4. Potential management options

Regulation of hand gathered shellfish exists in other administrations in the UK and globally. Description of potential options that could be considered by the Department and examples of how they are implemented elsewhere are included below:

Management measures for stock

Closed Season

This is a defined section of the year where gathering is prohibited. It is usually based on the reproductive cycle of the target species, ensuring that the closed season covers the spawning period and therefore improves reproductive potential. Research undertaken by AFBI on periwinkles in Strangford Lough showed the spawning peak was in February and March, and recommended that a closed season for winkle gathering from January to April would be the most effective time to protect future stock. The Department recognises these are profitable months for periwinkle

harvesting and welcomes views from gathers and processors on the recommendation for a January to April closed season.

In England the Inshore Fisheries Conservation Authorities (IFCAs) are responsible for management of intertidal shellfish gathering. The Southern Regional IFCA have implemented closed seasons for winkle gathering between May and September, oysters between March and October and cockles between February and April. The Department will keep under review the need for a closed season for other intertidal shellfish stocks.

Minimum Landing Size

Minimum landing sizes can be introduced and will differ for individual species. The size is usually determined based on the size at which a species start to reproduce. Returning all undersize specimens to the shore will help to ensure they have the opportunity to spawn and enhance the biomass of the species. Research undertaken by AFBI on periwinkles in Strangford Lough recommended that a minimum landing size should be set at 16mm to allow all specimens a minimum of one winter spawning.

Minimum landing sizes are used to manage other shellfish stocks, for example, the North Western IFCA have minimum landing sizes of 45mm for whelks, 45mm for mussels and 20mm for cockles. Periwinkle is the predominant target species in Northern Ireland and the Department will keep under review the need for management measures for other intertidal shellfish stocks.

Bag limits – for personal consumption

Bag limits can be implemented to differentiate between gathering for personal consumption and commercial activity. A report for Strangford Lough and Lecale Partnership identified that gatherers can collect 20-25kg in a single tide and some can collect up to 50kg. The report recommended a limit of 4kg / 2 litres in one tide for personal consumption. A bag limit could be a set weight, number of shellfish or a set size of bag/bucket.

Registration system for commercial harvesters

Like other commercial fishers, the commercial gatherers would be required to be registered with the Department. There would be a requirement to complete an activity log, which includes the weight of catch and harvesting location.

Management measures to reduce impacts on protected habitats and species

Protection of native oyster and blue mussel beds in Strangford Lough.

There are important blue mussel beds and native oyster beds in Strangford Lough, and the Department is gathering evidence to support the case for adding these blue carbon habitat types as designated features of Strangford Lough Marine Conservation Zone. Blue mussel beds are also a Northern Ireland priority habitat and native oyster is a priority species.

A feasibility study is being undertaken for a native oyster restoration project in Strangford Lough. Potential management measures could include prohibition or restriction of hand gathering native oysters and blue mussels in Strangford Lough.

Prohibited areas/No-take zones

These can be introduced to remove all pressures associated with intertidal gathering in defined areas to protect sensitive habitats or species from damage or disturbance such as bird nesting sites and seal haul-outs. Closed areas also protect nursery areas and there can be spill over benefits to adjacent areas through larvae dispersal.

Code of practice

Voluntary or mandatory codes of practice can be introduced for gatherers which set out how gatherers can minimise their impact to the environment by complying with a list of conditions. For example:

- Sorting and returning small shellfish to the shore.

- Being aware environmental legislation relating to protected habitats and species in your area (For example: Marine Protected Areas or bird nesting sites)
- Replacing any rocks or clumps of seaweed that have been moved while gathering to their original location.

Cross cutting measures

Night time curfew

Introducing a night time curfew can have benefits for shellfish stock, as well as protection of sensitive habitats and species.

When gathering at night it is not possible for gatherers to see what damage or disturbance they could be causing to sensitive habitats and species. It is also difficult for enforcement officers to operate during the hours of darkness. A night time curfew can also contribute to sustainable fishing practices by reducing the amount of hours available to gather and therefore reducing effort.

5. Evidence Questionnaire

- Do you collect/hand gather shellfish (Y/N). If yes:
 - At what location/s do you gather
 - What species do you gather
 - What amount do you gather
 - How often do you gather
 - Do you sell your catch
 - Value of your catch
- Do you know of others who hand gather shellfish (Y/N). If yes:
 - Where have you seen the activity
 - What species are they gathering
 - What quantities do they gather
 - How often do they gather
 - Do they sell their catch
 - Value of their catch

Intertidal hand-gathering of shellfish in Northern Ireland - A call for evidence.

- Do you support the proposal for a periwinkle gathering closed season from January to April?
- Do you support the proposal for a minimum landing size of 16mm for periwinkles?
- Do you support the proposal for a registration system for commercial harvesters and the requirement to complete an activity log?
- Do you support the proposal for personal consumption bag limit? Please suggest what level this should be set at and why?
- Do you have evidence that would support the introduction of closed areas? Please provide detail.
- Do you have evidence that would support the restriction or prohibition of hand gathering blue mussels in Strangford Lough? Please provide detail.
- Do you have evidence that would support the restriction or prohibition of hand gathering native oysters in Strangford Lough? Please provide detail.
- Do you support the proposal to reduce risk of environmental damage through a Code of Practice for intertidal shellfish gathering?
- Do you support the proposal for a night time curfew (hours of darkness) for gathering intertidal shellfish?
- Do you know of other examples of effective management of shellfish gathering? Please provide detail.
- Will any of the proposed measures have an economic impact on you or a particular sector of society? Please provide evidence.
- Do you feel that any particular section of society would be negatively impacted by management of shellfish gathering? Please provide detail.

For further information:

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