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Consultation on Dundalk Cockle Natura Permits Policy

Purpose of this consultation

The purpose of this consultation is to seek the views of those with an interest in the Dundalk Bay cockle fishery regarding the permits policy for that fishery. This consultation is being carried out in conjunction with the review of a new draft Fisheries Natura Plan for cockle fishing in Dundalk Bay. The information received during this consultation will inform policy decisions on the further development of the permits policy, particularly the development of a transparent set of criteria for issuing additional Fisheries Natura Permits in future years where the fishery biomass and Total Allowable Catch are sufficient to accommodate additional fishers.

Management of Dundalk Bay Cockle Fishery

Management measures for cockle fishing in Dundalk Bay are described in five-year Fisheries Natura Plans. The measures seek to manage potential risks posed by mechanical dredging and hand gathering activities to the features of the two Natura 2000 conservation sites at Dundalk Bay, which include a Special Area of Conservation (SAC) and a Special Protection Area (SPA). The measures are implemented through Fisheries Natura Declarations which are legally binding. Information on the fishery is available online at <http://www.fishingnet.ie/>.

The [*Fisheries Natura Plan for cockle \(*Cerastoderma edule*\) in Dundalk Bay, 2016-2020*](#) was developed by the Dundalk Local Advisory Committee (LAC) and approved by the Minister in August 2016 following an appropriate assessment. That Plan expired at the end of 2020, and a new draft Plan, developed by the LAC, is undergoing appropriate assessment. This process must be completed prior to any fishery in 2021.

A Fishery Natura Plan sets out the terms under which the cockle fishery can take place and specifies operational restrictions for participants in the fishery. It also restricts fishing for cockles by any means in Dundalk Bay through the requirement that operators hold a Fisheries Natura Permit. The number of permits has been limited in line with an eligibility policy published by the Minister.

The eligibility policy has been set out in the [*Dundalk Cockle Natura Permits Policy 2016-2020*](#). This set down the rules for, *inter alia*, the permitting of vessels to fish for cockle in Dundalk Bay. The permits policy also expired at the end of 2020, however, and needs to be replaced. **A copy of the expired permits policy is included at Appendix I of this document.**

Permits Policy

In July 2020, the Minister decided that the permits policy should be further developed as part of the review of a new draft Fisheries Natura Plan in 2021. This initiative will focus on the development of a transparent set of criteria for issuing additional permits



in future years where the fishery biomass and Total Allowable Catch (TAC) are sufficient to accommodate additional fishers. (Under the previous Plan, the TAC was set each year in line with the appropriate harvest rate and estimated stock biomass.)

The expired permits policy provided for permits to be issued in the first instance to "priority group 1" vessels. These include sea-fishing boats that established track record in the fishery with the Department in the years 2009-2013 or those that acquired the capacity of a vessel with such established track record. There are 28 such vessels. No new applications to establish track record will be accepted.

The expired permits policy also set out the rules that applied in relation to the transfers of track record with vessel capacity ("capacity" refers to a vessel's tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt)). These rules included a requirement that, where such capacity is transferred to a replacement vessel, the replacement vessel's capacity must consist of a minimum of 90% priority group 1 track record capacity in order to participate in the fishery.

Under the expired permits policy, the Minister could issue additional permits for the fishery in a given year under certain circumstances. The first of these was where, in the opinion of the Minister, data on uptake of permits and / or activity by priority group 1 vessels suggested that the catch by those vessels would not reach the TAC for that year. In addition, the Minister could issue additional permits to persons other than priority group 1 if the TAC was 1,000 tonnes or greater in any given year. In such circumstances, the expired permits policy provided that an additional permit could be issued for every 30 tonnes of TAC above the 1,000 tonnes threshold.

In the latter situation, the expired permits policy provided that the Minister would decide the basis for allocating additional permits following consultation with stakeholders. **That is the aim of this consultation - to gather the views of those with an interest in the Dundalk Bay cockle fishery to inform the development of a set of criteria for issuing additional permits in future years where the fishery biomass and TAC are sufficient to accommodate additional fishers.** Development of the criteria will be carried out by DAFM in consultation with the North East Regional Inshore Fisheries Forum and the marine agencies (BIM, the Marine Institute and the Sea-Fisheries Protection Authority) prior to any fishery in 2021.

Economic Data on Fishery

Past estimates of the vessel catch needed to ensure economic viability for operators in the fishery varied from 20 to 30 tonnes per vessel per year. The TAC threshold of 1,000 tonnes, above which new permits could be added, was based on this and was set to ensure there would be an adequate quantity of stock available to priority group 1 vessels before any additional permits could be issued to other operators. However, the number of priority group 1 vessels has reduced in recent years to 28, so there may be scope to consider changing the TAC threshold at which new permits could be added. In addition, consideration would also need to be given to how many new permits would be added and if an absolute cap on TAC and permits is needed even when cockle biomass is very high.



The Marine Institute (MI) has provided data on the fishery that can be used for reference as part of this consultation. **Table 1** sets out data on overall vessel landings in the fishery along with the value of the landings in the period 2016 to 2020. In addition, **Figure 1** breaks down total landings, along with gross and net values, by those vessels active in the fishery in the period 2016 to 2020.

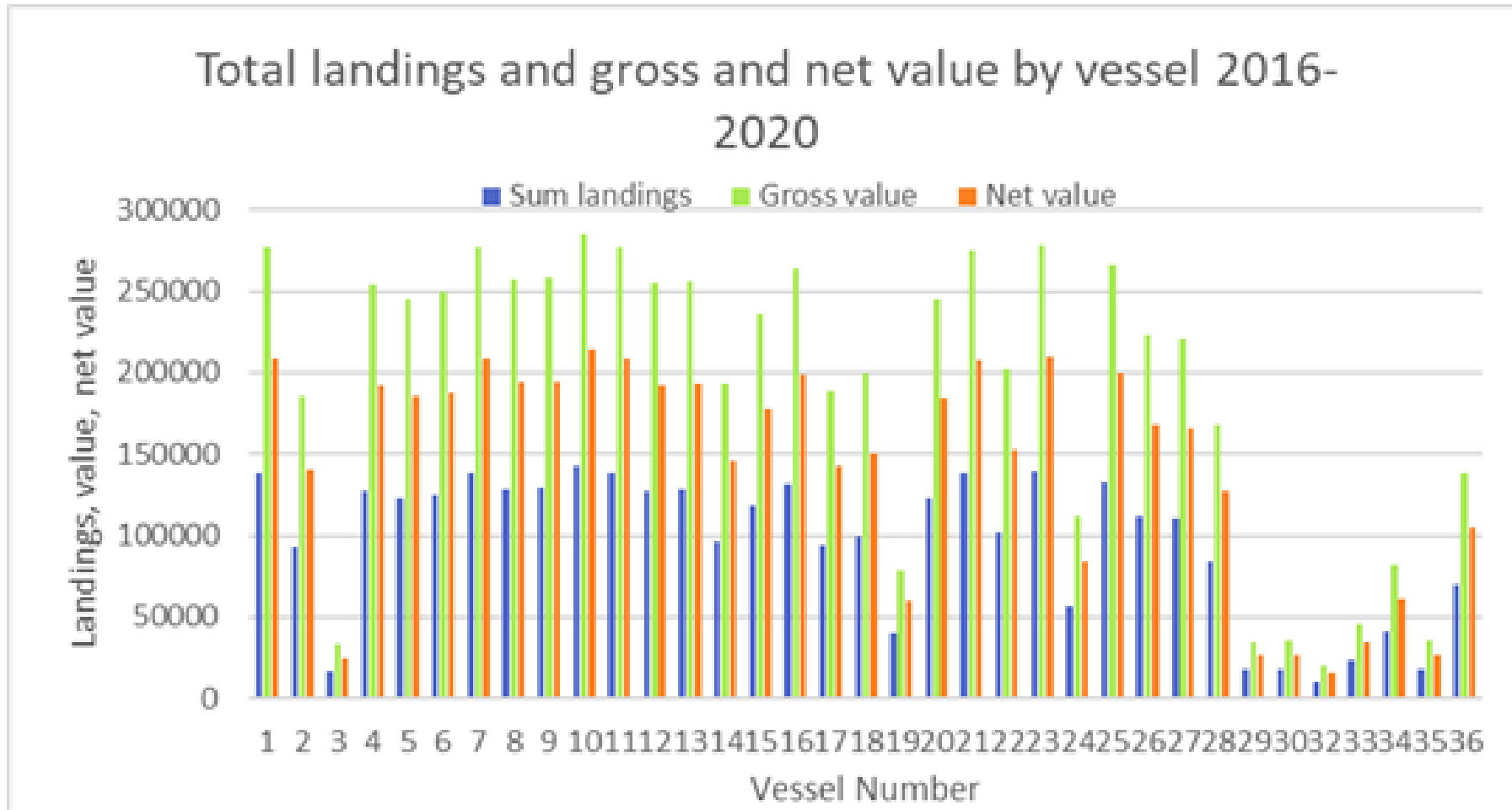
Table 1: Vessel landings and values, Dundalk cockle fishery 2016-2020

Year	Vessel landings (tonnes)	Value per kg	Value of landings	Vessels active	Average value per vessel
2016	410	€1.85	€758,500	30	€25,283
2017	748	€1.85	€1,383,800	28	€49,421
2018	446	€2.59	€1,155,140	27	€42,783
2019	595	€2.10	€1,249,500	27	€46,278
2020	1,127	€2.00	€2,254,000	28	€80,500

Data source: Marine Institute



Figure 1: Total landings and gross and net value by vessel, Dundalk cockle fishery 2016-2020



Source: Marine Institute. The number of vessels in the fishery 2016-2020 exceeds 28 because vessels change hands. Difference between gross and net value is estimated from BIM costs data for a sample of vessels. Landings: total kgs by vessel for years 2016-2020.



Consultation Document

This Consultation Document requires a response from you to the questions provided. This is your opportunity to ensure the issues which are important to you are included in the permit policy for this fishery.

The Consultation Document has two parts. These are:

- Part 1 - Tell us about you;
- Part 2 - Give us your views.

Submissions will be accepted:

- by email to: inshore@agriculture.gov.ie (with the subject line “Dundalk Cockle Permits Policy Consultation”), or
- by post to: Dundalk Cockle Permits Policy Consultation
Marine Programmes Division
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty, Co. Cork P85 TX47

The closing date for responses is: close of business on Friday, 18 June 2021.

Freedom of Information

All submissions and comments submitted to the Department of Agriculture, Food and the Marine for this purpose are subject to release under the Freedom of Information (FOI) Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007-2014. Submissions are also subject to Data Protection legislation.

Submissions are also subject to Data Protection legislation. Personal, confidential or commercially sensitive information should not be included in your submission, and it will be presumed that all information contained in your submission is releasable under the Freedom of Information Act 2014.

Data Protection

The Department of Agriculture, Food and the Marine is collecting these data for the consultation on the permits policy for the Dundalk cockle fishery. These data will be processed in accordance with the EU General Data Protection Regulation (GDPR EU 2016/679), the Data Protection Acts 1988-2018, the Freedom of Information Act 2014 and the DPER Consultation Principles and Guidance. Any additional personal data received as part of your submission will not be processed, shared, or retained and will be destroyed upon receipt. Publication to the Department’s website of personal data associated with submissions will only take place where permission is received to do this. Further information on Data Protection can be found on our website: <https://www.gov.ie/en/organisation-information/ef9f6-data-protection>



Privacy Statement

The Department of Agriculture, Food and the Marine is committed to protecting and respecting your privacy and employs appropriate technical and organisational measures to protect your information from unauthorised access. The Department will not process your personal data for any purpose other than that for which they were collected. Personal data may be exchanged with other Government Departments, local authorities, agencies under the aegis of the Department, or other public bodies, in certain circumstances where this is provided for by law.

The Department will only retain your personal data for as long as it is necessary for the purposes for which they were collected and subsequently processed. When the business need to retain this information has expired, it will be examined with a view to destroying the personal data as soon as possible, and in line with Department policy.



Consultation on Dundalk Cockle Natura Permits Policy

Part 1 – Tell us about you

1. I am making this submission:

<input type="checkbox"/> On my own behalf	<input type="checkbox"/> On behalf of an organisation/group
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2. I am a:

<input type="checkbox"/> Fisherman	<input type="checkbox"/> Political representative
<input type="checkbox"/> Representative of fishermen association	<input type="checkbox"/> Representative of an environmental NGO
<input type="checkbox"/> Representative of state body	<input type="checkbox"/> Representative of trade association
<input type="checkbox"/> Scientist / technical expert	<input type="checkbox"/> Other (please specify)
<input type="checkbox"/> Member of general public	

3. My contact information is:

Name	
Address	
Phone number (optional)	
Email address (optional)	

4. If you are a fisherman:

Sea-fishing boat name	
Sea-fishing boat registration	
Home port	

5. Do you receive a Fisheries Natura Permit for the Dundalk cockle fishery?

Yes No



Part 2 – Give us your views

On the following pages of this document:

- Where requested, please indicate the level to which you agree with the statements set out using a scale of 1 to 5, with 1 being “strongly agree” and 5 being “strongly disagree”.
- Please use the text boxes provided to explain the responses you make and/or to insert any additional comments or information – including supporting data or research – you may wish to share.



1. Additional Permits

Under the expired permits policy (see Appendix I), the Minister could issue additional Fisheries Natura Permits to persons other than those in “priority group 1” if the Total Allowable Catch (TAC) for the fishery was 1,000 tonnes or more in any given year.

- At what TAC level should consideration be given to issuing additional permits?
- Should any other factors (in addition to TAC) be included in such considerations?

Please provide your views in the box below.



1. Additional Permits (continued)

In the past, it was estimated that a catch of up to 30 tonnes per vessel per year was necessary to ensure an operator's economic viability in the fishery.

- What level of catch is needed for an operator participating in the current fishery to be economically viable?
- Are there other factors affecting an operator's economic viability that should be taken into account?

Please provide your views in the box below.



1. Additional Permits (continued)

Under the expired permits policy (see Appendix I), the Minister could issue one additional Fisheries Natura Permit for every 30 tonnes of TAC above 1,000 tonnes.

- Should the number of additional permits continue to be linked to a particular TAC amount?
- Should the TAC amount (30 tonnes) be changed?
- Should any other factors (in addition to TAC) be considered?
- Should there be an absolute limit on the number of additional permits that can be issued in a given year?

Please provide your views in the box below.



1. Additional Permits (continued)

The Minister approved the further development of the permits policy to identify a transparent set of criteria for issuing additional permits in future years where the fishery biomass and TAC are sufficient to accommodate additional fishers. What process should be used by DAFM to apply such criteria and identify eligible operators when additional permits are available? Should there be:

- An application process during years where the fishery biomass and TAC are deemed sufficient to accommodate additional fishers?
- One application process to determine a list of eligible operators for the duration of the permits policy (expired policy ran from 2016 to 2020)?
- Consideration of a different process?

Please provide your views in the box below.



1. Additional Permits (continued)

The expired permits policy (see Appendix I) provided for the transfer of track record in the fishery from priority group 1 vessels to replacement vessels through transfers of vessel capacity.

- Should some provision be made to allow an operator holding an additional permit to transfer it to a replacement vessel under certain circumstances? If so, what rules should be put in place for such transfers?

Please provide your views in the box below.



1. Additional Permits (continued)

Are there any reasons why additional permits should not be issued to operators in future years where the fishery biomass and TAC are sufficient to accommodate additional fishers?

Please provide your views in the box below.



2. Set of Criteria

The Minister approved the further development of the permits policy with a focus on developing a transparent set of criteria for issuing additional permits in future years where the fishery biomass and TAC are sufficient to accommodate additional fishers.

- In order to determine eligibility of operators for additional permits (should they become available), do you agree with the below criteria being considered?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Resident in or economic link to the region where the fishery occurs (coastal zone of Louth, Meath and Dublin)	1	2	3	4	5
Already active in other fisheries	1	2	3	4	5
New fisherman / operator	1	2	3	4	5
Already has appropriate gear for the fishery	1	2	3	4	5
Received an additional permit in the previous year / permitting period	1	2	3	4	5

Additional comments:



2. Set of Criteria (continued)

- Are there other criteria, not listed on the previous page, that should be considered?
- Should some criteria be given more weight than others when evaluating applications?
- Are there any other factors that should be considered?

Please provide your views in the box below.



3. The 90% Capacity Rule

The expired permits policy (see Appendix I) provided for the transfer of established track record in the fishery from one vessel to another along with vessel capacity. Where such capacity was transferred to a replacement vessel, that vessel's capacity had to consist of a minimum of 90% priority group 1 track record capacity in order to be eligible participate in the fishery. Some stakeholders have said this restriction limited options for eligible replacement vessels, creating an obstacle to fleet modernisation.

- Does this rule impact on operators' efforts to source replacement vessels? If so, how should the rule be revised? (Please note the rule cannot be changed in any way that would increase the number of vessels in priority group 1.)

Please provide your views in the box below.



4. Further Comments

Do you have any further comments you would like to make in relation to the permits policy?



APPENDIX I

Dundalk Cockle Natura Permits Policy 2016-2020

This document sets down the policy for eligibility for a Natura Permit to fish for cockles in Dundalk Bay, without prejudice to the Minister's discretion to determine if fishing will be permitted in any particular year, whether from a sea-fishing boat or by other means. The Minister reserves the right to amend this policy at any time.

Cockle dredge fishery

1. Permits may be issued, on application, to qualifying vessels.
2. Permits will normally be issued in the first instance to 'priority group 1' – i.e. those vessels that have already established track record with the Department in the years 2009-2013 or vessels that have acquired the capacity of a vessel with such established track record. No new applications to establish track record will be accepted.
3. The Minister reserves the right to further limit the number of permits in any particular year and/or to amend the policy for issuing of permits.
4. In relation to priority group 1 vessels, the following rules shall apply in relation to the transfer of track record with capacity:
 - A. Track record attached to a priority group 1 vessel shall transfer with the vessel's capacity.
 - B. Where such capacity is transferred to a replacement vessel, the replacement vessel's capacity must consist of a minimum of 90% priority group 1 track record capacity in order to participate in the fishery.
 - C. The transfer of capacity shall not result in an increase in the number of vessels eligible for inclusion in priority group 1 (i.e. no splitting of track record is permitted).
 - D. Following a transfer, any unused balance of capacity shall cease to have priority group 1 status.
 - E. All transfers of capacity with track record must be notified to the Department. Failure to notify the Department may result in loss of track record.
5. The Minister may issue additional permits for the fishery in any given year, where in the opinion of the Minister, data on uptake of permits and / or activity by priority group 1 vessels suggests that the catch by those vessels will not exceed the Total Allowable Catch (TAC) for that year.
6. If the TAC is 1,000 tonnes or greater in any given year, the Minister may issue additional permits to persons other than priority group 1. In such circumstances, an additional permit may be issued for every 30 tonnes TAC above the 1,000 threshold. The Minister shall decide the basis for allocating additional permits following consultation with stakeholders.

Cockle hand-gathering fishery

1. A maximum of 20 hand gathering permits will be issued.
2. If demand exceeds 10, but is less than 20, permits may restrict hand gathering to portions of the season and / or to specified areas.
3. If demand exceeds 20, the number will be reduced to 20 by simple lottery.
4. Hand gatherers of 16 or 17 years must be accompanied by another permit holder of 18 years or older at all times.