

# De-Minimis Assessment

## For Self-Certified Measures in Defra

<b>Title of Measure</b>	Wash Cockle Fishery 2026	
<b>Lead Department/Agency</b>	Eastern IFCA	
<b>Expected Date of Implementation</b>	15 June 2025	
<b>Date of Assessment</b>	11 June 2025	
<b>Lead Departmental Contact</b>	Luke Godwin (ACO) – <a href="mailto:lukegodwin@eastern-ifca.gov.uk">lukegodwin@eastern-ifca.gov.uk</a>	
<b>Type of Measure (primary/secondary etc)</b>	Permit conditions under the Wash Cockle and Mussel Byelaw 2021 (tertiary)	
<b>Cost of Preferred Option</b>		
<b>Total Net Present Social Value</b> Unknown	<b>Business Net Present Value</b> £2,340	<b>Equivalent Annual Net Direct Cost to Business (EANDCB)</b> n/a
<b>Policy overview, rationale for intervention and intended effects</b> The permit conditions are intended to ensure a sustainable Wash cockle fishery within acceptable environmental parameters.  The Wash is a heavily designated and sensitive Marine Protected Area (MPA) supporting internationally important over-wintering bird populations, protected habitats and a declining harbour seal population. Without intervention, the fishery is likely to detrimentally hinder the conservation objectives of the site. This is supported by a Habitat Regulation Assessment undertaken in relation to the fishery.  Fisheries management measures are also required to ensure that the fishery is sustainable and operates within acceptable environmental parameters. Market failures can lead to damaging practices, including excessive removal of cockles, removal of pre-spawning cockles and biosecurity related impacts which can impact future fisheries and the wider Wash ecosystem.  Permit conditions are brought into effect via the Wash Cockle and Mussel Byelaw 2021. The key management measures include: <ul style="list-style-type: none"><li>• A Total Allowable Catch (TAC) of 4,992 tonnes</li><li>• Closed areas for the protection of protected species and juvenile cockles</li><li>• A temporary closure of the Hunstanton cockle bed to provide time for the development of effective biosecurity measures</li><li>• Operating times (open and closed periods of the fishery)</li><li>• A requirement for all vessels to report positional data once in every 3 minutes</li><li>• A requirement to sort catch and discard cockles less than 10mm</li></ul>		
<b>Policy Options (including alternatives to regulation)</b> Option 0: Do Nothing Option 1: voluntary measures Option 2: Permit conditions		

Option 0 (do nothing) is not compatible with the Wildlife and Countryside Act 1981 or the Conservation of Species and Habitats Regulations 2017 ('the environmental legislation') because, without mitigation, adverse effects on the Wash Marine Protected Areas cannot be ruled out. Option 0 is also not compatible with the Authority's main duties (s.153 of the Marine and Coastal Access Act 2009) or the Fisheries Act objectives for evidence-based, sustainable fisheries.

Option 1 (voluntary measures) are not considered to be appropriate because the risk of non-compliance with the environmental legislation is too high. Consultation with fishery stakeholders identifies that some measures, particularly closed areas for the protection of designated species, are not favoured but which are also necessary to ensure compliance with the environmental legislation for example.

Option 2 (permit conditions) is the preferred option. The permits conditions have been developed in accordance with the Wash Cackle Fishery Management Plan<sup>1</sup> which was developed in consultation with fishery stakeholders and Natural England. The permit conditions have also been informed by an annual stock assessment<sup>2</sup>, a Habitat Regulation Assessment<sup>3</sup>, Natural England advice and consultation with fishery stakeholders<sup>4</sup>. The Wash Cackle and mussel Byelaw 2021<sup>5</sup> enables permit conditions to be issued, varied and revoked by the Authority and this flexibility enables dynamic management of the fishery to meet the needs of the environment, the fishery, and the stocks.

#### **Description of Novel and Contentious Elements (if any)**

The permit conditions include a requirement for all vessels to report positions at least once in every 3 minutes. The intention is to align reporting rates for vessels which are 12m and over using Vessel Monitoring System + (VMS+) with recently implemented Inshore Vessel Monitoring System (I-VMS) reporting rates (implemented via a Marine Management Organisation licence conditions). This measure is intended to provide an additional deterrent to non-compliance (particularly with regards to fishing in closed areas) and enable more effective monitoring of fishing activity to inform future fisheries management and enforcement activities. The measure primarily effects the 12m and over vessels, for which there will be an additional cost to increase reporting rates. The measure is considered to be novel although the same provision has been implemented in a previous cockle fishery (2022 and 2025). The measure is not considered to be controversial however and appears to be generally supported by fishery stakeholders according to consultation.

The temporary closure of Hunstanton is potentially contentious on the basis that the need to do so was identified subsequent to the consultation on the proposed management measures and industry are therefore not anticipating such.

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<sup>1</sup> [https://www.eastern-ifca.gov.uk/wp-content/uploads/2021/03/2019\\_07\\_WFO\\_cockle\\_fishery\\_management\\_plan1.5\\_Final.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2021/03/2019_07_WFO_cockle_fishery_management_plan1.5_Final.pdf)

<sup>2</sup> [add link once approved]

<sup>3</sup> [add link once uploaded]

<sup>4</sup> Add link to outcome documents once approved

<sup>5</sup> [Wash Cackle and Mussel Byelaw 2021 - Eastern IFCA](#)

### **Assessment of Impacts on Business**

The main cost to business will relate to the requirement to increase reporting rates of VMS+ units. This impacts 26 vessels (of the 62 within the fishery). The cost is estimated based on 2025 reporting rate prices increased for inflation (£14 per month per vessel). Based on a 6-month fishery, the total cost per vessel would be £84 and the total cost to the fleet would be £2,184. Overall, this cost is considered to be very small in scale, estimated to represent 0.22% of the first sale value of catch per vessel for the fishery.

The TAC limits the extent to which cockles can be removed from the fishery and is determined annually based on 1/6 of the total cockle stock in accordance with the Wash Cockle Fishery Management Plan. The fishery could theoretically remove more than the TAC however, total removal of the stock is not possible and removal beyond the TAC would potentially result in a 'cost' to the fishery in subsequent years. The 'cost' of setting the TAC cannot therefore be accurately monetised.

Closures are not considered likely to have a cost on business on the basis that there is sufficient stock within the open areas of the fishery from which the TAC can be removed.

The requirement to sort catch for size is likely to create a burden to industry and may reduce the amount of catch landed per day (within the 2-tonne daily quota). There is sufficient biomass of cockles within The Wash to remove the TAC from adult cockles however, such are not of sufficient density to enable removal of the daily quota. It is likely that smaller, pre-spawning cockles will be targeted during the fishery but is also likely that most of these will have reached 10mm by the open date of the fishery. The proportion of stock which will be above 10mm cannot be estimated, and so the associated potential cost cannot be monetised.

The closure at Hunstanton is not anticipated to result in impacts because of the temporary nature of the closure and will open once biosecurity measures have been developed. Costs of biosecurity measures are outside the scope of this assessment because they have yet to be developed and will be the subject of a separate assessment.

### **Wider Impacts (Including Assessment of Impact on SMBs and Households)**

Wash cockle fisheries support a large fleet (up to 63 vessels) and three processing factories within the district. Ensuring the fishery is sustainable and continues to support inshore fishing activity and associated businesses is one of the main intentions of the fisheries management measures and will be of benefit to local businesses (primarily micro and small business).

The measures are not considered likely to affect any persons with protected characteristics disproportionately and is considered to be in keeping with the Public Sector Equalities Duty.

The business models operating in the fishery are exclusively micro or small businesses and as such, these are not disproportionately impacted (because no other business models are present).

**Assessment of Impact on Trade and Investment (Including Internal Market Assessment)**

The proposed measures are not considered likely to have an impact on trade and investment.

**Assessment of Environmental Impacts**

The measures will ensure that the fishery does not adversely impact the conservation objectives of the Wash MPAs and is considered therefore to align with the Environmental Principles Policy Statement.

**Rationale for producing a DMA (as opposed to an OA/IA)**

The estimated cost to business is below the DMA threshold (£10m per annum) and is not considered sufficiently novel or controversial to warrant a Regulatory Impact Assessment.

**Will the policy be reviewed (yes/no):**  
Yes

**Review date if applicable: prior to the**  
**2027 cockle fishery (circa 1 year)**

**Review Provision Detail and Monitoring and Evaluation Plans.**

Permit conditions issued under the Wash Cockle and Mussel Byelaw 2021 must be reviewed at least every four years per the requirements of the byelaw. In reality, the permit conditions are reviewed annually informed by annual stock assessments, Habitat Regulation Assessments and consultation with potentially impacted stakeholders and Natural England.

In addition, the measures are kept under review during the cockle fishery season and routinely revised in reaction to changing environmental circumstances and the needs of the fishery. Most notably, cockle fisheries can suffer from 'die-off' which may cause review of closed areas during the fishery. Permit conditions may also be changed in response to changing conservation advice (from Natural England) and other fisheries management drivers.

All changes are subject to consultation and consideration of impacts either prior to or within three months of any revisions.

	Name, Role	Date
<b>Internal Directorate Clearance</b>		
Policy sign off	Jon Butler (ACO, DD)	11/06/2026
Senior Analyst sign off	n/a	
<b>Central Sign Off</b>		
Better Regulation Unit (Policy) Sign off		
Office of the Chief Economist (Central Appraisal Team) Sign off		

**Supporting Evidence**

## **1. The Policy Overview and Rationale for Government Intervention**

The proposed management measures are ultimately intended to ensure that the fishery operates sustainably and within acceptable environmental parameters.

### **1.1 Policy Background**

The Authority manages Wash cockle fisheries in accordance with the Authority's main duties under s.153 of the Marine and Coastal Access Act 2009 and in accordance with the provisions of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Wash cockle fisheries have been managed by the Authority since 1993 (under the Wash Fishery Order 1992 initially until its expiry in January of 2023). A Wash Cockle Fisheries Management Plan was developed in 2008 and updated in 2018<sup>6</sup> in consultation with fishery stakeholders and Natural England which guides the development of annual management measures which are informed by annual stock assessments, Habitat Regulation Assessments and consultation with fishery stakeholders.

### **1.2 Rationale for Intervention**

Without management intervention, the fishery is likely to have adverse effects on the Wash Marine Protected Areas which include the Wash and North Norfolk Coast Special Area of Conservation, The Wash Special Protection Area and several Sites of Special Scientific Interest.

Management measure also prevent biosecurity issues and ensure that the fishery will be sustainable in the long-term by preventing the excess removal of cockles, maintenance of multiple years classes and spawning stock and habitats which are able to support the cockle stocks and other protected species (including designated bird species).

Externalities are the key driver for intervention. Individuals prosecuting the fishery face a lesser cost than that felt by society with regards to potential impact on designated habitats and species in particular.

Market failures also drive the removal of excessive catch (a common resource) beyond that which is sustainable ('tragedy of the commons').

### **1.3 Policy Objectives and Intended Effects**

The policy objective is as follows:

The Wash cockle fishery does not adversely impact site integrity of the Wash Marine Protected Areas, does not impact on the potential for future fisheries and is viable to those prosecuting it.

The intended effects are as follows:

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<sup>6</sup> [2019\\_07\\_WFO\\_cockle\\_fishery\\_management\\_plan1.5\\_Final.pdf](#)

- To prohibit fishing in areas where doing so would risk not achieving the policy objective (through closures to high-density juvenile cockles and important seal haul-out sites);
- To provide sufficient opportunity to fish to enable a viable industry which is sustainable and equitable (by opening the fishery at the optimum time, requiring that small, pre-spawning cockles are excluded from catch and setting a total allowable catch, a daily catch restriction and operating times for the fishery);
- To mitigate the biosecurity risks associated with fishing activity within a 'new' fishing bed;
- To gather information which will facilitate management of the fishery in the short and long-term (by requiring positional information from fishing industry via vessel trackers).

The following measures will be brought into effect to achieve the intended effects:

- A total allowable catch of 4,992 tonnes;
- A daily catch restriction of 2 tonnes per day;
- Closures to of areas which support high density (>1000m<sup>-2</sup>) of year-0 (i.e. cockles which settled in 2025) cockles;
- Closure of an areas considered to be of high importance to the designated harbour seal for the purpose of feeding pups ('aul-out sites') between 1 June and 31 August (inclusive);
- Set operating times for the fishery which were developed through consultation with industry and broadly following the principles proposed by fishery stakeholders (4-day open periods, weekdays (mon-thur preferred), open on tides higher than 6m).
- Requirement to sort catch to remove the majority of cockles smaller than 10mm;
- Requirement to report vessel position once in every three minutes;
- Closure of one Cockle bed (Hunstanton) to prevent the spread of cockle pathogens which could impact future fishereires.

It is important to note that the above permit conditions are in addition to measures set out in Schedule 2 of the Wash Cockle and Mussel Byelaw 2021<sup>7</sup> and which also contribute to the above objective and intended effects.

#### **1.4 Policy Options Considered, Including Alternatives to Regulation**

- **Option 0 – Do Nothing**  
This option would not enable the Authority to meet its duties under the Marine and Coastal Access Act 2009 and would be in breach of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 (because the fishery is likely to adversely affect the conservation objectives of the associated Marine Protected Areas).

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<sup>7</sup> [Wash Cockle and Mussel Byelaw 2021 - Eastern IFCA](#)

- **Option 1 – Voluntary measures**  
Voluntary measures are not considered sufficient to ensure that the mitigation required to ensure a sustainable fishery which operates within environmental parameters is implemented by fishery operators primarily due to market failures and externalities. This option would therefore fall short of the Authority meeting its duties and the provisions of the relevant environmental legislation.
- **Options 2 – Permit conditions (Preferred Option).**  
Implementing flexible permit conditions is the preferred option because the measures will be clear and transparent and enforceable by the Authority. Such intervention will sufficiently reduce risk as a result of the deterrent effect which is not achieved through voluntary measures.

The permit conditions are flexible and can be revised during the fishery in the context of risk to the Wash MPAs, the fishery or industry viability.

## **2 Expected Level of Business Impact**

### **Option 0 – Do Nothing**

This option would pose no 'costs' on the industry for the 2026 fishery but would likely result in costs during future fisheries, particularly in relation to fishing 'year-0' cockles which are likely to provide the main fishery in the following year and in relation to the spread of cockle pathogens to unaffected beds.

### **Option 1 – Voluntary measures**

The costs of voluntary measures would be equivalent to those associated with permit conditions on the assumption that they such are complied with.

### **Option 2 – Permit conditions**

#### **2.1 Costs**

Overall, impacts associated with the measures are not considered to be significant. With the exception of the vessel monitoring requirement, the measures are well-established or based on well-established principles which are intended to balance the different needs of those exploiting the fishery, to prevent adverse effects on site integrity within Wash MPAs, and ensure that impacts on future fisheries are minimised.

Impacts on businesses was informed in part by consideration of responses to a consultation held between 29 May and 11 June and an in-person industry meeting to (19 May 2026). An outcome documents of the consultation responses is available online<sup>8</sup>.

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<sup>8</sup> [Add link once agreed](#)

Measure	Estimated cost	Consideration
A total allowable catch of 4,992 tonnes	Unknown	<p>The monetised impact (cost) cannot accurately be estimated. The TAC is determined based on a long-established principle (since 2008) of taking approximately 1/6 of the total cockle stock to ensure that there is sufficient cockle remaining to provide for future fisheries and as a food resource for over-wintering birds.</p> <p>Theoretically, the cost could be regarded as 5/6 of the value of the total stock as determined during the cockle survey however, it is not possible to remove all stock from the fishery and so this would be unrealistic.</p> <p>Additional TAC beyond 1/6 of the total stock would potentially impact the TAC of future fisheries which is a level of cost which cannot be monetised due to uncertainties about growth rates and mortality between surveys.</p>
A daily catch restriction of 2 tonnes per day	Unknown	<p>The impact of the measure cannot be monetised in part because it is highly dependant on market conditions.</p> <p>The 2-tonne daily quota is a long-established measure within the cockle fishery and is only considered on an annual basis to account for years where there is a high risk of sudden die-off (where fishing extra cockles per day minimised loss of opportunity as a consequence of natural die-off) or where the TAC is too large to be able to take within a reasonable timeframe.</p> <p>Some larger vessel owners / skippers are of the view that the daily quota is too low, and some processors are of the view that profits would be maximised if the daily quota increased to make the processing of catch more efficient. This is in contrast to smaller business models, some of whom are not capable of taking the full 2-tonnes per day, who would lose fishing opportunity if the daily quota was increased because they would take proportionately less of the TAC during the course of the season. The impact is therefore considered to apply to both smaller and larger operating models and is intended</p>

		to provide a compromise which suits the broadest range of business models possible.
Closures to of areas which support high density (>1000m <sup>-2</sup> ) of year-0 (i.e. cockles which settled in 2024) cockles	none	<p>Closed areas represent potential lost fishing opportunities within the fishery. However, the TAC is achievable from the biomass of cockles open to the fishery, which represents circa 75% of the biomass of cockles. The cost is also mitigated by the benefit of retaining a biomass of cockles for future fisheries.</p> <p>Die-off can occur in some closed areas and this represents a loss of potential fishing opportunity during the current season and in the future. Where this occurs, or is likely to occur, the closures are considered for removal to enable fishing and prevent the loss in fishing opportunity, mitigating the impact.</p>
Closure of an areas considered to be of high importance to the designated harbour seal for the purpose of feeding pups ('aul-out sites') between 1 June and 31 August (inclusive)	None	<p>The closed area does not represent a significant proportion of the fishable cockle stock and the TAC can be achieved by fishing outside of this and other closures.</p> <p>The closures are also temporary and will be available to the fishery after 31 August during which time cockles can be removed.</p> <p>As such no cost is identified.</p>
Set operating times for the fishery which were developed through consultation with industry and broadly following the principles proposed by fishery stakeholders (4-day open periods, weekdays (mon-thur preferred), open on tides higher than 6m)	Unknown	<p>Operating times have been implemented at the preference of fishing industry.</p> <p>There are a range of business models operating in the Wash with slightly differing preferences and who would report a potential impact on their business model as a consequence of too many or too few days where the fishery is open. Some refer to lost opportunity where tides are favourable but the fishery is closed due to the general weekday preferences, whilst other business models refer to impacts as a consequence of having insufficient time to undertake vessel maintenance and have sufficient rest between fishing trips.</p> <p>The 'cost' cannot be monetised due to the complexity of industry views on the matter. However, the TAC is achievable within the number of days the fishery is open (the TAC is projected to be exhausted during September). As such there are no impacts</p>

		anticipated as a consequence of this measure.
Requirement to sort catch to remove the majority of cockles smaller than 10mm	unknown	<p>This measure has been in place for two years prior to this season and is generally well accepted by fishery stakeholders who hold concerns that small cockles are being taken too early when leaving such (even for later in the season) would increase the value per cockle.</p> <p>There is likely to be a time burden (time taken to sort cockle son the sands) and a small transitional cost associated with provision of sorting equipment (typically a hand-held mesh net). However, it does not appear to have reduced the landed weights of cockles and the alternative (taking smaller cockles) would ultimately impact the potential value of the TAC because cockles would be taken before they had reached there highest value.</p>
Requirement to report vessel position once in every three minutes	£2,340	<p>The estimated monetised cost is based on 26 vessels having to pay for increased reporting rates via VMS+ for a six month period to comply with the measure.</p> <p>The cost is a small proportion of the estimated first sale value of catch generated during the course of the fishery (circa 0.22%).</p>
Temporary closure of the Hunstanton cockle bed to prevent the spread of cockle pathogens	None	There is sufficient stock outside of this area to achieve the TAC and the closure is temporary, pending the development of effective biosecurity measures. As such no cost is identified.

## 2.2 Benefits

It is not possible to accurately monetise benefits of the measures. However, it could be argued that without sufficient mitigation of impacts to the Wash Marine Protected Areas, no fishery would be permissible under the Wildlife and Countryside Act 1981 or the Conservation of Habitats and Species Regulations 2017 and as such the monetised benefit of the measures is the total value of the fishery (estimated as between £2.34m and £3.9m based on the TAC and average and recent cockle first sale value).

## 2.3 Risks and Unintended Consequences

The measures are considered enforceable, particularly in the context of vessel monitoring provisions which will enable real-time monitoring for compliance with closed areas in particular but also with regards to vessels operating outside of operating times and potentially over-landing.

Legal challenge is mitigated through effective consultation of the measures and development of such based on long-established principles set out in the Wash Cockle Fisheries Management Plan which was also subject to consultation with fishery stakeholders and the relevant Statutory Nature Conservation Body (Natural England).

No unintended behaviour changes are anticipated as a consequence of the measures however such will be monitored and considered in the evaluation of measures during the permit condition reviews and during the course of the fishery.

### **3 Wider impacts**

The main wider benefit relates to the protection of the marine environment from potentially damaging fishing practices which in turn provide a resilient natural environment. In particular, the Wash hosts internationally important over-wintering bird populations which are protected from impacts of fishing activity via the Fisheries Management Plan.

#### **3.1 Assessment of Impact on Small and Micro Businesses**

All businesses impacted by the measures are either micro or small businesses (no other business models operate within the fishery) and as such, there is no disproportionate impact on these business models.

#### **3.2 Assessment of Impact on Trade and Investment (Including Internal Market Assessment)**

There are no impacts on trade and investment anticipated as a consequence of the measures.

#### **3.3 Assessment of Environmental Impacts**

Management of the Wash cockle fishery is informed by advice from Natural England and a Habitat Regulations Assessment. The Authority has received favourable advice and the necessary consent from Natural England (relevant to operating within SSSIs under the Wildlife and Countryside Act 1981) to open the fishery.

The management measures proposed are intended, in part, to mitigate potential adverse impacts on the Wash Marine Protected Areas.

### **4. Monitoring and Evaluation**

Permit conditions are reviewed at least once every four years. However, in reality, permit conditions are developed annually and informed by an annual stock assessment, a Habitat Regulation Assessment and consultation with fishing industry.

The effectiveness of the management measures will be monitored throughout the cockle fishery season. The permit conditions can be changed with 12 hours' notice where there is a risk to the conservation objectives of the Wash MPAs, fishery sustainability or fishery viability. This will include evaluation of closed areas in the context of potential die-off therein.

