

# TEIGNBRIDGE DISTRICT COUNCIL

## EXECUTIVE COMMITTEE

3 NOVEMBER 2020

<b>Report Title</b>	<b>SHELLFISH COLLECTION ON THE TEIGN AND EXE ESTUARIES</b>
<b>Purpose of Report</b>	To update Members regarding shellfish collection and to offer support to the Devon and Severn Inshore Fisheries and Conservation Authority in the management of the resource.
<b>Recommendation(s)</b>	<b>The Committee RESOLVES to:</b>  <b>(1) Note the report; and</b> <b>(2) Support the Devon and Severn IFCA in efforts to manage the shellfisheries in the Teign and Exe Estuaries.</b>
<b>Financial Implications</b>	None – see 2.4 Martin Flitcroft – Chief Finance Officer Tel: 01626 215246 Email:martin.flitcroft@teignbridge.gov.uk
<b>Legal Implications</b>	None Paul Woodhead, Legal Services Team Leader and Deputy Monitoring Officer Tel: 01626 215139 Email: Paul.Woodhead@teignbridge.gov.uk
<b>Risk Assessment</b>	None Graeme Smith – Coastal Officer Tel: 01626 215748 Email: Graeme.smith@teignbridge.gov.uk
<b>Environmental/ Climate Change Implications</b>	Climate Change – None Environmental – over extraction has potential to alter local biota and increase disturbance to feeding birds William Elliot / Climate Change Officer Tel: 07920232862 Email: william.elliott@teignbridge.gov.uk
<b>Report Author</b>	Graeme Smith – Coastal Officer Tel: 01626 215748 Email:Graeme.smith@teignbridge.gov.uk
<b>Portfolio Holder</b>	Cllr Jackie Hook
<b>Appendices</b>	
<b>Background Papers</b>	

### 1. PURPOSE

Executive Committee  
3 November 2020

- 1.1 To update Members regarding concerns raised by the public regarding informal and largely unregulated public collection of shellfish from the Teign and Exe estuaries, and to offer support where practicable to the Devon and Severn Inshore Fisheries and Conservation Authority as the lead Agency in the management of the resource.

## **2. REPORT DETAIL**

### **2.1 Background**

The Teign and Exe estuaries are productive environments for shellfish including species which are consumed such as mussels, native oysters, pacific oysters, clams and cockles. Areas within both estuaries are used and regulated for commercial production and harvesting of shellfish, principally mussels and oysters. The general public are entitled to collect shellfish from the foreshore where they have a public right of access, and where those shellfish are not being commercially grown/harvested on ground subject to a Regulatory Fisheries Order or private ownership.

There is currently no legally enforceable limit to the amount of shellfish that can be collected by a member of the public. There is a pragmatic working assumption that collecting up to 5kg (approximately a bucket full) could be considered as appropriate for 'personal consumption' and that volumes above this figure raise concerns about whether this is being undertaken as part of a commercial activity or that stock is entering the wider food chain.

Teignbridge District Council's Environmental Health Team are responsible for ensuring the safety of food entering the wider food chain but do not have powers to intervene with individuals collecting smaller amounts or in regard to the overall health of the wider environmental and/or economic resource. The commercial shellfish beds are tested monthly and harvested stock is purified and traced through the food supply chain.

### **2.2 Fisheries management**

The shellfish fishery and the health of the wider resource come under the management of the Devon and Severn Inshore Fisheries Authority (D&SIFCA)

## Commercial Fisheries

On the Teign Estuary commercial activities are permitted by the River Teign Mussel Fishery (Variation) (Oysters) Order 1996, which creates a Regulated Fishery in the area 18.3m (60ft) west of the Shaldon Bridge to a line drawn between Archbrook and Luxton Steps. This Act applies to the collection of mussels and oysters but not to cockles or clams. The area largely east of the bridge known as the 'Salty' is subject to a temporary ban for mussels imposed by D&SIFCA, but doesn't apply to other species in that area.

The western (Teignbridge) side of the Exe a private fishery over ground owned by the Earl of Powderham and leased to, and farmed by, Exmouth Mussels. Exmouth Mussels predominately lands farmed mussels but could commercially harvest oysters from the same grounds.

In both rivers people collecting cockles or other species are also at risk of damaging the fishery by trampling on existing mussels or oyster beds, or increasing disturbance to feeding birds which can be protected under separate environmental legislation.

### **2.3 Issue of concern**

Over the last couple of years both the Council and D&SIFCA have received ongoing concerns being raised by members of the public regarding a prevalence of unregulated, informal and sometimes reported as being excessive, shellfish gathering by individuals and groups on the foreshore. One of the concerns cited is that the level of activity and volumes being removed appears to be above that which would be expected for personal consumption. This leads to an assumption that the shellfish are being collected to enter the wider food chain and circumventing the normal regulations and control mechanisms.

This reported activity can raise other issues such as theft of commercial stock, questions regarding modern slavery concerns and potential changes to the ecology and species distributions on the foreshore.

D&SIFCA have worked with Council Officers and other agencies to try and quantify the issue of over-extraction, but this can be problematic given the nature of the environment, the number of access points and the difficulties of proving whether collection is for private or commercial purposes. There can be cultural factors involved where several members of an extended and multi-generational family who may be legitimately gathering food as a collective activity are reported as undertaking over-extraction.

#### **2.4 Financial**

There are no financial implications arising from this report

#### **2.5 Legal**

There are no legal implications arising from this report

#### **2.6 Risks**

There are no risk implications arising from this report

#### **2.7 Environmental/Climate Change Impact**

Climate Change Impact - There are no implications arising from this report

Environmental Impact - Limitations over the quality and availability of data relating to un-regulated shellfish collection means that it is difficult to fully quantify the impact of shellfish collection on wildlife and the wider environment.

### **3. OPTIONS**

D&SIFCA as the responsible agency for fisheries regulation are in the process of reviewing relevant Fisheries Byelaws which could potentially set a recognised catch limit for personal gathering, for example at 5kg. This Hand Gathering Byelaw process is expected to take at least twelve months as would be required to cover the whole IFCA area as well as associated activities such as bait digging, crab tiling and lobster hooking.

D&SIFCA have relatively modest patrol and enforcement resources to cover the area and actively welcomes any local information and assistance which can be offered by other agencies such as Local Authorities, Harbour Authorities, Police, Gangmasters and Labour Abuse Authority or Environment Agency. It may be possible to consider potential for cross-warranting arrangements between agencies at a later date.

#### **4. CONCLUSION**

The Committee is recommended to note that concerns have been raised by the public regarding the position of shellfish collection on the Teign and Exe estuaries and to offer support where appropriate or practicable to the Devon and Severn Inshore Fisheries and Conservation Authority in the management of this issue.