

Petition: Protect the Razor Clams on Llanfairfechan

Beach

Y Pwyllgor Deisebau | 3 Mis Hydref 2017

Petitions Committee | 3 October 2017

Research Briefing:

Petition number: [P-05-0778](#)

Petition title: **Protect the Razor Clams on Llanfairfechan Beach**

Text of petition:

We call on the National Assembly for Wales to urge the Welsh Government to:

- commission a research study to ascertain the state of the health of the razor clam beds and their viability as a long term natural resource, and put in place a moratorium for fishing of razor clams until the research can report its findings;
- ratify a 'closed' season for the harvesting of razor clams aligned to the spawning season i.e. May to September;
- draw up regulations in addition to the minimum landing size of 10cm to include set quotas that individuals are allowed to take; and
- bring forward legislation and regulations to protect the razor clams on Llanfairfechan beach.

"The mass harvesting of razor clams on Llanfairfechan beach has been a matter of concern for many residents and conservationists for a number of years." (Ref: letter to Cabinet Secretary Lesley Griffiths AM from Janet Finch Saunders AM 28th July 2017.

Currently the only regulatory control on razor clams is that they must have a legal minimum landing size of 10cm, and there are checks relating to the control of clams ending in the food chain. Many residents are concerned about the apparent lack of procedures and/or regulations governing the taking of razor clams particularly in respect of designating a 'closed' season during spawning, quotas allowed, and the need for research evidence to be conducted on the razor clams to ascertain the impact on the local environment and ecosystem.

Since 2013 it has been noted by several sources that razor clams are being harvested in great numbers from Llanfairfechan beach. Evidence to support this claim has been documented on numerous occasions on social media. A recent request on the

Llanfairfechan Noticeboard for any pictures or video footage of those gathering the razor clams clearly shows that there are large numbers of people involved in this activity. The gathering of the razor clams generally takes place after a high tide.

Just to provide some historic background about this issue. In 2013 the harvesting activity was brought to light by the Weekly News newspaper by Tom Davidson when it was noted that there was “A gang of more than 100 people harvesting huge amounts of razor clams.....” There were also concerns that illegal workers were being exploited and that the clams were being fished for commercial purposes. At the time, one resident said “they had seen similar scenes involving an increasing number of gatherers over the last few weeks. Residents are angry at the sheer number of harvesters with fears the local habitat could be damaged irreparably, with hundreds of clams taken off the beach regularly.” Whilst fears about the gatherers being used as part of modern slavery and the shellfish ending up in the food chain have been allayed by the ongoing efforts of the police and Food Standards Agency. The environmental consequences of this sustained and systematic removal of razor clams remains a major issue, which may impact on the other marine and bird life within the area, along with causing possible changes in the density of sand on the beach. There are some fears regarding the sand being unstable in places and people unfamiliar with the beach could easily get into difficulties e.g. some gatherers harvest the clams some distance away from the safety of the land. It has been quite disempowering and frustrating for ordinary citizens to watch the pillaging of an environmental resource and question why organisations who's remit is to protect the environment appear to be hamstrung because of the lack of appropriate procedures/laws. This is surprising given that Llanfairfechan beach is designated as a Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC) 2013. Surely there must be regulations within these bodies of knowledge to tap into as a source to protect this imbalance in such an ecosystem?

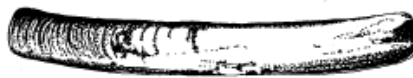
Background

Razor clam harvesting

The razor clam (*Ensis spp.*) is a long-lived, slow growing bivalve mollusc with two tall rectangular shells that can reach up to 20cm in length (Figure 1). They are commonly found in muddy or sandy intertidal and subtidal areas around the British coast. Razor clams are filter feeders and normally live vertically in burrows within the sediment with two small siphons (tube-like structures) for feeding, that can be visible on the surface. Spawning season occurs in summer.



Ensis siliqua
(up to 20 cm long)



Ensis arcuatus
(up to 15 cm long)



Ensis ensis
(up to 12.5 cm long)

Figure 1: Commercial species of razor clams in the UK

[Source: Pyke, M. 2012. Evaluation of Good Handling Practice for Razor Clams. [Seafish report CR184 \(PDF 1.62MB\)](#)]

Razor clams can be harvested in a number of different ways, for example, hand gathering on the foreshore using rakes and buckets usually at low tide, dredge caught by vessels and diver caught. According to the [Marine Conservation Society's](#) Good Fish Guide sustainability rating of *Ensis spp.*:

Avoid eating clams harvested using illegal methods such as electrical fishing. Choose clams harvested in the wild by sustainable methods such as hand-gathering only. Avoid eating undersized animals (less than 10cm) and wild clams harvested during the spawning season (May – September).

Since the expansion of the fishery there have been no stock assessments and improved information on the state of the stocks is required.

The growing market for razor clams is predominantly for high value exports via air freight to the Far East and Europe.

Welsh fisheries management and inshore fishery legislation

Management of fisheries is devolved to Wales through the *Government of Wales Act 2006*. The Welsh Government is responsible for management and regulation of aquaculture, intertidal, commercial and recreational sea fisheries in Wales, including its territorial seas (0–

12nm) and the Welsh Zone (as set out in [The Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010](#)).

The [minimum conservation reference size](#) in UK waters for *Ensis spp.* is 10cm. There is no quota management in place for razor clam fishing in Wales. [Byelaw 12 – Restrictions on Fishing for Bivalve Molluscan Shellfish – applies to North Wales in the 0–6 nautical mile area \(PDF 250KB\)](#). It states:

1. No person shall fish for bivalve molluscan shellfish, except
 - a) by hand; or
 - b) in the case of cockles with a craam, rake, spade or jumbo; or
 - c) in the case of mussels with a rake or in that part of the District which is inshore of a line drawn North true from Penmaen-Bach Point (Latitude 53° 17.3' North, Longitude 03° 52.8' West) to the high water mark at Gt. Ormes Head with a rake, provided that the rake is no more than 1 metre in width and that it is only used from a boat when the mussel bed has at least 1 metre of water over it; or
 - d) when using a dredge or other appliance where:
 - (i) such dredge or appliance is of a pattern approved in writing by the Committee, the Committee having been advised by scientists who in the opinion of the Committee appear to be suitably qualified to comment on the conservation and environmental implications;
 - (ii) such use is in accordance with a written authorisation issued by the Committee and with any conditions subject to which that authorisation was issued, including prohibitions on use at particular times, or in particular areas and definitions of the fishing instrument. The Committee may also require as a condition that returns be made on the species and quantities of bivalve molluscan shellfish taken.
2. no person shall take or use on any mussel bed, any sledge or other contrivance which in the opinion of the Committee is likely to crush or loosen the mussels or loosen the foundations of the bed, without a written authorisation issued by the Committee.
3. no person shall dig in any mussel bed for any purpose without a written authorisation issued by the Committee.

There have been a number of [media reports](#) of commercial razor clam collecting on the foreshore at Llanfairfechan. Prior to 19 August 2017 (see subsequent section on Welsh Government Action) razor clams could be gathered for personal consumption from the area. However, the area is not [classified as a shellfish harvesting area](#) (a requirement under European Regulation 854/2004). As such they cannot be sold into the supply chain, as shellfish must adhere to strict food safety rules (health and hygiene standards).

Assessing the impacts of fishing activities on Marine Protected Areas

The Welsh Government and Natural Resources Wales¹ (NRW) are working together to [assess the impacts of fishing activities on Welsh Marine Protected Areas](#)². Phase 1 of this project has been completed and generated a number of outputs including a risk matrix of fishing gear and habitat feature interactions and an associated report. The matrix's final risk rating and prioritisation category for 'towed dredges for mussels, clams and oysters' against all Welsh habitats was assessed as a category grey. The report states:

Grey – interaction cannot feasibly or legally occur in Welsh waters or the activity is assessed in a Habitat Regulation Assessment under Article 6(3) of the Habitats Directive, it is therefore not considered further in the current round of assessments...

For mobile species, such as estuarine birds, cetaceans and seals, 'towed dredges for mussels, clams and oysters' has been identified as a low risk interaction. Phase 2 of the project is underway by [NRW, and will assess high risk activities](#) such as mobile gears on sensitive reef habitats. Following this, the Welsh Government will then consider the assessment and decide whether it is necessary to adopt and implement appropriate management solutions.

Management of the north Irish Sea Razor Fishery

Due to concerns over a lack of quota and the future viability of the fishery in the north Irish sea (north of Dublin Bay), and potential impacts on adjacent Natura 2000 sites, the Irish Government's Department of Agriculture, Food and the Marine undertook a [consultation](#) in 2014. The consultation contained management proposals for the fishery, prepared by the North Irish Sea Razor Fishermen's Organisation. These included:

- Weekly Total Allowable Catch limits;
- Closed season during the spawning season (4 weeks);
- Closed areas (to allow clam beds to recover, if catch rates decline below a particular threshold);
- Information and monitoring (for example, gatherers to submit landings data within 48 hours, vessel logbooks and GPS tracking devices on vessels); and
- Review of management (6 months after their introduction and annually thereafter).

Following this consultation a number of regulations were introduced. The [Razor Clam \(Conservation of Stocks\) \(North Irish Sea\) Regulations 2015](#) implemented a weekly catch limit for vessels and limiting fishing to certain days of the week (Monday to Saturday only). These

¹ Natural Resources Wales is the statutory nature conservation advisor to the Welsh Government, advising on the environmental sustainability of management measures on Marine Protected Area features.

² Marine Protected Areas include Natura 2000 sites (Special Areas of Conservation and Special Protection Areas).

regulations were subsequently amended to reduce the weekly limit from 700kg per boat per week, to 600kg per boat per week. A closed season for 2015 was introduced for the spawning season (12 June – 5 July) by the *Razor Clam (Conservation of Stocks) (North Irish Sea) (Spawning Season) Regulations 2015*. Furthermore, on 2 May 2015, the following Ireland-wide measures for razor clams were introduced:

- Obligations to weigh and report all razor clam landings;
- A requirement to ensure fishing takes place only in shellfish production areas which have been classified for razor clams;
- A requirement to fish in only one class of shellfish production area, from a seafood safety perspective, per day; and
- An obligation for vessels in Irish waters to carry GPS tracking equipment.

In relation to the protection of Natura 2000 sites, the Minister for Agriculture, Food and the Marine advised that mitigation plans would be developed for sites with features at risk from certain fishing activities. Decommissioning of vessels to reduce the number of vessels targeting razor clams is also being considered.

Electrofishing for razor clams in Scotland

Fishing using electricity is currently prohibited under [EU regulation 850/98](#) (Article 31). Following a public consultation in 2016, a limited trial electrofishing for razor clams was [permitted by Marine Scotland](#) in April 2017 in a number restricted locations around the Scottish coast. This technique involves low electric currents being emitted from probes that are pulled slowly over the seabed from a vessel. The electricity stuns the clams (and other animals in the seabed) causing the clams to emerge from their burrows, and they are then caught by divers. The trial will be used to gather information on stocks and population structure. In addition stock assessment surveys are planned.

National Assembly for Wales action

This matter has not been considered before either in Plenary or by any Assembly Committee.

Welsh Government action

On 19 August 2017 the Welsh Government [issued a public notice](#) under Byelaw 16 (Shell Fishery – Temporary Closure) of the former North Western and North Wales Sea Fisheries Committee. It took effect 00:01 on 19 August 2017 and applies until 23:59 on 31 December 2017. It states:

No person may remove, take or disturb any razor clams for a bed or part of a bed of razor clams which has been closed by this Notice.

The notice spatially applies to:

The Areas closed by this notices are the areas known as the beaches of Llanfairfechan and Penmaenmawr which lie below the line of the Highest Astronomical Tides bounded in the west by the Afon Llanfairfechan at Llanfairfechan and bounded in the east by the eastern end of the Promenade at Penmaenmawr.

The Welsh Government's [webpage](#) states:

Following concerns about the status of razor clam stocks at Llanfairfechan and Penmaenmawr, we have temporarily closed this razor clam fishery until 1st January 2018. This will allow us to conduct a survey to determine the health of the razor clam stocks and ensure they are not over fished.

The Cabinet Secretary for Environment and Rural Affairs' letter on 29 August 2017 to the Chair of Petitions Committee advises:

The razor clam bed at Llanfairfechan is currently closed to gathering until 1 January 2018.

Now the fishery at Llanfairfechan is closed, officials will commission a survey to establish the status of the stock before I consider when the fishery should reopen or if any additional restrictions or changes to current legislation are necessary.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.