

**Question from Mr Hanlon to Councillor Smith:**

*What are the specific reasons for Lancaster City Council moving the access point to the Heysham mussel beds, from the controlled area on the Battery Car Park to the uncontrolled area on the slipway and beach at the end of Oakley Road?*

**Response from Councillor Smith:**

As has already been pointed out on numerous occasions since the seed mussel beds opened the fundamental point here is that fishermen have a common law right to fish in the bay. Clearly in order to make their living they need to cross public land, in this case the promenade. Legally the Council does not have any powers that override the right of fishers to access to the bay. Following the cockling tragedy it was recognised by all that a more controlled approach to fishing activities in the bay would be a significant step forward. As such we have arrived at the much improved situation today where there a voluntary agreements in place that have been negotiated between the Council, the North West inshore sea fisheries and commercial fishermen. These voluntary agreements set out where and how commercial fishermen can access public land to access the bay and what controls they will be expected to put in place once there.

There are in practice only 2 possible locations for access to the bay- the Battery and Oakley Road. The Battery has been used in the past but based on several years of previous experience officers have assessed that in terms of safely controlling the mix of commercial fishing activity and amenity activity Oakley Road represented a far better option. The slipway is wider, nearer the mussel beds, used less for amenity purposes, does not cross a busy car park and away from the busier tourist areas.

I realise that there has been some inconvenience caused to local residents as there was when the Battery was used. However, in terms of deciding on a location the overriding concern is ensuring that the operation is controlled in the safest and most effective way.

For the reasons already stated your assertion that the operation at Oakley Rd is uncontrolled has no basis.

The decision to use Oakley Road slipway was based on previous experience and the soundness of the decision has been subsequently evidenced by-

- 1) A recent report following a visit by an HSE inspector which said in relation to the City Council's responsibilities-

*My understanding is Lancaster City Council (LCC) are responsible for the promenade and the slipways but these are rights of way with common law access to the mussel beds. LCC have undertaken a form of risk assessment in assessing where to encourage access to mussel beds. This assessment is based on local knowledge of the relative risks of different access points, balancing the interaction of pedestrians and vehicles associated with mussel picking. This would appear to be an appropriate approach, I understand that in practice the legal basis of the 'Promenade Permits' used to control the access points is limited.*

*Based on my enquiries and on current information the HSE do not plan to take any further action regarding this matter.*

- 2) North West Inshore Fisheries and Conservation Authority who, regularly are on site to monitor the fishing activities, agree that fishing has taken place in a much more organised and safe way than when it was at the Battery
- 3) Rob Benson who manages the fishing operation who agree that the location is the best in terms of managing risks.

**Supplementary question from Mr Hanlon to Councillor Smith**

*Has anyone consulted the people affected by this?*

**ANSWER**

There have been consultations with residents. The decision as to where to access is an operational one delegated to officers. In this case the Chief Officer (Environment) decided that all things considered this would be best slipway to operate from. His view remains that it still is the best location to operate from.