

Title: Devon and Severn IFCA Exemptions Byelaw 2019 IA No: D&S IFCA 005a Lead department or agency: Devon and Severn Inshore Fisheries and Conservation Authority Other departments or agencies: MMO	Impact Assessment (IA)	
	Date: 26 th February 2020	
	Stage: Final	
	Source of intervention: Domestic	
	Type of measure: Secondary Legislation	
Contact for enquiries: M Mander Acting Chief Officer, D&S IFCA m.mander@devonandsevernifca.gov.uk 01803 854648		
Summary: Intervention and Options	RPC Opinion: Opinion Status: N/A	

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB on 2019 prices)	In scope of One-In, Three-Out?	Business Impact Target Status
£0	£0	£0	Not in scope	N/A

What is the problem under consideration?

In 2018, Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) determined that the Applications Byelaw inherited from Devon Sea Fisheries Committee (DSFC) is not fit for purpose. As a result, the Emergency Applications Byelaw was developed and came into force on 9th May 2018. The Emergency Application Byelaw must be replaced within a defined time frame (one year). A six-month extension for the Emergency Application Byelaw was sought and approved by the Secretary of State to enable time to complete the process of introducing a replacement byelaw. D&S IFCA has recognised that without the Exemptions Byelaw 2019 in place there could be an adverse impact on D&S IFCA's ability to manage inshore fisheries.

Why is government intervention necessary?

Although the Emergency Application Byelaw satisfied elements of the policy objectives, D&S IFCA has recognised the need for a permanent replacement. It is in the interest of D&S IFCA and its stakeholders for a byelaw to be introduced that enables D&S IFCA to consider the issuing of an authorisation for a person to conduct scientific work or for stocking or breeding purposes that would otherwise be in contravention of an existing D&S IFCA permit byelaw or permit condition or an inherited DSFC byelaw.

- What are the policy objectives and the intended effects?**
1. To replace the Emergency Application Byelaw.
 2. To revoke the Application Byelaw introduced by Devon Sea Fisheries Committee.
 3. To enable exemptions to be considered and issued for scientific work, stocking or breeding purposes.
 4. To clearly define the process for applicants on how an application will be determined and any exemption issued to applicants.
 5. To clearly define what steps D&S IFCA may take when considering an application.
 6. To clearly define the requirements for D&S IFCA in the case where an application is refused by D&S IFCA.
 7. To be transparent regarding the applicant's responsibility to assemble the information or evidence as determined by D&S IFCA so that D&S IFCA can fully consider the application for an

authorisation.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0: Do nothing.

Option 1: Allow the Emergency Application Byelaw to lapse and rely on the legacy Application Byelaw

Option 2: Create the "Exemptions Byelaw 2019"

All options are compared to Option 0. The preferred option is Option 2.

Will the policy be reviewed? Yes. If applicable, set review date: The byelaw will be subjected to a review no later than five years after the byelaw comes into force.

Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope?	Micro Yes	< 20 Yes	Small Yes	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: N/A	Non-traded: N/A	

I have read the final impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the Chair of the Authority

Date: 07/10/19



Mike Williams

Summary: Analysis & Evidence Policy Option 2

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV) (£))		
			Low: 0	High: 0	Best Estimate: 0
2019	2016	10			

COSTS (£)	Total Transition (Constant Price) Years	Average Annual (excluding transition) (Constant Price)	Total Cost (Present Value)
Low	£0	£0	£0
High	£0	£0	£0
Best Estimate	£0	£0	£0

Description and scale of key monetised costs by 'main affected groups'

There are no key monetised costs.

Other key non-monetised costs by 'main affected groups'

The applicant:

The applicant at their own expense must assemble information and evidence to support their application for an exemption.

Some applications may require more extensive research than others and therefore may take more time to consider, process and issue to the applicant.

It is possible that after consideration the exemption may not be issued.

D&S IFCA:

D&S IFCA will consider how to use its resources, which can't be estimated in monetary terms, to prepare separate guidance or policy statements to clarify what levels of supporting information the applicant must provide to support their application. This can extend to the development and use of the D&S IFCA website.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	£0	£0	£0
High	£0	£0	£0
Best Estimate	£0	£0	£0

Description and scale of key monetised benefits by 'main affected groups'

There are no key monetised benefits.

Other key non-monetised benefits by ‘main affected groups’

Stakeholders:

The Exemptions Byelaw 2019 has been formulated to provide clarity regarding the exemptions that can be considered and issued. Exemptions can only be issued for scientific work or for stocking or breeding purposes.

The activities undertaken with an exemption, such as scientific work, have the potential to improve the understanding of the marine environment.

D&S IFCA:

D&S IFCA can benefit from the authorising of exemptions. In regard to scientific work and the accumulated data, it may result in improved decision making regarding D&S IFCA’s management of fishing activities and restrictions imposed via the other byelaws or permit conditions.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
Effectively communicating the requirements for applicants to obtain an exemption for scientific work or stocking or breeding purposes is a potential weakness as well as the resources available (staff resource) to process the applications in a timely manner. It is assumed that there will be compliance with the exemption and the written conditions that are issued.		

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £:			In scope of OI30?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	N/A

Evidence base

1. Introduction

This impact assessment is for the Exemptions Byelaw 2019 developed by Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA).

The Exemptions Byelaw 2019 will affect all persons or organisations that wish to undertake specific activities that would otherwise be in contravention of another existing D&S IFCA permit byelaw or permit conditions within those byelaws or an inherited byelaw from Devon Sea Fisheries Committee (DSFC). The types of activities to be considered as potentially suitable for the granting of exemptions are set out within the byelaw and are limited to scientific work or for stocking or breeding purposes. The way those applications for an exemption will be assessed, as set out within the byelaw, enables careful consideration of a range of material factors.

2. Rationale for government intervention

D&S IFCA has duties specified in MaCAA. To meet those duties, D&S IFCA enforces the management restrictions within inherited byelaws. In addition, new byelaws have been created and introduced by the Authority since 2011. Much of the management of key fisheries within the D&S IFCA District has now been incorporated into new permit-based byelaws.

In 2018 the Authority recognised that the Application Byelaw made by DSFC on 16th January 1998 (which came into force on 26th February 1998) was no longer fit for purpose. The legacy Application Byelaw allowed for exemptions (or dispensations as they were referred to) to be issued for the removal of shellfish for scientific purposes or for stocking or breeding purposes.

D&S IFCA received legal advice which clarified that exemptions could only be granted that related to inherited byelaws and not new byelaws made by D&S IFCA. As a result of this unforeseen scenario, the Emergency Application Byelaw was developed and introduced in 2018. The Emergency Application Byelaw has enabled exemptions to be issued that relate to the permit byelaws that have been introduced by D&S IFCA.

As a result of the introduction of the Emergency Byelaw, the legacy Application Byelaw has been removed from the D&S IFCA Byelaw Book that is on public display on its website. Although it has not been revoked, the Emergency Application Byelaw has been published as an alternative as it is the byelaw used by D&S IFCA to enable exemptions to be issued.

The Emergency Application Byelaw that came into force on 9th May 2018 must be replaced within one year, unless an extension is granted. A six-month extension for the Emergency Application Byelaw was sought and approved by the Secretary of State to extend the life of the Emergency Application Byelaw to 9th November 2019 and enable time to complete the process of introducing a replacement.

The replacement Exemptions Byelaw 2019 will enable the legacy Application Byelaw to be revoked and replaced with a more suitably worded replacement.

One in Three Out (OI3O)

OI3O is not applicable for IFCA byelaws as they are local government byelaws introducing local regulation and therefore not subject to central government processes.

3. Policy objectives and intended effects

It is in the interest of D&S IFCA and its stakeholders for the Exemptions Byelaw 2019 to be introduced that enables D&S IFCA to consider the issuing of authorisations (exemptions) for a person to conduct scientific work or for stocking or breeding purposes that would otherwise be in contravention of an existing permit byelaw or permit condition within a permit byelaw or a byelaw that the Authority has inherited. The Emergency Application Byelaw which expired on the 9th of November 2019 satisfied these requirements but a permanent replacement is needed.

Exemptions issued under the Exemptions Byelaw 2019 could include authorisations for scientific work that could add to an existing evidence base or contribute to a longer-term data set, exploration of new fisheries through pilot projects such as aquaculture, and enable stocking or breeding activity. It is the intention to introduce an exemptions provision in any future byelaws yet to be developed by D&S IFCA.

D&S IFCA has recognised that without the Exemptions Byelaw 2019 in place there could be an adverse impact on D&S IFCA's ability to manage inshore fisheries.

The following bullet points set out the policy objectives and intended effects:

1. to revoke the Application Byelaw introduced by Devon Sea Fisheries Committee.
2. to replace the Emergency Application Byelaw that lapsed on 9th November 2019.
3. to enable exemptions to be considered for scientific work or for stocking or for breeding purposes that would otherwise be in contravention of the byelaws listed in the Exemptions Byelaw 2019.
4. to clearly define the process for applicants on how an application will be determined and any exemption issued to applicants.
5. to clearly define what steps D&S IFCA may take when considering an application.
6. to clearly define the requirements for D&S IFCA in the case where an application is refused by D&S IFCA.
7. to be transparent regarding the applicant's responsibility to assemble the information or evidence as determined by D&S IFCA so that D&S IFCA can fully consider the application by the applicant for an authorisation (exemption).

4. The options

- Option 0: Do nothing.
- Option 1: Allow the Emergency Application Byelaw to lapse and rely on the legacy Application Byelaw
- Option 2: Create the "Exemptions Byelaw 2019"

All options are compared to Option 0. The preferred option is Option 2.

Option 2 is suitable as it could achieve the policy objectives, whereas the alternative options could not.

5. Analysis of costs and benefits

Key monetised costs

There are none.

Key non-monetised costs

The Applicant:

Rather than imposing a set fee, or a table of charges for assessing and processing an application for an exemption, the Exemptions Byelaw 2019 states that D&S IFCA may require an applicant, at their own expense, to assemble information and evidence to support their application. This may produce a monetised cost dependent on the nature of the application; however, this cannot be accurately estimated. Each application can be different and result in differing levels of supporting information and evidence that is needed to be submitted for D&S IFCA to assess each application on a case by case basis.

It is possible that some applications may require more extensive research than others to determine if they can be approved. This may involve consultation with other persons or organisations. Although D&S IFCA can assist the applicant in terms of guidance and effective communication, the applicant has the responsibility to assemble any required information themselves to support their application. It is envisaged that clear guidance and communication can potentially reduce any potential costs to the applicant associated with the application and consideration of it.

Most applications for exemptions have historically been for scientific work. A number of these are typically repeat applications each year. In 2017, 24 dispensations were issued, and this number fell to 22 the following year. The total number of future applications cannot be accurately estimated.

Careful consideration is needed for every application for an exemption and this will be done on a case by case basis. This would include a thorough assessment, including having regard to the South Marine Inshore Plan and the Marine Policy Statement until the South West Inshore Marine Plans have been adopted. Conditions associated with the potential exemption will be considered and set out within any written authorisation that is issued. The Exemptions Byelaw 2019 states that the application shall be determined within 60 days of the receipt of the application. A non-monetised cost to the applicant may be the time that they may have to wait for their application to be determined and processed. It is possible that the exemption may not be issued at all, or if it is issued, may not provide authorisation for the applicant to conduct the full extent of their requested exemption.

The final version of the Exemptions Byelaw 2019 differs to the version advertised during formal consultation. The Exemptions Byelaw 2019 is now more limited in its scope and exemptions will only be considered that relate to scientific work, stocking or breeding purposes. The alternative version may not meet the expectations of stakeholders who are supportive of the introduction of the Exemptions Byelaw 2019 as originally drafted.

D&S IFCA:

Costs in terms of time and resource to process exemptions cannot be estimated and are therefore non-monetised. It is envisaged that effective communication with the applicant at an early stage, if required, can highlight any immediate or significant concerns associated with their

application. D&S IFCA has the option to introduce a separate and refined application form and guidance for applicants that clarifies what information may be needed from them so that D&S IFCA can process an application. These steps may limit the applicant's expectations regarding the issue of their own authorisation or the expected time frame for the processing of any such exemption.

Other key non-monetised benefits by 'main affected groups'

Exemptions can be issued for scientific work or for stocking or breeding purposes.

The introduction of the Exemptions Byelaw 2019 is a mechanism to allow controlled activities to take place that would otherwise be in contravention of one of the existing D&S IFCA permit byelaws or the inherited byelaws. This has benefits to both D&S IFCA and those persons or organisations conducting the activity that would require an exemption.

Stakeholders:

The needs of all stakeholders have been recognised by D&S IFCA in the making of the Exemptions Byelaw 2019. The activities undertaken with an exemption, such as scientific work, have the potential to improve the understanding of the marine environment.

D&S IFCA:

D&S IFCA can benefit from the authorisation of exemptions. Regarding scientific work and the accumulated data, it may result in improved decision making regarding D&S IFCA's management of fishing activities and restrictions imposed via the other byelaws or permit conditions.

The legal advice received during the development of the Exemptions Byelaw 2019 will be of use in future byelaw making. New byelaws, developed by D&S IFCA, will include an exemptions clause to allow for the undertaking of scientific work, breeding or stocking that would otherwise constitute an offence against that byelaw.

6. Rationale and evidence

D&S IFCA has used the time extension for the Emergency Application Byelaw granted by the Secretary of State to fully consider the development of a replacement byelaw. Delegated powers have been provided to the D&S IFCA Byelaw and Permitting Sub-Committee (B&PSC) to conduct byelaw review working. The B&PSC has discussed options for a replacement of the Emergency Application Byelaw and the construction and scope of the Exemptions Byelaw 2019. Advice has also been taken from Defra in the final stages of preparing the Exemptions Byelaw 2019 for potential confirmation by the Secretary of State.

Officers' papers and reports that have been presented to and discussed by members of the B&PSC have been made publicly available on the D&S IFCA website. All B&PSC discussions have been documented within the minutes of the meetings. The complete byelaw making process, including an explanation of how the Exemptions Byelaw 2019 was developed for formal consultation and subsequently amended in preparation for potential confirmation will be documented in a separate D&S IFCA publication. D&S IFCA is transparent with information as set out in the D&S IFCA's Publication Scheme and the D&S IFCA's Freedom of Information Policy.

D&S IFCA has a record of past exemptions that have been issued. Most applications for exemptions have historically been for scientific work and a number of these are typically repeat applications each year. In 2017, 24 dispensations were issued, and this number fell to 22 the

following year. This record has allowed D&S IFCA to determine the complexity regarding the determination of those applications for an exemption and to begin developing a suitable application form and guidance (where required) to assist applicants gaining any required exemption. Most historic applications have been relatively simple to assess, and similar applications would therefore not incur a need for high levels of supporting information and evidence to be submitted as part of an application.

All applications will be assessed on a case by case basis. It is possible that some applications may require more extensive research to determine if they can be approved. This may involve consultation with other persons or organisations. The Exemptions Byelaw 2019 provides for a 60-day period for an application for an exemption to be determined.

Although D&S IFCA can assist the applicant, in terms of guidance and effective communication, the applicant has the responsibility to assemble any required information to support their application themselves. It is envisaged that clear guidance and communication can potentially reduce any potential costs to the applicant associated with the application and consideration of it as set out within the Exemptions Byelaw 2019.

Consultation with stakeholders

The proposed Exemptions Byelaw 2019 was subject to a six-week period of formal consultation that ended on the 15th August 2019. A draft impact assessment (consultation version) accompanied the byelaw during this period of consultation.

Different communication methods were used to engage with stakeholders which included advertising the making of the proposed byelaw in a selection of different newspapers with each displaying the advertisement for two consecutive weeks. The total cost of the advertisements was approximately £2,200. The newspapers selected for the advertisements were as follows:

Press – (with advertising for two consecutive weeks)

1. Fishing News (04/07/2019 to 11/07/19)
2. Western Morning News (02/07/19 to 16/07/19)
3. Western Daily Press (02/07/19 to 16/07/19)

Each advertisement explained what the Exemptions Byelaw 2019 was intended to achieve, how to view a full copy of the byelaw, how to view the accompanying consultation impact assessment, and finally the process to follow to formally respond.

D&S IFCA documented how the consultation was conducted and the content of the responses that were received in the following report: *Exemptions Byelaw 2019 – Formal Consultation – A Summary of Response from the Formal Consultation (23rd August 2019).*

This report can be found at the following address:

www.devonandsevernifca.gov.uk/Resource-library/B-Internal-practice-and-procedure/Byelaw-Permitting-Sub-Committee/Sub-Committee-Papers/Sub-Committee-Papers-2019/12th-September-2019/Consultation-Report-Exemptions-Byelaw-2019

Other communication

D&S IFCA used a selection of other communication formats. A news article was posted on the D&S IFCA website on 1st July 2019 and was duplicated on the D&S IFCA Facebook page shortly

afterwards. A Mail Chimp e-mail campaign was circulated on the 11th July 2019 to over 1000 D&S IFCA stakeholders that had supplied an email address. Stakeholders directly notified by this communication method included all permit holders that had supplied an email address and other interested parties listed on D&S IFCA's master contacts data base. The consultation page on the D&S IFCA website was populated throughout the consultation with relevant information and information about how to respond.

The consultation response

A total of three responses were received that were all supportive of the introduction of the Exemptions Byelaw 2019.

Response 1:

This response was submitted by the Ilfracombe Harbour Master who in a simple response stated that the proposal to introduce the Exemptions Byelaw 2019 was fully supported.

Response 2:

This supportive response was submitted by South Devon and Channel Shellfishermen Ltd. The response highlighted the importance of the Exemptions Byelaw 2019 being created for the benefit of authorising required general scientific work, and in particular research directed towards crawfish/spiny lobster that may require the issue of an exemption so it can be completed.

Response 3:

The final response was from the Wembury Marine Conservation Advisory Group (WAG). The group understood the need for the flexibility and practicality that the Exemptions Byelaw 2019 would introduce by enabling the gathering of evidence for assessing impacts on relevant species and habitats.

The group felt that it may be appropriate for all relevant stakeholders to be included in any consultation needed to implement an exemption, and if not, would still like to see increased transparency regarding the exemptions being issued.

It was also suggested in the response that any data generated as a result of an issued exemption should be made publicly available and potentially archived in a suitable centre such as DASSH (the UK archive for marine species and habitats data). The group favours any mechanism that encourages sharing and availability of scientific information.

Managing the Response

On 12th September 2019, members of the D&S IFCA Byelaw and Permitting Sub-Committee considered all three of the responses received during the formal consultation. It was concluded that based on the content of the responses, no changes were needed to the proposed Exemptions Byelaw 2019 as advertised during the consultation.

All three stakeholders that submitted a response during the formal consultation were notified about how their response had been considered by the D&S IFCA Byelaw & Permitting Sub-Committee.

During the quality assurance of the Exemptions Byelaw 2019 process, legal advice was given to D&S IFCA which has changed the content of the Exemptions Byelaw 2019 as advertised during formal consultation. Exemptions will now only be considered for scientific work, stocking or

breeding purposes. It is not envisaged that the required changes to the Exemptions Byelaw 2019 would result in opposition to the introduction of the Exemptions Byelaw 2019 from those stakeholders that were supportive of the version advertised during formal consultation.

D&S IFCA is as transparent as possible with information. The D&S IFCA website offers the most suitable platform to provide stakeholders with information relating to the development of the Exemptions Byelaw 2019 and any exemptions issued under the revised Exemptions Byelaw 2019.

7. Risks and assumptions

It is assumed that there will be compliance with the exemption and the written conditions that are issued.

Effectively communicating the requirements for applicants to obtain an exemption for scientific work, stocking or breeding purposes is a potential weakness as well as the resources available (staff resource) to process the applications in a timely manner.

New application forms for an exemption and potentially supporting guidance and policy documentation will be developed by D&S IFCA to mitigate against the risk that the applicant will fail to provide sufficient detail to support their application. This will mitigate against the risk that the applicant will face a delay in their exemption being issued or result in a exemption not being issued at all solely due to a lack of required information.

Highlighting the requirements for an exemption, and the process to apply for one, can be achieved via the posting of relevant information on the D&S IFCA website. In addition, sharing of information with organisations such as the Marine Management Organisation can ensure that increased numbers of stakeholders understand what activities or scenarios will require an exemption to be issued from D&S IFCA and what the stakeholder's responsibilities will be to potentially acquire an exemption. Guidance can also be provided for stakeholders regarding what activities, not catered for within the Exemptions Byelaw 2019, potentially require authorisation from the Marine Management Organisation.

8. Environmental impact

Assessment of applications for exemptions will consider environmental impacts. The Exemptions Byelaw 2019 sets out that exemptions can be issued for scientific work, stocking or breeding purposes. D&S IFCA has the intention of creating an application form for exemption requests which will clearly set out what the expectations are regarding submitted information such as:

- the nature of the activity;
- the reason for the activity;
- the byelaw from which the applicant requires exemption or derogation;
- the location of the activity;
- the timing of the activity;
- the enclosure of other supporting information or documentation if necessary.

Where an activity will potentially be conducted within a Marine Protected Area, the potential requirement for D&S IFCA to consult with Natural England will be highlighted to the applicant.

9. Wider impacts

Public goods and services:

A number of goods and services provided by the marine environment such as biological diversity are 'public goods' (no-one can be excluded from benefiting from them but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, mean that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision. D&S IFCA must seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way.

Negative externalities:

Negative externalities occur when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment and this can lead to more damage occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.

D&S IFCA must seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote the recovery from, the effect of such exploitation.

Common goods:

A number of goods and services provided by the marine environment such as populations of wild fish are 'common goods' (no-one can be excluded from benefiting from those goods however consumption of the goods *does* diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long-term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation.

D&S IFCA must seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

In summary, the byelaws introduced by D&S IFCA aim to redress these sources of market failure in the marine environment. Although the Exemptions Byelaw 2019 would enable exemptions to be issued for scientific work and for stocking or breeding purposes, the activity would not be authorised if the activity detracts from D&S IFCA's duties as set out in MaCAA.

10. Other material considerations

When making a byelaw, D&S IFCA must consider all relevant national policies. The South Inshore Marine Plan, the South West Inshore Marine Plan (when it is adopted) and the UK Marine Policy Statement (UKMPS) are material considerations as set out in section 58 of MaCAA. D&S IFCA will have regard to them when making byelaws and in the case of permit-based byelaws, the permit conditions that set out much of the management of a particular fishing

activity. It is the view of D&S IFCA that the Exemptions Byelaw 2019 will not have an adverse impact on the South Inshore Marine Plan, the South West Inshore Marine Plan (when adopted) and will be compliant with the UKMPS. D&S IFCA recognise that any exemptions must be compatible with national policy objectives.

Annex A: South Marine Plan

As per paragraph 58(3) of the MaCAA, D&S IFCA must have regard to the South Marine Plan when undertaking any decision which is not an authorisation or enforcement decision. By definition, as per paragraph 58(4), a byelaw and associated permit conditions would fall under the definition of 'authorisation or enforcement decision'.

The proposed Exemptions Byelaw 2019 ensures compatibility with the following objectives and policies of the South Marine Plan:

Objective 3:

To support diversification of activities which improve socio-economic conditions in coastal communities.

Specifically S-FISH-1 and S-TR-1;

Objective 5:

To avoid, minimise, mitigate displacement of marine activities, particularly where of importance to adjacent coastal communities, and where this is not practical to make sure significant adverse impacts on social benefits are avoided.

Specifically S-SOC-1, S-TR-2, S-FISH-2 and S-FISH-3;

Objective 6:

To maintain and enhance inclusive public access to, and within, the south marine plan areas appropriate to its setting.

Specifically S-ACC-1;

Objective 7:

To support the reduction of the environmental, social and economic impacts of climate change, through encouraging the implementation of mitigation and adaptation measures that:

- avoid proposals' indirect contributions to greenhouse gas emissions
- reduce vulnerability
- improve resilience to climate and coastal change
- consider habitats that provide related ecosystem services

Specifically S-CC-1 and S-CC-4

Objective 10:

To support marine protected area objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change.

Specifically S-MPA-1, S-MPA-2, S-MPA- 3 and S-MPA-4;

Objective 11:

To complement and contribute to the achievement of maintenance of Good Ecological Status or Potential under the Water Framework Directive and Good Environmental Status under the

Marine Strategy Framework, with respect to descriptions for marine litter, non-indigenous species and underwater noise.
Specifically S-NIS-1, S-ML-1, S-ML-2, S-UWN-1, S-UWN-2, S-WQ-1 and S-WQ-2.