

<b>Title: Devon and Severn IFCA Size of Fishing Vessels Byelaw 2022</b> <b>IA No: D&amp;S IFCA 007</b> <b>Lead department or agency:</b> Devon and Severn Inshore Fisheries and Conservation Authority <b>Other departments or agencies:</b> MMO					<b>Impact Assessment (IA)</b>
					<b>Date:</b> 30th September 2022
					<b>Stage:</b> Consultation
					<b>Source of intervention:</b> Domestic
					<b>Type of measure:</b> Secondary Legislation
					<b>Contact for enquiries:</b> M Mander Chief Officer, D&S IFCA <a href="mailto:m.mander@devonandsevernifca.gov.uk">m.mander@devonandsevernifca.gov.uk</a> 01803 854648
<b>Summary: Intervention and Options</b>					<b>RPC Opinion:</b> Opinion Status: <b>N/A</b>
<b>Cost of Preferred (or more likely) Option</b>					
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB on 2016 prices)	In scope of One-In, Three-Out?	Business Impact Target Status	
			No	n/a	
<b>What is the problem under consideration? Why is government intervention necessary?</b> <p>The Authority (acting through the Byelaw and Permitting Sub-Committee – B&amp;PSC) must review its byelaws and these include those inherited from Devon Sea Fisheries Committee (DSFC). The current Size of Vessels Byelaw was made by DSFC in 1996 and is now over 25 years old. It was itself developed from an earlier Size of Vessels Byelaw originally only applying to the Devon Sea Fisheries District out to the 3-mile limit. Although old, the current Byelaw safeguards fishing opportunities for smaller inshore vessels less than 15.24 metres in overall length and with a limited number of exceptions has prohibited fishing vessels above this size from operating within the District since its introduction.</p> <p>The Authority has identified areas of weaknesses associated with the current Size of Vessels Byelaw (1996) and it has been concluded that these weaknesses can only be addressed with its revocation and replacement with a new Size of Fishing Vessels Byelaw 2022. The opportunity exists to introduce a new Byelaw that has improved style, structuring, and clarity. The current Size of Fishing Vessels Byelaw includes provisions (fishing rights known as “grandfather rights”) that have enabled larger vessels to operate in the District until a change of ownership has occurred. Over time the number of vessels that have benefitted from grandfather rights has fallen; however, the existence of this clause is determined to be a weakness and no longer appropriate.</p> <p>The proposed Size of Fishing Vessels Byelaw 2022 will:</p> <ul style="list-style-type: none"> <li>• introduce a new maximum size of 14.99 metres in overall length</li> <li>• not include a provision for grandfather rights</li> </ul> <p>The Size of Fishing Vessels Byelaw 2022 will recognise the Authority’s statutory duties within Section 153 and 154 of the Marine and Coastal Access Act 2009 (MaCAA). The Byelaw will support sustainable exploitation of sea fisheries resources and balance the needs of fishers; however, these outcomes are more of a combination effect, rather than as a direct result of its potential implementation as a single piece of legislation. The Byelaw underpins the management of different</p>					

fishing activity that is delivered via separate permit-based Byelaws. The combination of this Byelaw and other permit-based Byelaws prevents owners of commercial fishing vessels that exceed a specified size being eligible for a Permit and therefore operating within the District under the conditions of a Permit. For this reason, revocation of the current Byelaw and replacing it with voluntary measures setting out a maximum size of a vessel is not a credible option.

The proposed Size of Fishing Vessels Byelaw 2022 balances the needs of different fishers. It will only apply to fishing vessels that are both registered and hold a fishing licence (a Relevant Fishing Vessel). The Byelaw will not apply to recreational vessels.

It is proposed that the Size of Fishing Vessels Byelaw 2022 will introduce an exemptions clause enabling the Authority to consider and potentially issue authorisations for maintenance activities in specified areas. The wider scope for authorisations will be of benefit to the Authority, the owners of large commercial fishing vessels (over 14.99 metres in overall length) and the environment at large.

Pre-consultation has been undertaken to assist the development of the Size of Fishing Vessels Byelaw 2022, the findings of which are detailed further in the evidence base. The limited response in the pre-consultation indicates that stakeholders support the Byelaw and the reduced size limit of vessels operating in the District.

What are the policy objectives and the intended effects?

1. To recognise D&S IFCA's statutory duties in MaCAA that includes supporting sustainable exploitation of sea fisheries resources within the District.
2. To introduce an effective form of management to control the size of commercial fishing vessels exploiting sea fisheries resources within the District.
3. To safeguard fishing opportunities for smaller inshore commercial fishing vessels (up to and including those of 14.99 metres in overall length).
4. To delay the implementation of provisions to mitigate risks to business plans.
5. To apply modernisation in terms of style, content, and structuring to a new Size of Fishing Vessels Byelaw 2022.
6. To widen the scope of Exemptions, enabling the Authority to consider the issue of authorisations for maintenance purposes.

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

0. Do nothing (retain the inherited Size of Vessels Byelaw)
1. Revoke the Size of Vessels Byelaw and replace it with voluntary measures.
2. Create a new Size of Fishing Vessels Byelaw 2022

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 Size of Fishing Vessels Byelaw 2022 will be reviewed 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?	<b>Micro</b> Yes	<b>&lt; 20</b> Yes	<b>Small</b> Yes	<b>Medium</b> No	<b>Large</b> No

What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	<b>Traded:</b> N/A	<b>Non-traded:</b> N/A
---	-----------------------	---------------------------

I have read the 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: xxxx

**Summary: Analysis & Evidence** Policy Option 1**Description:****FULL ECONOMIC ASSESSMENT**

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£)		
			Low:	High:	Best Estimate:
2016	2016	10 <sup>1</sup>			-

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

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

There are no monetised costs. The proposed Byelaw will set the maximum size of a commercial vessel (that is registered and holds a fishing licence) that can operate within the District to 14.99 metres in overall length rather than the current 15.24 metres in overall length. If, the Size of Fishing Vessels Byelaw 2022 is introduced, all commercial fishing vessels that currently operate within the District will be able to continue to do so. The current inshore commercial fishing fleet only includes vessels of 14.99 metres or less in overall length. In the time taken to develop the Size of Fishing Vessels Byelaw 2022, one vessel (over 25 metres in length) that had enjoyed grandfather rights (and fished within the District) for many years has now changed ownership and lost those rights. The only other large vessel that could have benefited from grandfather rights (and a monetary gain from fishing within the District) has never fished within the District and operates offshore. Pre-consultation and direct communication with the owner of this vessel has indicated that the owner of this vessel has no future interest in this vessel being able to operate within the District.

This Impact Assessment does not account for the cost burden to the Authority associated with consultation and the advertising of the Size of Fishing Vessels Byelaw 2022, or the enforcement of the Byelaw, or the assessment and issue of potential authorisations associated with the widened exemption clause.

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

There are no non-monetised costs.

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

<sup>1</sup> The standard timeframe for analysis is 10 years unless the situation requires a different amount of time for example the benefits will occur over a much longer period. If there is deviation from the standard 10 years this must be clearly explained in the main evidence section

**Description and scale of key monetised benefits by ‘main affected groups’**

Although it cannot be quantified, the Size of Fishing Vessels Byelaw 2022 will continue to protect the business interests of smaller inshore commercial fishing vessels as the Byelaw will prevent commercial fishing vessels that are over 14.99 metres in overall length from operating within the District. This restriction therefore provides a monetary benefit to the owners and operators of smaller commercial fishing vessels.

The Size of Fishing Vessels Byelaw 2022 will not include grandfather rights, which will be terminated with the revocation of the existing Size of Vessels Byelaw. Vessels that have retained grandfather rights are outliers and a re-made Size of Vessels Byelaw can address this imbalance. In the time taken to develop the Size of Fishing Vessels Byelaw, one of two vessels that had grandfather rights (and exercised those rights and fished within the District) has changed ownership and lost those fishing rights. The other large commercial fishing vessel who retains those fishing rights does not fish within the District, but in theory could do, unless the new Byelaw is introduced. The monetised benefit to the smaller inshore fleet due to this scenario is therefore theoretical.

The Size of Fishing Vessels Byelaw 2022 includes an exemptions clause that widens the scope for the issue of authorisations relating to maintenance and, although it cannot be quantified, this would provide a monetised benefit. The widened scope of the exemptions clause is significant for owners of larger commercial fishing vessels (over 14.99 metres in overall length).

Fishers often have a legitimate need to conduct maintenance activity at sea and this is particularly evident with larger vessels that are based in ports including Brixham and Plymouth. The exemptions clause will enable the Authority to potentially issue authorisations (with conditions) for maintenance. The Authority will be able to determine the suitability of the authorisation request and consider what types of maintenance are suitable, where within the District it can be conducted and at what time it can take place. Depending on the types and suitability of maintenance required, the exemption clause in the Byelaw (a granted authorisation) will remove the need for large commercial fishing vessels having to transit to areas outside the District to conduct essential maintenance work; thereby losing fishing time taken for the repairs, spending more money on fuel and increasing their carbon footprint.

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

The structure, layout and revised presentation of the Byelaw represent non monetised benefits. All readers of the Byelaw benefit from the use of capitalised bold italic font that is present within the Byelaw to clearly demonstrate key words (the interpretations) and avoid confusion regarding the meaning of different words and their context within the paragraphs.

**Key assumptions/sensitivities/risks****Discount rate (%)**

3.5

It cannot be determined if there is any potential financial impact associated with business plans that may be based on the future use of commercial fishing vessels - either those between 14.99 and 15.24 metres in overall length or the single vessel owner who still has grandfather rights but has not exercised them. The findings from pre- consultation and the time taken to conduct pre-consultation has helped to inform a wide audience about the Authority’s intention to introduce this proposed Byelaw and the new maximum size of 14.99 metres in overall length. Formal consultation and the proposed delay of the implementation of provisions until six months after the in-force date of the Byelaw will help to mitigate this risk further.

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

## Evidence base

### 1. Introduction

This Impact Assessment is for the Size of Fishing Vessels Byelaw 2022 developed by Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA). This Byelaw is intended to be a replacement for the current Size of Vessels Byelaw made by Devon Sea Fisheries Committee (DSFC) in 1996.

The application of a size limitation on commercial fishing vessels is one form of control measure for fisheries management and maximum sizes differ around the inshore areas in the UK. The proposed Size of Fishing Vessels Byelaw 2022 will only apply to commercial fishing vessels that meet the criteria of being registered and holding a valid fishing licence and referred to in the Byelaw as “**Relevant Fishing Vessels**”. The maximum size that a **Relevant Fishing Vessel** can be to operate in the District will be 14.99 metres in overall length, a reduction from 15.24 metres as set out in the current Size of Vessels Byelaw.

Size restrictions for fishing vessels have become well recognised by the fishing industry and is a readily identifiable mechanism for managing the inshore fleet, compared with engine power. The longevity of this form of fisheries management has seen Byelaw development include grandfather rights (fishing rights) introduced that prevented owners of larger fishing vessels (at the time of introduction of an updated Byelaw) from having to cease fishing in the District if their vessel exceeded a new size limit being implemented. The application of grandfather rights has given time for owners of larger commercial fishing vessels to adjust to changing circumstances with full knowledge that these grandfather rights will be lost as change of ownership occurs. Over time, vessels have been sold and replaced, therefore reducing the number of vessels that retain grandfather rights.

The proposed Size of Fishing Vessels Byelaw 2022 will no longer include a grandfather rights clause.

Other than to set an appropriate upper size limit for commercial fishing vessels that can operate within the District, the Size of Fishing Vessels Byelaw 2022 does not directly manage fishing activity. The Byelaw underpins other permit-based byelaws introduced by the Authority that manage different fishing activity within the District. In summary, if a commercial powered fishing vessel (**Relevant Fishing Vessel**) exceeds 14.99 metres in overall length, it will not meet the criteria to be eligible for the issue of a Permit, for fishing activity that currently includes mobile fishing, potting, netting, or diving (for crab, lobster, or scallop).

Pre-consultation has been undertaken. The limited response in the pre-consultation indicates that there is an acceptance from stakeholders that the Byelaw is appropriate and should be implemented. The Byelaw will be reviewed when necessary and will be reviewed within a time not exceeding five years after its in-force date.

## **2. Rationale for government intervention**

D&S IFCA has duties specified in the Marine and Coastal Access Act 2009 (MaCAA). To meet those duties and to manage fishing activity, D&S IFCA has different management options at its disposal including the use of Byelaws and voluntary measures.

The use of legislation that restricts the size of fishing vessels operating in the District balances the needs of different fishers. The current Size of Vessels Byelaw sets the maximum size to 15.24 metres in overall length and therefore does help to safeguard fishing opportunities for smaller inshore vessels, that are more dependent on operating within inshore areas (including the District). However, the current Size of Vessels Byelaw has weakness which has been considered during this review that began in 2021. Officers' papers and reports presented to the B&PSC as part of this review are published in Section B of D&S IFCA's website Resource Library. The minutes from B&PSC meetings are also published and can be found in the same location. The Authority (acting through the Byelaw and Permitting Sub-Committee) has recognised areas of weakness as follows:

### ***2.1 Age and how the current Byelaw was developed***

The current Size of Vessels Byelaw (1996) is over 25 years old and was itself developed from an even earlier Size of Vessels Byelaw originally only applying to the Devon Sea Fisheries District out to the 3-mile limit. As this is an inherited byelaw from Devon Sea Fisheries an Impact Assessment was not produced (as it was not required at that time) to document all the objectives for the Byelaw.

### ***2.2 Structure***

The current Size of Vessels Byelaw (1996) shows its age in terms of the language used and its layout which does not include an exemption clause and lacks key interpretations that help to define its scope and add clarity for the reader. A re-made Size of Fishing Vessels Byelaw 2022 would apply to D&S IFCA's District and the interpretations used within the re-made byelaw would harmonise with those used in newer Byelaws developed by D&S IFCA. The inclusion of an exemptions clause is standard practice and in this case it will provide considerable benefits for larger fishing vessels (above the maximum size) to potentially conduct essential maintenance work at sea within the District, subject to conditions within an authorisation issued by the Authority.

### ***2.3 Grandfather Rights***

The main weakness is the current "grandfather rights" (fishing rights) introduced in the current Size of Vessels Byelaw (1996) that has provided the opportunity for large vessels to operate within D&S IFCA's District for longer than was expected when the Size of Vessel Byelaw was introduced in 1996. Over time the number of vessels able to benefit from grandfather rights has reduced. At the beginning of the review in 2021, one vessel that exceeded 25 metres in overall length (25.28m) continued to actively fish and exert pressure on stocks within the District. The other large fishing vessel that could in theory exercise grandfather rights represents latent capacity, and neither are appropriate in the inshore area. Although an Impact Assessment was not created to accompany the introduction of DSFC Size of Vessels Byelaw (1996), the Authority has concluded that it was not the intention to have large vessels continuing to fish (or with the option to fish) within the District 25 years after its confirmation.

In summary, intervention is required to address the weaknesses that have been identified and to meet the expectations of the Authority and its stakeholders, that include the owners and operators of inshore commercial fishing vessels.

### **3. Policy objectives and intended effects**

#### ***3.1 To recognise D&S IFCA's Statutory Duties in MaCAA that includes supporting sustainable exploitation of sea fisheries resources within the District.***

The Size of Fishing Vessels Byelaw 2022 supports sustainable exploitation of sea fisheries resources; and contributes to other wider drivers such as balancing the needs of fishers and the protection of Marine Protected Areas (MPAs). However, this is achieved in combination with other permit-based Byelaws, rather than as a direct result of implementing a single Byelaw to restrict vessel size. Without the Size of Fishing vessels Byelaw 2022, the Authority's approach to the management of fishing activity to meet its Statutory Duties would be compromised.

#### ***3.2 To introduce an effective form of management to control the size of commercial fishing vessels exploiting sea fisheries resources within the District***

The Authority recognises its statutory duties to manage inshore fisheries, mainly via the introduction of permit-based byelaws that contain relevant management measures. The permit-based Byelaws result in Permits being issued to fishers, and for commercial fishing this generally involves the use of a vessel.

The Size of Fishing Vessel Byelaw 2022 is designed to be an effective control measure that relates to vessel use and vessel size and underpins the permit-based Byelaw model. As an overarching stand-alone Byelaw, it sets the size limit a vessel (as defined) that can operate in the District; however, for a range of fishing activities (Mobile fishing, potting, netting and diving for crab, lobster and scallop) this is also dependent on the issue of a Permit to conduct the chosen fishing activity. This objective is not achievable via the use of voluntary measures.

For the purposes of achieving this objective the Byelaw is applicable to a "relevant fishing vessel" that is a commercial fishing vessel that is both registered and has a valid fishing licence.

#### ***3.3 To safeguard fishing opportunities for smaller inshore vessels (up to and including those of 14.99 metres in overall length)***

Although a vessel's size is not always a determining factor relating to its efficiency to exploit sea fisheries resources, there is a relationship such as the ability to fish for longer periods of time and fish in poorer weather conditions as compared to smaller vessels. The use of legislation that restricts the size that a commercial fishing vessel can be to operate in different areas is an established fisheries management measure. The application of size limitation to commercial fishing vessels helps to balance the needs of different fishers, in that it helps to protect the interests of smaller commercial vessels from an economic perspective and protects fishing opportunity for the recreational sector. The Byelaw will apply to all commercial fishing vessels that are both registered and have a valid fishing licence. Setting the maximum size to 14.99 metres in overall length obviously prohibits larger commercial fishing vessels from operating within the District, to the advantage of smaller inshore vessels. The Byelaw does not apply to recreational vessels; however recreational fishers, and the vessels they operate, do not represent economic competition for smaller inshore commercial fishing vessels. Restrictions (such as catch limits) apply to recreational fishers within other permit-based Byelaws.



**3.4 To delay the implementation of provisions to mitigate risks to business plans.**

The proposed “effective date” of the Byelaw sets out that the provisions of the Byelaw will apply six months after the Byelaw comes into force. The current maximum size for vessels (new entrants to the fishery) is 15.24 metres in overall length. Delaying the introduction of the Byelaw measures mitigates risks associated with fishers considering the future use of commercial fishing vessels between 14.99 metres in overall length to 15.24 metres in overall length in the District. Currently no vessels that fish in the Authority’s District are greater than 14.99 metres in overall length. Pre-consultation has been undertaken and no risk to business plans has been identified.

**3.5 To apply modernisation in terms of style, content, and structuring to a new Size of Fishing Vessels Byelaw 2022.**

Capitalised, italic, and bold font has been used within the Byelaw. The use of bold capitalised font is to help all readers navigate through the Byelaw and to provide greater clarity regarding key words (interpretations) and their meaning within each relevant paragraph.

**3.6 To widen the scope of Exemptions, enabling the Authority to consider the issue of authorisations for maintenance purposes.**

Defra has previously advised the Authority that all new byelaws developed by the Authority should include an exemptions clause set out in each new byelaw. Exemptions can be of benefit to both the Authority and stakeholders and enable activity to take place that would otherwise be in contravention of one of the Authority’s byelaws or a permit condition established under that byelaw. Typically, exemption clauses limit authorisations (that can be issued by the Authority) to any person conducting scientific, stocking, or breeding purposes; however, this limited scope is considered too restrictive by the Authority.

The Size of Fishing Vessels Byelaw 2022 includes an exemptions clause that widens the scope for the issue of authorisations relating to maintenance which, although not quantifiable, will be beneficial to the Authority, the Fishing Industry and the wider environment.

Maintenance activity is in this case hindered by the content and aim of the Byelaw. Interpretations (such as “**Fishing**”) in conjunction with the vessel size limitation prevents larger vessels (above 14.99 metres in overall length) from deploying their fishing gear as part of maintenance at sea within the District. To avoid this, larger vessels must therefore transit to areas outside of the District to deploy fishing gear when undertaking maintenance.

Fishers often have a legitimate need to conduct maintenance activity at sea. The exemptions clause will enable the Authority to potentially issue authorisations (with conditions) for maintenance. The Authority will be able to determine the suitability of the authorisation request and consider what types of maintenance are suitable, where within the District it can be conducted and at what time it can take place. Depending on the types and suitability of maintenance required, the exemption clause in the Byelaw (a granted authorisation) will remove the need for larger fishing vessels to transit to areas outside the District to conduct essential maintenance work; thereby losing fishing time taken for the repairs, spending more money on fuel and increasing their carbon footprint.

## 4. The options

0. Do nothing & retain the inherited Size of Vessels Byelaw
1. Revoke the Size of Vessels Byelaw and replace it with voluntary measures.
2. Create a new Size of Fishing Vessels Byelaw 2022

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

Option 0: (Do nothing & retain the inherited Size of Vessels Byelaw)

The main purpose of the Size of Vessels Byelaw (1996), to restrict the size of vessels, is still essential; however, due to the weaknesses identified and documented in this Impact Assessment action must be taken to address the issues that have been recognised by the Authority and stakeholders. Therefore, the option of do nothing and retain the existing Size of Vessels Byelaw (from 1996) is not appropriate.

Option 1: (Revoke the Size of Vessels Byelaw and replace it with voluntary measures).

The Authority must manage fishing activity within the District and has inherited legislation and developed new legislation to meet its statutory duties. A Byelaw to limit the size that a commercial vessel can be to operate within the District is an essential control measure that underpins other permit-based byelaws used to directly manage different fishing activity, manage the exploitation of sea fisheries resources and to protect the marine environment. Introducing a voluntary upper size limit for commercial vessels to operate within the District would present unacceptable risks and undermine the objectives set out in this Impact Assessment.

Option 2: (Create a new Size of Fishing Vessels Byelaw 2022)

The introduction of a new Size of Fishing Vessels Byelaw 2022 is the Authority's preferred option. Its implementation will deliver the objectives set out in this Impact Assessment, something that is not achievable with Options 0 and 1.

## 5. Analysis of costs and benefits

Costs and benefits have been set out above.

**One in Three Out (OITO):** OITO is not applicable for Byelaws as they are local government Byelaws introducing local regulation and therefore not subject to central government processes.

**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 the Authority aim to redress these sources of market failure in the marine environment.

## **6. Environmental Impact**

The Size of Fishing Vessels Byelaw 2022 lessens environmental impact. The size limit of 14.99 metres in overall length for commercial fishing vessels will limit the number of vessels that can operate within the District.

## **7. Other Material Considerations**

As per paragraph 58(3) of the MaCAA, D&S IFCA must have regard to the South and South West Marine Plans 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'.

It is the view of the Authority that the Size of Fishing Vessels Byelaw 2022 will not have an adverse impact on the South Inshore Marine Plan or the South West Inshore Marine Plan and will be compliant with the objectives set out within those plans. Although not they are not all key drivers for the development of the Size of Fishing Vessels Byelaw 2022, Marine Plan objectives are recognised either directly or indirectly. For example, the continuing prohibition on large vessels to operate within the District satisfies objectives such as S-CO-1 as the Byelaw encourages effective use of space (the District) to support existing economic activity (the inshore fleet) through co-existence with other small vessels suited to the area that would potentially be displaced without the control measure.

### **South Marine Plan**

#### **Objective 1:**

To encourage effective use of space to support existing, and future sustainable economic activity through co-existence, mitigation of conflicts and minimisation of development footprints. Specifically - S-CO-1 and S-AQ-1.

**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-FISH 2 and S-FISH 3.

**Objective 7:**

To support the reduction of the environment, social and economic impacts of climate change, through encouraging the implementation of mitigation and adaption 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

**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.

**South West Marine Plan**

The topics, policy codes, text and aims set out in the South West Marine Plan are similar to those within the South Marine Plan. The Size of Fishing Vessels Byelaw 2022 does not detract from the objectives and either directly or indirectly recognises objective topics such as:

- Co -existence - SW-CO1
- Aquaculture -SW-AQ – (more than one code)

As with the South Marine Plan, the Size of Fishing Vessels Byelaw 2022 is compatible with objectives relating to:

- heritage assets
- fisheries
- marine protected areas
- climate change.

End.