

Title: Devon & Severn IFCA Size of Fishing Vessels Byelaw 2022 IA No: 007a RPC Reference No: Lead department or agency: Devon and Severn Inshore Fisheries and Conservation Authority Other departments or agencies: Marine Management Organisation	Impact Assessment (IA)
	Date: 11/12/2023
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Secondary legislation
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Summary: Intervention and Options	RPC Opinion: Not Applicable
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Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£0	£0	£0	Non qualifying provision

What is the problem under consideration? Why is government action or intervention necessary?

The Authority has identified areas of weaknesses associated with the current Size of Vessels Byelaw (1996) and these weaknesses can only be addressed with its revocation and replacement with a new Size of Fishing Vessels Byelaw 2022. The Byelaw will recognise the Authority's statutory duties within Section 153 and 154 of the Marine and Coastal Access Act 2009 (MaCAA) as it underpins the management of different fishing activity that is delivered via separate permit-based byelaws. The Byelaw will introduce a new maximum size of 14.99 metres in overall length for all fishing vessels operating in the District that are both registered and hold a fishing licence (a Relevant Fishing Vessel).

What are the policy objectives of the action or intervention and the intended effects?

1. To recognise the Authority'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 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.

Is this measure likely to impact on international trade and investment?	No
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Are any of these organisations in scope?	Micro Yes	Small Yes	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: NA		Non-traded: NA	
<p>Will the policy be reviewed? Yes, it will be reviewed.</p> <p>If applicable, set review date: December 2028.</p> <p>The Size of Fishing Vessels Byelaw 2022 will be reviewed by the Authority when necessary.</p>				

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 responsible Chair:



Date:

11th December
2023

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period	Net Benefit (Present Value (PV)) (£0m)		
			Low: 0	High: 0	Best Estimate: 0
COSTS (£0m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	0		0	0	
High	0		0	0	
Best Estimate	0			0	
Description and scale of key monetised costs by ‘main affected groups’					
There are no monetised costs. The Byelaw does not include grandfather rights; however, the only 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.					
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)	
N/A				N/A	
Low	0		0	0	
High	0		0	0	
Best Estimate	N/A		N/A	N/A	
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'

The Byelaw removes weaknesses of the existing byelaw and will meet the policy objectives set out in this Impact Assessment. The exemptions clause provides a non-monetised benefit, and this is explained in the evidence base.

Although not quantifiable, the Size of Fishing Vessels Byelaw 2022 will 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 provides a monetary benefit to the owners and operators of smaller commercial fishing vessels. The exemptions clause provides a monetised benefit, and this is explained in the evidence base.

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 time taken to develop the Byelaw including both pre-consultation and formal consultation have 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.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £0			Score for Business Impact Target (qualifying provisions only) NA
Costs: N/A	Benefits: N/A	Net: N/A	

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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 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 and formal consultation have been undertaken. The limited response in both the pre-consultation and formal 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.

Problem under consideration and rationale for intervention.

The Authority has duties specified in the Marine and Coastal Access Act 2009. To meet those duties and to manage fishing activity, the Authority 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 Byelaw and Permitting Sub-Committee (B&PSC) as part of this review are published in Section B of the Authority's website Resource Library. The minutes from B&PSC meetings are also published and can be found in the same location on the Authority's website. The Authority (acting through the B&PSC) has recognised areas of weakness as follows:

- **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 nautical 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.

- **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 IFC's District and the interpretations used within the re-made byelaw would harmonise with those used in newer byelaws developed by the Authority. 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.

- **Grandfather Rights**

The main weakness is the current "grandfather rights" (fishing rights) that is present in the current Size of Vessels Byelaw (1996). This has provided the opportunity for large vessels to operate within D&S IFC'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. This vessel has now changed ownership and has lost those grandfather rights. The other large fishing vessel that could in theory exercise grandfather rights represents latent capacity, and this is not 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 potentially able 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.

Rationale and evidence to justify the level of analysis used in the IA (proportionality approach).

The review of the current Mobile Fishing Permit Byelaw began in 2021. Since that time the B&PSC has discussed weaknesses associated with the Byelaw. Multiple Officers' papers and reports have been presented to the B&PSC during the review. The decision making of the B&PSC has been documented and has informed drafting work conducted by the Byelaw Technical Working Group (BTWG), acting on behalf of the B&PSC.

- **Pre-consultation**

Development of the proposed Size of Fishing Vessels Byelaw 2022 has included pre-consultation, with the findings being presented to the B&PSC in October 2021.

Electronic engagement formed the basis of the 'Have Your Say' pre-consultation, and a Mail Chimp circular was sent directly to all those on the D&S IFCA consultation mailing list. 1500 stakeholders received the Mail Chimp circular, and 789 stakeholders opened the email. The information was not generally circulated in hard copy format; however, letters were sent to two vessel owners that Officers and B&PSC's Members knew would be potentially directly affected (at the time) by potential changes.

A total of six responses were received that were a combination of individual stakeholders and organisations. One of these responses was only to gain more information about the pre-consultation which was then provided. All responses were received via email using the dedicated email address that was provided in the circulated information.

The organisations that responded included Devon Wildlife Trust (DWT), Wembury Advisory Group (WAG) and Western Fish Producers' Organisation. One response was received from a permit holder that declared ownership a commercial fishing vessel and the other was from a stakeholder who did not explain their interest. No response was received from the two vessel owners that were contacted directly with letters that highlighted the opportunity to engage.

- **Formal consultation**

On 20th October 2022, the B&PSC was presented with the proposed Size of Fishing Vessels Byelaw 2022 and an Impact Assessment that had been prepared for use during formal consultation. The B&PSC agreed to the following:

- That the Impact Assessment (subject to amendments highlighted by Members) is approved for use in the formal consultation
- That the B&PSC makes the Size of Fishing Vessels Byelaw 2022 and proceeds with formal consultation on the Byelaw

The formal consultation began on 25th November 2022 and included a range of communication methods. The Authority utilised its website and Facebook to highlight the formal consultation. The Authority also made use of Mailchimp to provide direct notification of the consultation to 1,520 contacts. To meet the mandatory requirements, formal notices were placed in the following newspapers for two consecutive weeks.

- Western Morning News (from 1st December 2022).
- Northern Gazette (from 30th November 2022)
- Fishing News (from 1st December 2022)

The formal consultation ended on 20th January 2023 and a report was compiled by D&S IFCA Officers that documented how the consultation was undertaken and responses received. This report was presented to the B&PSC on 23rd February 2023.

- There were no responses received during the formal consultation that objected to the introduction of the Size of Fishing Vessels 2022.

The single response received was a message of support for the implementation of the Byelaw.

All D&S IFCA Officers' papers and reports presented to and considered by the B&PSC and minutes from those meetings are published on the Authority's website (Section B of the website Resource Library/publication scheme).

Description of options considered.

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.

Policy objective.

The Authority must review all its inherited Byelaws (legacy measures). The Policy objectives for the introduction of the Size of Fishing Vessels Byelaw 2022 include the following:

Policy objective 01: To recognise D&S IFCAs 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.

Policy objective 02: 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.

Policy objective 03: 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.

Policy objective 04: 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 (issued Authorisations) 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.

The United Kingdom’s Joint Fisheries Statement¹ identifies the need to take “*robust action*” to reduce emissions from fishing vessels to achieve net carbon targets (para. 4.1.15) and supports the identification of opportunities for vessel emission reductions (para. 4.2.14.3). The inclusion of a maintenance exemption with the Byelaw is therefore in full compliance with the policy objectives mandated by the United Kingdom’s Joint Fisheries Statement and constitutes such an identification and opportunity. In making this Byelaw under S.155(1) the Authority is performing its duty under S.153(1) to manage the exploitation of sea fisheries resources in its District. In so performing this duty under s.153(1) and by introducing a maintenance clause the Authority has taken a step which it considers necessary and expedient to contribute to the achievement of sustainable development by vessel emission reduction within the meaning of S.153(2)(c) and such inclusion is *intra vires* for the Authority.

¹ <https://www.gov.uk/government/publications/joint-fisheries-statement-jfs>

During the quality assurance phase for this Byelaw, the South West Producer Organisation was contacted by D&S IFCA to highlight the inclusion maintenance in the exemptions clause.

The membership of the SW Producer Organisation supported the inclusion of maintenance. An extract from their response to D&S IFCA reads as follows:

“SWFPO members report that there are most definitely occasions when gear must be deployed over the side of the vessel, but not necessarily onto the seabed, in order to test the winch, hydraulics and engine full load. An amendment to the DSIFCA bylaw to facilitate this would therefore be useful for those operating out of the ports of Brixham, Torquay and Plymouth.

As to frequency of the need for this, this cannot be quantified accurately as breakdowns by definition are not planned. One of my members reported to have had to such testing 3 times so far this year though”.

Monetised and non-monetised costs and benefits of each option (including administrative burden).

Monetised Costs

There are no monetised costs.

Non-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, formal 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. The formal consultation included a range of communication initiatives which included the use of the website and Facebook. In addition, the Mailchimp platform was used for direct notification of the consultation and was sent to 1520 contacts. These forms of communications are low cost and form part of D&S IFCA's Communication Strategy.

A Size of Vessels Byelaw already exists that underpins other permit-based byelaws. The existing Size of Vessels Byelaw and this potential replacement do not directly manage fishing activity and therefore there are no costs directly associated with this Byelaw to inform on-going management, such as research work. As the Size of Fishing Vessels Byelaw will replace the existing Size of Vessels Byelaw, there are no new significant cost burdens associated with enforcement of the Byelaw or the potential assessment and issue of exemptions (authorisations) for specified activity associated with the widened exemption clause.

In addition, this Impact Assessment does not attempt to estimate any cost burden for fishers associated with familiarisation of the new Size of Fishing Vessels Byelaw 2022. It should be recognised that fishers in the District (and those from other areas that currently do not operate within the District) are more than likely aware that size restrictions often apply within different IFC Districts, and these are often differing size restrictions. The changes that the Size of Fishing

Vessels Byelaw 2022 would introduce can be communicated with all stakeholders in a variety of ways such as direct communication and by publishing information (Byelaw Book) on the Authority's website.

As set out in the key assumptions, sensitivities, and risks within this Impact Assessment, 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, formal consultation and the time taken to conduct both, have 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.

Monetised Benefits

There are no monetised benefits.

Non-Monetised Benefits

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 does 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, for example deploying trawls or dredges to test hydraulics winches etc, 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. This clarity for fishers and a wider audience who can view a published "Exemptions Table" on the Authority's website is considered to be a non-monetised benefit.

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. Large fishing vessels will therefore potentially save time conducting repairs and spend less money on fuel to reach areas beyond the District.

There is a non-monetised benefit, which is also a benefit to the wider environment (please see section below – Wider Impacts).

Impact on small and micro businesses.

The exemptions clause will enable the Authority to potentially issue authorisations (with conditions) for maintenance. The membership of the SW Producer Organisation supports the inclusion of maintenance in the exemptions clause. An extract from their response² to D&S IFCA reads as follows:

“SWFPO members report that there are most definitely occasions when gear must be deployed over the side of the vessel, but not necessarily onto the seabed, in order to test the winch, hydraulics and engine full load. An amendment to the D&S IFCA bylaw to facilitate this would therefore be useful for those operating out of the ports of Brixham, Torquay and Plymouth.

As to frequency of the need for this, this cannot be quantified accurately as breakdowns by definition are not planned. One of my members reported to have had to such testing 3 times so far this year though”.

Wider impacts (consider the impacts of your proposals)

The extended scope of the exemptions clause recognises objectives set out in the South and South West Marine Plans regarding climate change as it helps to mitigate against an increase in greenhouse gas emissions.

The United Kingdom’s Joint Fisheries Statement³ identifies the need to take “*robust action*” to reduce emissions from fishing vessels to achieve net carbon targets (para. 4.1.15) and supports the identification of opportunities for vessel emission reductions (para. 4.2.14.3). The inclusion of a maintenance exemption with the Byelaw is therefore in full compliance with the policy objectives mandated by the United Kingdom’s Joint Fisheries Statement and constitutes such an identification and opportunity. In making this Byelaw under S.155(1) the Authority is performing its duty under S.153(1) to manage the exploitation of sea fisheries resources in its District. In so performing this duty under s.153(1) and by introducing a maintenance clause the Authority has taken a step which it considers necessary and expedient to contribute to the achievement of sustainable development by vessel emission reduction within the meaning of S.153(2)(c) and such inclusion is intra vires for the Authority.

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.

² Email response from SW Producer Organisation – 4th October 2023

³ <https://www.gov.uk/government/publications/joint-fisheries-statement-jfs>

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.

A summary of the potential trade implications of measure

Not applicable.

Monitoring and Evaluation

The Size of Fishing Vessels Byelaw 2023, as a replacement for the existing Byelaw will continue to limit the size of commercial fishing vessels (Relevant Fishing Vessels) operating within the District. Other than to set an appropriate upper size limit, 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. The Size of Fishing Vessels Byelaw 2022 will be reviewed by the Authority when necessary, but within five years.

End.