

Title: Devon & Severn IFCA Mobile Fishing Permit Byelaw 2022 IA No: 006a 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: 04/08/2025
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Secondary legislation
	Contact for enquiries: M. Mander Chief Officer, D&S IFCA m.mander@devonandsevernifca.gov.uk 01803 854648
Summary: Intervention and Options	RPC Opinion: Not Applicable

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
-£10,977.92	-£10,977.92	£1275.36	Non qualifying provision

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

The making of the Mobile Fishing Permit Byelaw 2022 represents the evolution of management, rather than the introduction of management. The Mobile Fishing Permit Byelaw 2022 retains a legislative framework for the issue of two types of permits containing different management measures applicable to mobile fishing activity at sea and within estuaries. The Authority has identified that changes are needed to the current byelaw (as explained in this Impact Assessment) that lays out the requirement for a Mobile Fishing Permit. The proposed legislation (the Mobile Fishing Permit Byelaw 2022 coupled with the permit conditions) will manage the mobile fishing fleet and help to prevent unauthorised fishing activity occurring within marine protected areas (MPAs).

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

1. To retain and improve the legislative framework to manage mobile fishing activity in an effective and appropriate way, having regard to the Authority's statutory duties.
2. To provide the framework for the Authority to continue issuing permits that balance the differing needs of fishers, limit gear conflict, and to restrict unauthorised access within coastal mariculture sites, heritage asset sites and MPAs.
3. To maintain flexibility in management, introduce a revised permit condition review process.
4. To continue with an inclusive form of management that enables stakeholder participation.
5. To utilise the Byelaw making provisions afforded to the Authority as set out in sections 155, 156 and 158 Marine and Coastal Access Act 2009 (MaCAA).
6. To increase the fees payable for a permit to cover the Authority's administration costs of issuing permits and to set out the process regarding any potential change in permit fees.
7. To include a provision where activities including maintenance, scientific, stocking and breeding purposes can be exempted.

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 Mobile Fishing Permit Byelaw – introduced in 2014)
1. Revoke the Mobile Fishing Permit Byelaw (2014) and replace it with voluntary measures.
2. Create a new Mobile Fishing Permit Byelaw 2022 and retain existing management measures (within the Permit Conditions).
3. Create a new Mobile Fishing Permit Byelaw 2022 and make changes to the Permit Conditions (from a structure only perspective)
4. Create a new Mobile Fishing Permit Byelaw 2022 and make changes to the structure and the management measures within the associated Permit Conditions.

All options are compared to Option 0, the preferred option is Option 4.

Is this measure likely to impact on international trade and investment?		No		
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: August 2030.</p> <p>The Mobile Fishing Permit Byelaw 2022 will be reviewed by the Authority in August 2030 or sooner if 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:

4th August 2025

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2020	Time Period Years 10	Net Benefit (Present Value (PV)) (£)		
			Low:	High: 0	Best Estimate: -11,362.15

COSTS (£)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	Optional	Optional
High	0	Optional	Optional
Best Estimate	0	1320	11,362.15

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

The Mobile Fishing Permit Byelaw 2022 (the Byelaw) sets out that the Authority may charge a fee for a permit in accordance with Section 156(4) MaCAA (as amended). A fee can only be charged to offset administration costs incurred by the Authority. The current fee is £20 per two years. The proposed Byelaw does not state an exact fee; however, the Authority will charge £40 for each permit (valid for a period of up to two years) which can be reviewed in line with the review process. The increase in administration fees reflects additional administration costs for the Authority since the Mobile Fishing Permit Byelaw was introduced in 2014.

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

Schedule 2 in the Byelaw concerns trawling for sand eel and sets out management measures for commercial and recreational fishers. This is the only form of mobile fishing activity that is not managed via the two permit types. The conditions limit activity rather than prohibit the activity and could be seen by fishers as a non-monetised cost, as fishing opportunity and catch taken by recreational fishers would be more restricted than those set out in the current byelaw.

BENEFITS (£)	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’

Amendments to the permit conditions are necessary where they would be ultra vires due to changes in national legislation. Where this situation arises, the revised review process within the Byelaw (as explained in the evidence base) enables necessary changes to be made to the permit conditions without consultation resulting in reduced administration costs for the Authority. Under the Byelaw an authorisation (as explained in the evidence base) could be granted to allow maintenance work to be undertaken on board vessels that would not currently be possible, reducing costs to fishers. The monetised benefit cannot be quantified. However, it is not known whether any changes to national legislation will occur during the next 10 years which may require remedial action to amend the permit conditions. It is also not possible to predict how many fishers may benefit from being able to undertake maintenance onboard their vessels or how much they could possibly save by doing so. As such, it is only possible to provide a lowest possible estimate for key monetised benefits, this being £0, which reflects no changes to legislation and no fishers taking advantage of the new authorisation. This figure is therefore also the best estimate for monetised benefits.

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

The scope, structure, and revised presentation of the Byelaw represent non-monetised benefits. The exemption clause (as explained in the evidence base) enables activity to be undertaken without the requirement of a permit and, subject to approval by the Authority, includes maintenance, scientific, stocking and breeding purposes. The maintenance element will remove the need for mobile fishing vessels to transit to areas outside the District to conduct essential maintenance work and helps to reduce their carbon footprint.

Key assumptions/sensitivities/risks (%)

Discount rate

3.5

None.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £:			Score for Business Impact Target (qualifying provisions only) £:
Costs: 1320	Benefits: 0	Net: 1320	
			NA

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Evidence Base

Introduction.

This Impact Assessment (IA) is for the Mobile Fishing Permit Byelaw 2022 (the Byelaw) developed by Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA). The Byelaw amends the current Mobile Fishing Permit Byelaw that came into force in 2014. The Byelaw will come into force 14 days after the day on which it is confirmed by the Secretary of State. The Mobile Fishing Permit Byelaw will be revoked 14 days after the day on which the Mobile Fishing Permit Byelaw 2022 is confirmed by the Secretary of State.

Mobile fishing activity must continue to be managed to enable the Authority to meet its statutory duties and to protect MPAs. The Byelaw will enable the Authority to increase the fees for a permit, that would not be possible without its implementation. Other aspects of change include a revised review process for the permit conditions and the introduction of an exemptions clause, both being explained in this IA.

For the development of the Byelaw, the Authority (acting through the Byelaw and Permitting Sub-Committee (B&PSC) has continued with its approach of using a permit-based model that provides flexible, adaptive, and inclusive management of mobile fishing activity. The Byelaw sets out that the provisions provided by Sections 156 and 158 of MaCAA will be used in the associated permit conditions. Section 156 of MaCAA enables the Authority to continue using the permit conditions in connection with the monitoring of exploitation of sea fisheries resources. The Byelaw clarifies that specified equipment means equipment fitted to a relevant fishing vessel for the purposes of monitoring the exploitation of sea fisheries resources such as a vessel monitoring device or a remote electronic monitoring system. The Byelaw sets out a revised review process, that must be followed when the Authority considers changing the permit conditions or the administration fee for a permit.

The Byelaw includes a Schedule (2) that sets out conditions for sand eel trawling. This is the only type of mobile fishing activity that is not directly managed via the associated permit conditions. It also remains as the only form of mobile fishing activity that can be undertaken on a recreational basis. The conditions of use for sand eel trawling are not flexible; however, the Byelaw (including these conditions) can be reviewed. A review date for the Byelaw has been set for June 2030; however, the Byelaw can also be reviewed when necessary. Changes to management measures set out within the Byelaw would require re-making of the Byelaw.

Problem under consideration and rationale for intervention.

The Authority has duties specified in MaCAA. 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 current Mobile Fishing Permit Byelaw has been used to manage mobile fishing activity since its introduction in 2014. The current byelaw provides a legislative framework for the issue of permit conditions and defines how these permit conditions can be reviewed (a documented review process).

The review of the current Mobile Fishing Permit Byelaw has highlighted that changes are required which can only be addressed by revocation of the current Mobile Fishing Permit. The structure and the wording in the current Mobile Fishing Permit Byelaw are dated. The current Mobile Fishing Permit Byelaw sets a fee of £20 for a permit. A fee of £20 is a fixed provision and therefore cannot be increased to recognise increased administration costs to the Authority. The current Mobile Fishing Permit Byelaw does not include an exemptions clause, and if an exemption is required this is only possible by making use of a separate byelaw – the Exemptions Byelaw 2019. During the development of the Exemptions Byelaw 2019, advice from Defra is that all new D&S IFCA byelaws should include an individual exemptions clause specific to that byelaw. The current

review process for the permit conditions, as set out in the current byelaw, is thorough; however, there are occasions when it hampers timely changes to the permit conditions that must be made to avoid an ultra vires situation. This is because any change to the permit conditions must be subject to consultation, which in some circumstances is effectively a notification of change. Consulting on a change that is legally necessary currently leads to stakeholder confusion and takes time and resources; therefore, the Byelaw has an amended review process to cater for this eventuality.

The Byelaw includes its own exemption clause, which will include maintenance as well as scientific, stocking or breeding purposes. The Byelaw will enable the Authority to continue charging a fee for a permit (increased from £20 to £40) and if this administration fee needs to change, this will be possible via the review process set out in the Byelaw.

Policy objectives cannot be achieved via the use of voluntary measures and therefore the use of voluntary measures has not been determined to be a credible option. The Byelaw will replace the current Mobile Fishing Permit Byelaw and is the preferred option.

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 2019. Since that time the B&PSC has discussed weaknesses associated with the Byelaw. Multiple Officers' papers and reports¹ have been presented to the B&PSC during the review.

The key areas of weakness associated with the current byelaw include:

- A fixed provision of an administration fee for a permit set at £20.
- The lack of an exemptions clause, which when included can extend to maintenance activity.
- A review process to amend the Permit Conditions that, although thorough, is overly burdensome if changes to management measures are required to avoid an ultra vires situation.
- A need to address the construction of legal wording and removal of archaic language.
- A lack of byelaw Schedules, hampering presentation and readability.

Proposed restrictions (management measures) associated with sand eel trawling, applicable to both commercial and recreational fishers, were highlighted in different phases of pre-consultation conducted since 2019. During the development of the Byelaw, it was concluded that restrictions applicable to sand eel trawling would be inserted within the Byelaw, rather than as permit conditions. The findings of pre-consultation have informed the decision making of the B&PSC and drafting of the Byelaw conducted by the Byelaw Technical Working Group (BTWG).

Consultation

On 20th October 2022, the B&PSC was presented with the proposed Byelaw and an IA 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 Mobile Fishing Permit Byelaw 2022 and proceeds with formal consultation on the Byelaw and the associated permit conditions.

¹ All papers and reports presented to the B&PSC are published in Section B of D&S IFCA's website Resource Library

The IA (consultation version), used during the formal consultation of the Byelaw also served, to inform fishers about potential changes to the Permit Conditions to be developed independently of the Byelaw. The formal consultation of the Byelaw began on 25th November 2022 and included a range of communication methods to inform stakeholders. The Authority utilised its website and Facebook to highlight the formal consultation.

At the same time as formally consulting on the Byelaw, the Authority set out how amended permit conditions would function in combination with the Byelaw. This approach enabled stakeholders to submit their views on the management measures that are not part of the Byelaw. The B&PSC have already considered the views of stakeholders regarding the advertised management measures, which may be implemented when the Byelaw is implemented, or alternatively can be considered for implementation as changes to current permit conditions issued under the current Mobile Fishing Permit Byelaw.

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 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 Mobile Fishing Permit Byelaw – introduced in 2014)
1. Revoke the Mobile Fishing Permit Byelaw (2014) and replace it with voluntary measures.
2. Create a new Mobile Fishing Permit Byelaw 2022 and retain existing management measures (within the Permit Conditions).
3. Create a new Mobile Fishing Permit Byelaw 2022 and make changes to the permit conditions (from a structure only perspective)
4. Create a new Mobile Fishing Permit Byelaw 2022 and make changes to the structure and to the management measures within the associated Permit Conditions.

All options are compared to Option 0, the preferred option is Option 4.

Option 0: (Do nothing (retain the Mobile Fishing Permit Byelaw – introduced in 2014)

As highlighted on page 6 of this Impact Assessment, the Authority identified the need to improve the current Mobile Fishing Permit Byelaw. Therefore, the option of do nothing and retain the current Mobile Fishing Permit Byelaw (from 2014) was deemed not appropriate.

Option 1: (Revoke the Mobile Fishing Permit Byelaw (2014) and replace it with voluntary measures).

The Authority must manage mobile fishing activity and has already introduced legislation, rather than developing voluntary measures. Although revocation of the current Mobile Fishing Permit Byelaw is appropriate, replacing it with voluntary measures, rather than the Byelaw, is not a credible option. The scale of illegal fishing activity over time, including illegal activity within MPAs, demonstrates the requirement to have a legal framework to continue with formal management measures (the permit conditions). Voluntary measures are not an effective deterrent for those undertaking illegal fishing activity. D&S IFCA publishes investigation tables on its website demonstrating the numbers of investigations undertaken that are associated with mobile fishing activity.

Option 2: (Create a new Mobile Fishing Permit Byelaw 2022 and retain existing management measures (within the Permit Conditions)).

This option would have been to develop the Byelaw and, when implemented, to continue with the same management measures that are set out in the current permit conditions.

The Covid 19 Pandemic impacted the Authority's byelaw related work and necessitated the need to try and be as time efficient as possible to complete the process of replacing the current Mobile Fishing Permit Byelaw, introducing the Byelaw, and reviewing current management measures (permit conditions) with a view to potentially introducing amended management measures (permit conditions) under either of the byelaws.

Dismissing Option 2 was an attempt to use time as effectively as possible. There was a need to develop the Byelaw, conduct formal advertising of the Byelaw, and subject the Byelaw to quality assurance. The Authority recognised a need to use this time to also consult on potential changes to the separate permit conditions. Consulting on potential changes to the permit conditions would provide the Authority with the option of introducing changes under the current Mobile Fishing Permit Byelaw or the Byelaw, if implemented. The B&PSC recognised that the styling and structure of the Byelaw would result in a need to adapt the permit conditions, in terms of their presentation, to harmonise with the Byelaw even if there were no material changes to the management measures in the permit conditions.

Consulting on changes to management measures (permit conditions) is an independent process and separate to the process of creating the Byelaw; however, it still takes time and involves similar communication initiatives and decision making of the B&PSC. Undertaking both elements of the process at the same time is more time efficient and therefore Option 2 was not appropriate.

Option 3: (Create a new Mobile Fishing Permit Byelaw 2022 and make changes to the permit conditions (from a structure only perspective))

This option was based upon creating the Byelaw and recognising that the accompanying permit conditions would have a fresh look. It was anticipated that the Byelaw would include amended interpretations, and the use of capitalised bold italic font to highlight interpretations and their use in paragraphs within the Byelaw. The same approach of using capitalised bold italic font to highlight interpretations and the use of these words in paragraphs in the permit conditions was expected. This was a credible option, but similar to Option 2, would have been a missed opportunity in terms of developing, consulting on, and considering management measures that could apply in the permit conditions.

The Authority would have been able to re-issue permit conditions, that although re-styled would not have had any material changes to the existing management measures. During the time taken to develop the Byelaw, the Authority had identified changes to management measures (within the permit conditions) that were also required. It was therefore more cost and time efficient to

consider making of a new Byelaw and making amendments to the permit conditions at the same time.

Undertaking both elements of the process at the same time is more time efficient and therefore Option 3 was not appropriate.

Option 4: (Create a new Mobile Fishing Permit Byelaw 2022 and make changes to the structure and to the management measures within the associated Permit Conditions).

Option 4 was selected and was the basis for the formal consultation process. Although completely separate from the permit conditions, the Byelaw is the legal framework that underpins the issue of the permit conditions. The Byelaw also includes management measures relating to sand eel trawling. The Byelaw needed to be subjected to formal consultation and the Authority followed the required process set out in Defra's Guidance to IFCA's on Making Byelaws. The formal consultation demonstrated the content of the Byelaw and enabled stakeholders to provide their views on it, including the management measures set out regarding the activity of sand eel trawling. There were no objections to the Byelaw.

Policy objective.

The Authority must not only review all its inherited byelaws (legacy measures), but it must also review newer byelaws it has introduced as an IFCA. The current Mobile Fishing Permit Byelaw has enabled the Authority to meet its policy objectives and the principles that have been developed for the management of fishing activity.

The existing permit conditions have been amended on several occasions via the Review of the Permit Condition Process set out within the current Mobile Fishing Permit Byelaw which has saved time and money compared to revocation and re-making of the current Mobile Fishing Permit Byelaw. Due to the types of changes required, it is now appropriate to remake the current Mobile Fishing Permit Byelaw.

The policy objectives used for the development of the current Mobile Fishing Permit Byelaw were also applicable to the development of the Byelaw. These objectives include, but are not limited to:

- To continue with a flexible management approach incorporating conditions of use based on the provisions as set out within Sections 155, 156 and 158 of MaCAA.
- To continue with an inclusive type of management that enables stakeholders to engage with the Authority regarding the management measures and potential changes to them.
- To be able to adapt to change in a timely way.
- To be equipped to recognise and react to changing circumstances or evidence as documented in environmental assessments and the advice received from Natural England relating to such assessments.

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

Monetised Costs

The Byelaw sets out that "The Authority may charge an administration fee for a permit in accordance with the Act with any changes to administration fees subject to the review process in the Byelaw".

The exact cost of each permit is not stated as a figure in the Byelaw; however, it has been established that a fee can only be charged to offset administration costs incurred by the Authority. The Authority (Byelaw and Permitting Sub-Committee decision) have recommended an increase in fees from £20 in the current byelaw to £40 in the new byelaw for each permit that will be valid for a period of up to two years. Costs associated with the permit-based byelaw model include Officer time to cross check permit applications and the subsequent issuing of permits to successful applicants. Other administration costs include printing of the permit conditions and the associated Annexes (charts) in hard copy format. The Byelaw provides the flexibility for the Authority to vary the cost of a permit. Although the initial fee for a permit will be set at £40 (valid for two years), the Authority is able to review the fee charged for each permit during the lifetime of the Byelaw. The Byelaw includes a review process for both the permit conditions and the administration fees for a permit. In both cases, consultation is required. Any change in fees charged for a permit will only reflect increases in administration costs and this will be evidenced.

There were no objections to the Byelaw (including the rise in fees for a permit) during the formal consultation. It is therefore expected that those fishers who currently operate under a permit will continue to do so. At present there are 132² Mobile Fishing Permits which are valid for two years. This equates to total fees of £1320 per annum. The new cost of permit fees spread across all mobile fishing vessel owners (the permit holders) is therefore expected to be £2640 per annum, representing an increase, and therefore monetised cost of the byelaw, of £1320 per annum. The Byelaw prohibits fishers operating sand eel trawls on seagrass beds; however, because the activity is not thought to occur on seagrass beds, there is no associated cost to fishers. Therefore, the best estimate of this cost to industry is nil (a monetised cost of £0).

The Byelaw has a commencement date of 14 days after it is signed by the Secretary of State. During the 14-day period, new permits will be issued to those that already hold a permit. The new permits will run until the date of expiry on the permit that was in place immediately prior to the Byelaw coming into force. The £40 administration fee for a permit will only apply to new permit applications. Fishers who already hold a valid permit will not have to pay the £40 fee until their current permit expires.

This IA 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 that was sent to 1520 contacts. These forms of communications are low cost and form part of D&S IFCA's Communication Strategy.

This IA does not attempt to estimate any cost burden for the Authority or fishers associated with familiarisation of the Byelaw. It should be recognised that existing fishers within the District are familiar with the permit system that is used to manage mobile fishing activity and the changes to the management measures (the permit conditions) are communicated with fishers in a variety of ways including direct communication. There are no expected increases in compliance costs.

Non-Monetised Costs

The Byelaw does include a Schedule (2) that is relevant to trawling for sand eel and this is the only form of mobile fishing activity that is not managed via the two types of permit conditions (Category One Permit Conditions and Category Two Permit Conditions). The Authority is not aware of any significant numbers of fishers that conduct sand eel trawling, and the few new restrictions for sand eel trawling build on existing control measures. Both pre-consultation and formal consultation has not identified any objection to the new restrictions on sand eel trawling set out within the Byelaw. This fishing opportunity, without a permit, is limited to vessels that are below seven metres in overall length, as per the existing regulations as set in the current Mobile Fishing Permit Byelaw.

² D&S IFCA Annual Report 2022/2023 – Published March 2023

Schedule (2) lists conditions that are tailored to both commercial and recreational fishers. The conditions within Schedule (2) limit the activity, rather than prohibit the activity, and could be seen by fishers to be a non-monetised cost as fishing opportunity and the catch taken by recreational fishers is limited.

New conditions for recreational fishers include a catch limit of 15 kilogrammes of sand eel per calendar day and the catch must be intended for personal use. Other new restrictions for recreational fishers includes prohibitions on pair trawling, and the prohibition of mechanical assistance for hauling the trawl, coupled with a restriction relating to the storage of the catch.

Regarding tailored management for different fishing sectors (commercial and recreational fishers), the Authority has taken the view that the separation of different users (and appropriate restrictions for different groups) is not discriminatory; instead, it is a justified approach to secure the correct balance for different fishery users who have different needs. The Authority has taken the view that recreational catch restrictions are appropriate and are proportionate measures to apply.

New restrictions relevant to both commercial and recreational fishers conducting sand eel trawling, under the requirements set out within the Byelaw, include a prohibition on fishing after sunset and a prohibition on fishing on designated areas of seagrass. The size of trawl (cod end) will be 16 millimetres, so it does not conflict with other legislation³.

Monetised Benefits

The Byelaw introduces a revised review process for changes to the permit conditions which will potentially provide a monetised benefit to the Authority and by extension to the local authorities and Defra that contribute to the Authority's Revenue Budget. However, it is not possible to gauge whether any such changes will be required, or how often they might be required, or even the potential value of any such savings if they are. As such, we assume a worst-case scenario in that no changes to permit conditions will be required and that the value is not realised. Therefore, the best estimate for the value of this benefit is nil (£0).

There are times when changes to the permit conditions are required due to changes to national legislation. Byelaws (and the associated permit conditions) cannot be less restrictive than national legislation and therefore imposed changes to avoid an ultra vires scenario should not be hampered via a relatively long consultation process that in effect is a notification of change. The revised review process caters for this eventuality and will reduce costs, however, it is not possible to assess whether this scenario will occur, or to evaluate the potential value of any associated savings if it does occur. Therefore, we assume the benefit will not be realised, and that the best estimate of the value for this benefit is nil (£0).

Non-Monetised Benefits

Other non-monetised benefits for the Authority and stakeholders relate to the scope of the Byelaw and its expansion to enable additional management measures to be added within the permit conditions. The Authority has recognised its duties and objectives of Marine Policy⁴ with the inclusion of management (within the permit conditions) that extends to mariculture and heritage asset sites.

The Byelaw includes an exemptions clause that widens the scope for the issue of authorisations to include vessel maintenance at sea. Although it is not possible to accurately quantify the potential monetary benefits to vessel owners, masters and crew, the exemptions clause will produce a benefit. Fishers often have a legitimate need to conduct maintenance activity at sea including deploying the trawls or dredges to test hydraulics winches etc. The exemptions clause will enable the Authority to potentially issue authorisations (with conditions) for such maintenance

³ Regulation 2019/1241

⁴ South and South West Marine Plans

that otherwise would be a breach of the Byelaw or the permit conditions. 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 mobile fishing vessels to transit to areas outside the District to conduct essential maintenance work. The owners of fishing vessels will therefore potentially be able to save time conducting repairs and spend less money on fuel to reach areas beyond the District. There is no means to estimate the extent to which this benefit might be realised by affected fishers. Less travel to reach areas outside of the District, to undertake maintenance, also helps fishing vessels to reduce their carbon footprint. 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.

Impact on small and micro businesses.

Other than the increase in fees for a permit, the introduction of the Byelaw does not directly impact on small and micro businesses.

Wider impacts (consider the impacts of your proposals)

As per Section 58(1) of MaCAA, any authorisation or enforcement decision taken by D&S IFCA must be in accordance with the South and South West Marine Plans. By definition, as per Section 58(4) of MaCAA, 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 Byelaw will not have an adverse impact on the South Inshore Marine Plan or the South West Inshore Marine Plan and is in accordance with the objectives set out within those plans. Although they are not all key drivers for the development of the Byelaw, Marine Plan objectives are recognised either directly or indirectly. For example, spatial management of mobile fishing activity helps to reduce gear conflict to the benefit of aquaculture businesses and the development of this fishing sector.

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 2:

- To manage existing, and aid the provision of new, infrastructure supporting marine and terrestrial activity. Specifically - S-AQ-2.

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 8:

- To identify and conserve heritage assets that are significant to the historic environment of the south marine plan areas. The additional protection that the Mobile Fishing Permit Byelaw 2022, (Permit Conditions) provides to identified heritage asset sites clearly supports this objective.

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 Byelaw 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 Byelaw 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 Byelaw retains a legislative framework for the issue of two types of permits containing different management measures applicable to mobile fishing activity at sea and within estuaries. The effectiveness of the permit conditions can be monitored, and the Byelaw provides the flexibility for changes to the permit conditions. The associated permit conditions are subject to a review at least once every three years and can be amended via the review process set out within the Byelaw.

The Byelaw does include a Schedule (2) that is relevant to trawling for sand eel and this is the only form of mobile fishing activity that is not managed via the two types of permits. The Byelaw will be reviewed in August 2030; however, the Byelaw, and the management measures for sand eel trawling, can be reviewed at a shorter interval if required. Changes would require re-making of the Byelaw.

Public Sector Equality Duty – General Duty

The Authority recognises the general duty when exercising its functions. The Mobile Fishing Permit Byelaw 2022 does not conflict with the three main aims identified in the Equality Act 2010. The Mobile Fishing Permit Byelaw 2022 provides a legal framework for the issuing of permits to manage mobile fishing activity within its District. The Mobile Fishing Permit Byelaw 2022 and the associated permit conditions does not discriminate against, or victimise any individuals or groups of people on the grounds of protected characteristics including, but not limited to, age, disability, race, religion, and sexual orientation.

Environmental Principles Policy Statement

The Mobile Fishing Permit Byelaw 2022 provides a legal framework for the issuing of permits that manage mobile fishing activity within the District. The associated permit conditions support protection of the environment by managing access to mobile fishing vessels, including prohibiting specified mobile fishing activity within Marine Protected Areas. The review process for changes to the associated permit conditions, provides flexibility in management that can recognise changing situations, including emerging environmental concerns related to the potential impacts of mobile fishing activity. Potential changes to permit conditions, rather than re-making a byelaw, are timelier and more cost effective. In summary the Mobile Fishing Permit Byelaw 2022 supports, and does not compromise, the five principles of the policy statement.