

Title: North Western Inshore Fisheries and Conservation Authority Byelaw 2 Lead department or agency: NWIFCA Other departments or agencies: MMO, Natural England	Impact Assessment (IA)
	IA No:
	Date: 01/01/2010
	Stage: Development/Options
	Source of intervention: Domestic
	Type of measure: Primary legislation
Contact for enquiries:	

Summary: Intervention and Options

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

There are different vessel length restrictions in the NWSFC and Cumbria SFC parts of the NWIFCA District. A new IFCA byelaw is required to harmonise these regulations. Vessel size relates to the engine power and fishing effort of a vessel and therefore its environmental impact. IFCA duties to promote sustainable use of the sea, manage marine protected areas (MPA) including European Marine Sites (EMS) and promote the objectives of Marine Conservation Zones (MCZ) require the size of vessels which fish in the District to be regulated.

What are the policy objectives and the intended effects?

1. To establish a single vessel length byelaw throughout the NWIFCA District.
2. To slightly strengthen the restrictions in a way which is acceptable to the fishing industry and improves the environmental and fisheries protection within the District
3. To establish a consistent NWIFCA regulation which can be applied to Habitats regulations Assessments for fishing activities in EMS.

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

1. No restriction ie no byelaw
2. 15m throughout the District
3. 10m throughout the District
4. (Preferred Option) Various other combinations of limits on the 3 and 6 mile limit

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 03/2016

What is the basis for this review? Duty to review. **If applicable, set sunset clause date:** 08/2025

Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	Yes
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SELECT SIGNATORY Sign-off For consultation stage Impact Assessments:

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 Minister: _____ Date: _____

Summary: Analysis and Evidence

Policy Option 1

Description:

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low	Optional		Optional	Optional	
High	Optional		Optional	Optional	
Best Estimate					
Description and scale of key monetised costs by ‘main affected groups’ There are no monetised costs to the fishing industry.					
Other key non-monetised costs by ‘main affected groups’ There are no short term costs to the Industry as the byelaw contains a comprehensive sunset clause. In the future there will be areas of the district in which only boats of a slightly smaller size than presently permitted will be allowed to fish.					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	Optional		Optional	Optional	
High	Optional		Optional	Optional	
Best Estimate					
Description and scale of key monetised benefits by ‘main affected groups’ There are no monetised benefits to the fishing industry or the NWIFCA.					
Other key non-monetised benefits by ‘main affected groups’ This byelaw will significantly simplify the current legislative regime. It is also expected that it will contribute to some extent to better management of local fish stocks.					
Key assumptions/sensitivities/risks				Discount rate (%)	
It is assumed that there continues to be a significant sea fish fisherie in the district and that byelaws continue to be enforced.					
Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as	
Costs:	Benefits:	Net:	Yes/No	IN/OUT	

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			Other		
From what date will the policy be implemented?					
Which organisation(s) will enforce the policy?			NWIFCA and many other bodies		
What is the annual change in enforcement cost (£m)?			£0m		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			Yes		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: 0		Non-traded: 0
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs: n/a		Benefits: n/a
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro 5	< 20	Small	Medium	Large
Are any of these organisations exempt?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

Specific Impact Tests: Checklist

Set out in the table below where information on any SITs undertaken as part of the analysis of the policy options can be found in the evidence base. For guidance on how to complete each test, double-click on the link for the guidance provided by the relevant department.

Please note this checklist is not intended to list each and every statutory consideration that departments should take into account when deciding which policy option to follow. It is the responsibility of departments to make sure that their duties are complied with.

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties¹ Statutory Equality Duties Impact Test guidance	No	
Economic impacts		
Competition Competition Assessment Impact Test guidance	No	
Small firms Small Firms Impact Test guidance	No	
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	No	
Justice system Justice Impact Test guidance	No	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development Sustainable Development Impact Test guidance	No	

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Evidence Base (for summary sheets) – Notes

Use this space to set out the relevant references, evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Please fill in **References** section.

References

Include the links to relevant legislation and publications, such as public impact assessments of earlier stages (e.g. Consultation, Final, Enactment) and those of the matching IN or OUTs measures.

No.	Legislation or publication
1	
2	
3	
4	

+ Add another row

Evidence Base

Ensure that the information in this section provides clear evidence of the information provided in the summary pages of this form (recommended maximum of 30 pages). Complete the **Annual profile of monetised costs and benefits** (transition and recurring) below over the life of the preferred policy (use the spreadsheet attached if the period is longer than 10 years).

The spreadsheet also contains an emission changes table that you will need to fill in if your measure has an impact on greenhouse gas emissions.

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs										
Annual recurring cost										
Total annual costs										
Transition benefits										
Annual recurring benefits										
Total annual benefits										

* For non-monetised benefits please see summary pages and main evidence base section



Microsoft Office
Excel Worksheet

Evidence Base (for summary sheets)

There is discretion for departments and regulators as to how to set out the evidence base. However, it is desirable that the following points are covered:

Problem under consideration;

At present the NWIFCA byelaws relating to the maximum size of mechanically propelled vessels permitted to fish in the Authority's district are legacy legislation inherited from the Cumbria Sea Fisheries Committee and the North Western Sea Fisheries Committee. This means that the current regime is complicated and prescribes a number of different maximum boat lengths for different sections of the district. In addition the Cumbrian byelaw is based on the 3-mile and 6-mile limit lines while the North Western byelaw uses a coordinating line originating in Wales, which adds to the complication.

Officers consider that in some parts of the district some of the permitted vessel sizes are still too large given advances in modern vessel engine power leading to more powerful smaller vessels. NWIFCA considers that it is prudent to put in place restrictions which provide for future developments.

NWIFCA has a duty to manage MPA within its District and increase sustainable use. A single byelaw controlling vessel size is an important means of delivering this duty and provides a basis for impact assessments of fishing activities on EMS and MCZ.

Rationale for intervention;

It is necessary to simplify and consolidate the legislative regime in the NWIFCA district in relation to the maximum vessel length permitted to fish in the district, in line with the DEFRA high level objectives set for IFCA in 2011.

The byelaw is necessary to protect the sensitive inshore marine environment from the potentially harmful effects of vessels which are unsuitably large and powerful for inshore fishing.

Vessel length restriction is essential to deliver sustainable use of the sea and support the objectives of MPA. This byelaw will limit fishing effort and therefore the impact which vessels can have on features of MPA. It will simplify and streamline the assessment of fishing impacts on MPA and make an important contribution to the Defra high priority EMS project to assess such impacts.

This byelaw could have wide reaching, expensive and retroactive implications for fishermen currently operating in the district. This will be avoided by means of a comprehensive sunset clause in the byelaw to ensure that no fishing vessels currently in use lose any fishing grounds which they are able to exploit at present.

Policy objective;

The object of this policy is to consolidate and simplify existing byelaws on vessel length. In the process the byelaw will introduce minor reductions in the maximum size of fishing vessels in the district in the long term to improve sustainable management of local fisheries and assist NWIFCA in delivering a number of other success criteria.

Description and Cost/Benefit of options considered (including do nothing);

Option 1 - Do nothing: This option is not hugely different in practice but is not consistent with the DEFRA high level objective for IFCA of updating byelaws and is not efficient in terms of regulation.

Option 2 - Introduce a maximum size across the whole district of 10m. This would be a substantially more restrictive approach than that currently adopted under legacy byelaws. The present regime works reasonably well and this far more restrictive approach is not supported by scientific evidence or the experience of NWIFCA officers. It would also impose significantly increased cost in the future on the local fishing industry and so would not be justified.

Option 3 - Introduce a maximum size across the whole district of 15m. This would represent a significantly less restrictive approach to the area within the 3 mile limit throughout the district. Larger boats would be permitted to fish in shallower and more sensitive areas closer to the shore. The

experience of the officers of the NWIFCA and their knowledge of fishing vessels that there is a risk that the use of larger boats in the inshore areas, particularly newly built, more powerful fishing vessels could lead to over-fishing of these areas and damage to the marine environment. The only obvious benefit would be to large fishing vessel owners in the short term who would, for a brief period before potential damage occurred to the fisheries, be able to access areas to fish closer to the shore. In the absence of any evidence suggesting this approach would be a good idea and the present regime working well, such a dramatic change does not appear to be justified and would not be compliant with IFCA duties to promote sustainable use of the sea.

Option 4 (Preferred Option) - Introduce a 15m maximum length in the area between the 3-mile and the 6-mile limit and a 10m maximum length inside of the 3-mile limit throughout the district. This would slightly extend the current regime which operates in both the Cumbrian coastal area of the district and the North Western coastal area. In general, this option achieves all of the main policy objectives to simplify regulation, update and consolidate byelaws, and ensure the marine is protected from possible future damage by newer, more powerful boats. The main increased restrictions of this byelaw occur in the old Cumbrian SFC district where the size of vessels permitted within the 3-mile limit is reduced from 13.75m to 10m and from 21.34m to 15m within the 6-mile limit. There will be less change in the old NWSFC district where the 15m limit is reduced to 10m within 3 miles and the formal use of baseline limits is adopted. This is a development from the approximation line that was used in the legacy byelaw. There will be no cost of this increased restriction to the fishing industry as it currently stands in the district as the sunset clause in the byelaw will permit any boats operating in compliance with the legacy byelaws to continue to do so. It will even allow for any boats currently being built or on order to fish in accordance with the old regime. The only effect will be on new build vessels in the future. It is felt that this increase in restriction is justified by the greater simplicity created by the new regime. NWIFCA officers expect that the next generation of boats will be powerful enough to fully justify the greater restrictions to safeguard the sustainability of the fisheries in the district. The sunset clause ensures that effects of the byelaw will not be felt for a number of years and any adverse impacts can be assessed when the byelaw is reviewed in the future. There are exceptions for specific types of vessel which are used in shellfish fisheries and transport roles. This allows activities to continue in which the vessel's size is irrelevant to the intensity with which it conducts fishing activities and/or the impact this fishing will have. An intangible and incalculable cost exists in that vessels not currently operating in the area affected by the size change will not be able to begin fishing in the district while the byelaw is in force. This is not believed to be an issue as the fisheries in the district at present are not of a level which is likely to attract vessels from further afield who have not fished in the area in the past. Nor has this been an issue with historical byelaw introductions of this type.

Risks and assumptions;

There are no significant risks and assumptions other than the fisheries in the district will continue and that the byelaws will continue to be enforced. It is assumed that the fisheries within the district will remain at roughly the current level and will not become a major attraction to outside vessels who have not historically operated in the area.

Wider impacts;

As there is little direct impact of the measure at present other than an improvement in regulatory efficiency and consolidation there are not expected to be any wider impacts. Any wider impacts created in the future when the next generation of vessels are built will have to be reviewed at that stage. There will be an impact on future vessel orders in that they may be of a reduced size and so a slightly reduced value and construction cost but that is not expected to have a significant impact on the industry.

Summary and preferred option with description of implementation plan.

The NWIFCA will introduce a byelaw specifying a maximum vessel size of 10m within the 3 mile limit and 15m within the 6 mile limit throughout its district. There will be a sunset clause protecting the operations of existing vessels, those in construction or on order. Exceptions are made for vessels involved in fisheries where the vessel size is not relevant. The byelaw will be enforced from the date it is implemented but will not require any change in approach from the current regime. The vessels affected

operating in the district at present will be permitted to continue to fish on application. It will be reviewed later for any potential adverse impacts.

Annexes

Annex 1 should be used to set out the Post Implementation Review Plan as detailed below. Further annexes may be added where the Specific Impact Tests yield information relevant to an overall understanding of policy options.

Annex 1: Post Implementation Review (PIR) Plan

A PIR should be undertaken, usually three to five years after implementation of the policy, but exceptionally a longer period may be more appropriate. If the policy is subject to a sunset clause, the review should be carried out sufficiently early that any renewal or amendment to legislation can be enacted before the expiry date. A PIR should examine the extent to which the implemented regulations have achieved their objectives, assess their costs and benefits and identify whether they are having any unintended consequences. Please set out the PIR Plan as detailed below. If there is no plan to do a PIR please provide reasons below.

<p>Basis of the review: [The basis of the review could be statutory (forming part of the legislation), i.e. a sunset clause or a duty to review, or there could be a political commitment to review (PIR)];</p> <p>The Byelaw will be reviewed by the NWIFCA after 3 years or sooner as and when the need arises from changing fishing practices or other pressures</p>
<p>Review objective: [Is it intended as a proportionate check that regulation is operating as expected to tackle the problem of concern?; or as a wider exploration of the policy approach taken?; or as a link from policy objective to outcome?]</p> <p>To ensure fishing vessels operating within the NWIFCA District are appropriate to the area and promote sustainable use of the marine environment.</p>
<p>Review approach and rationale: [e.g. describe here the review approach (in-depth evaluation, scope review of monitoring data, scan of stakeholder views, etc.) and the rationale that made choosing such an approach]</p> <p>Review would firstly seek views of members. This would be extended to stakeholders if considered this is needed.</p>
<p>Baseline: [The current (baseline) position against which the change introduced by the legislation can be measured]</p> <p>The baseline is the number of under vessels fishing in the NWSFC and CSFC District areas.</p>
<p>Success criteria: [Criteria showing achievement of the policy objectives as set out in the final impact assessment; criteria for modifying or replacing the policy if it does not achieve its objectives]</p> <p>Success criteria would include a reduction in the average size of vessel fishing in the District and an increase in the sustainability of fisheries in the District.</p>
<p>Monitoring information arrangements: [Provide further details of the planned/existing arrangements in place that will allow a systematic collection of monitoring information for future policy review]</p> <p>The number of licensed fishing vessels in UK waters including details of size, ownership and rights is maintained by MMO. This data will be used to review this byelaw.</p>
<p>Reasons for not planning a review: [If there is no plan to do a PIR please provide reasons here]</p>

Add annexes here.