Title: NWIFCA BYELAW 2 - NORTH WIRRAL FORESHORE BIVALVE MOLLUSCS
IA No:

RPC Reference No:

Lead department or agency: North Western Inshore Fisheries and Conservation Authority (NWIFCA)

Other departments or agencies: Marine Management Organisation (MMO), Natural England, Defra

Impact Assessment (IA)

Date: 17/11/20

Stage: Development/Options

Source of intervention: Domestic

Type of measure: Secondary legislation

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Summary: Intervention and Options

RPC Opinion: N/A

Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social Value	**Business Net Present Value**	**Net cost to business per year**	**Business Impact Target Status**
£m	£m	£m	Non qualifying provision

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

Unregulated hand-gathering of non cockle and mussel bivalves on the North Wirral Foreshore grew exponentially during 2020 necessitating the introduction of an Emergency Byelaw to prevent further risk to sustainability of targeted bivalves, biodiversity and protected features. A full byelaw is required to ensure no gap in regulation after expiry of the Emergency Byelaw (June 2021). Management intervention is required to conserve features and to ensure negative externalities are reduced or suitably mitigated. Implementing this byelaw will support future provision of public goods in the marine environment. NWIFCA has a duty under section 153(1) of the Marine and Coastal Access Act 2009 (MaCAA) to manage the exploitation of sea fisheries resources in the District. Section 153(2) of MaCAA sets out what steps an IFCA must take when carrying out its management duty.

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

1. Prevent gap in regulation post expiry of Emergency Byelaw.
2. Ensure sustainability of fishery stocks.
3. Remove risk to protected features.
4. Protect recovering fishery resources, measured through population and distribution surveys over 3 years.
5. Remove threat to permitted cockle fishery from unregulated gathering.
6. Review byelaw after 3 years.
7. Implement per person daily allowance subject to no. 4 being achieved and to provide data on which to base a sustainable level of gathering.

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

Option 0. Do nothing - Continue to enforce NWIFCA Byelaw 3 Cockle and Mussel Hand-gathering Byelaw for cockles and mussels, and allow unregulated gathering of other bivalve species on the expiration of the Emergency Byelaw;

Option 1. Implement a per person daily allowance for non-commercial gathering on the expiration of the Emergency Byelaw ensuring sustainability through set parameters;

Option 2. Implement a full byelaw prohibition on all non-permitted gathering of bivalves, with a 3 year review period, and to gather scientific data to inform future management.

Option 0 is discounted as effort level cannot be controlled and there is potential for removal of the majority of bivalves with subsequent risk to protected features.

Option 1 is discounted because there is currently such a paucity of stock no population data can be gathered to inform sustainability levels.

Option 2 is the preferred option as it would allow stock and biodiversity to recover, and the collation of scientific data to inform next steps.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** No later than June 2024				
Does implementation go beyond minimum EU requirements?		Yes		
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	**Micro**No	**Small** No	**Medium** No	**Large**No
What is the CO_2 equivalent change in greenhouse gas emissions? (Million tonnes CO_2 equivalent)		**Traded:** N/A	**Non-traded:** N/A	

I have read the 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 SELECT SIGNATORY: _____ Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2020	PV Base Year 2021	Time Period Years 10	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'

Only the NWIFCA is affected by monetary costs, which include science and research costs related to survey and analysis of stock recovery and setting sustainable parameters, and communication with affected stakeholder groups, with possible requirement for translation and interpretation services. These costs are estimated at £££

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

Loss of access to foraged sea fishery resources for gatherers for minimum period of 3 years. Loss of occasional and opportunistic storm 'washed-up' bivalves (razor clams, otter clams and sand gapers) for bait collectors for angling bait.

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'

Prevention of removal of cockles from permitted cockle fishery increasing stock available for permit holders.

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

Enhanced environmental protection and compliance with environmental legislation, enabling better protection of MPAs, and particularly protected bird features. Reputational benefit for NWIFCA in terms of improved sustainable management of intertidal fisheries.

Key assumptions/sensitivities/risks	Discount rate (%)
There is a risk that the targeted bivalve species' populations and distribution (excluding cockles and mussels) are an occasional event in this area, and that even though the area is closed to gathering their numbers do not recover for natural reasons. There is also a risk that the level of gathering in 2020 has left the populations so depleted that spawning and recruitment is not feasible in the next few years.	

BUSINESS ASSESSMENT (Option 1)

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

Evidence Base

Problem under consideration and rationale for intervention

Situation 2013 - 2020

1. NWIFCA has been monitoring activity levels of hand-gathering of unregulated bivalves on the North Wirral Foreshore since 2013. Significant numbers of gatherers had been observed by enforcement officers on the larger spring tides. There were fears that gathering could be commercial and might be causing problems to the sustainability of the stocks.

2. The situation was regularly reported to the Authority: increased effort in patrolling the area and recording sightings showed that the activity only occurred during the largest spring tides in the summer, and that it was being carried out by family groups gathering clams for personal consumption. This was corroborated through liaison with Environmental Health Officers and other enforcement agencies, through sharing of intelligence and joint-working, and no evidence was found to suggest the catch was being sold.

3. The North Wirral Foreshore is an interesting beach, possibly the most biodiverse in the NWIFCA District. A small number of artisanal fishers collect razor clams (*Ensis spp*) by hand along the extreme low water level, and also net by hand for flat fish in the shallows. Razor clams only appear to uncover on the largest spring tides, a fact supported by the 2020 research project on Liverpool Bay razor clam stocks carried out by NWIFCA and Liverpool University. They are therefore only available for gathering on a handful of tides each year.

4. IFCOs enforce minimum sizes for Ensis and fish caught, as regulated in NWSFC Byelaw 19. They also enforce cockle regulations under NWIFCA Byelaw 3: this area is not currently classed as a 'commercial area' under this byelaw and therefore when the cockle beds are not closed under seasonal closure or other managing byelaw it is legitimate for members of the public to remove up to 5kg of size cockle per person per day.

5. In 2014 NWIFCA scientists recorded gatherers removing large clams (either otter clams and / or sand gapers) and in 2015 enforcement officers were issued with identification guides for different clam species and their relevant minimum sizes. These have been enforced whenever possible. However otter clams (*Lutraria lutraria)* and sand gaper (*Mya arenaria)* do not have any size limit. They are quite similar in shape, size and colour to the untrained eye. In the last two years they appear to be situated quite high on the beach, and therefore accessible on most tides.

Situation 2020 following Coronavirus Lock Down

6. Throughout the coronavirus lock down, starting on 23rd March 2020, IFCOs maintained an enforcement presence on the North Wirral Foreshore. The Leasowe cockle fishery was still open up until the end of April and being prosecuted by low numbers of byelaw permit holders. During the height of lock-down there was no public gathering as people were not allowed to move around except for essential travel.

7. Once these strict lock-down measures were relaxed by government and people were allowed to fish recreationally again, there was an influx of large numbers of people gathering on this beach every day. NWIFCA Head of Enforcement reported to the Authority enforcement statistics on sightings and amounts of clams being removed from the beach and the risk this was causing. He also reported on the reputational risk to NWIFCA and the high number of contacts from concerned members of public, some of them reporting numbers on days when IFCOs were not patrolling.

8. NWIFCA took decisive action of introducing an Emergency Byelaw to prohibit any gathering of bivalves in June 2020, and increasing enforcement capacity. The Emergency Byelaw was implemented on 3rd June 2020.

Future Management

9. The Marine and Coastal Access Act 2009 (MACAA) gave IFCAs powers to implement emergency byelaws, which are signed off by the Secretary of State for a period of 12 months, with a provision for a 6 month extension in extenuating circumstances. NWIFCA considered all the options available and the issues associated with them:

   It is important to consider that it is possible that the increase in activity was driven by the coronavirus pandemic situation:

   - need for people to only socialise in outdoor spaces
   - inability for people to work and earn wages and so foraging for food more likely
   - more time on peoples' hands
   - extremely good weather

   and may not be repeated in future years. However, there is also a real risk that knowledge of clams in this area has now become more widespread and that it will continue to get targeted by large numbers and over most tides.

Threats to Biodiversity and Target Species from Unregulated Fishing Pressures

10. From observations while carrying out cockle stock surveys on this beach, it appears that this intertidal area is one of the most biodiverse in the District. Analysis of records in the National Biodiversity Network Atlas (NBN) database for Leasowe (5km radius from point on shoreline encompassing all of the shoreline from New Brighton to Hoylake) provides an illustration of how species rich the beach here is. Their records show reported finds of:

- 16 species of fish - including herring, cod, whiting, flounder, sole and plaice
- 32 species of marine worms - including blow lugs and black lug collected for angling bait
- 29 species of marine gastropod - including various sea slugs, sea snails, dog whelks and periwinkles
- 30 species of arthropods - including crabs, barnacles and various sand dwelling arthropods
- 6 species of cnidarian (anemones and jellyfish) - including beadlet anemone
- 5 species of echinoderm - including heart urchins (sea potato), and burying brittlestars
- 21 species of marine bivalves - including cockles, razor clams, otter clams but also many other smaller clams such as tellins, macoma, striped venus.

11. Many of the NBN records are historic and some of these species may no longer be present. However NWIFCA officers found thirteen invertebrate species during survey, an indication of the species richness.

12. The benefits of healthy biodiversity cannot necessarily be readily quantified in terms of the ecosystem services provided, particularly in relation to complex food webs and interactions between burying invertebrates and trophic levels. There is ample evidence of the importance of this beach, situated close to the heavily industrialised and modified water courses of the Mersey Estuary and City of Liverpool, and the role it plays in supporting a variety of birds and fish, whose position at higher trophic levels are key indicators of the health of the system, through its numerous nature conservation designations.

13. The beach at Leasowe is designated as a Special Area of Conservation (SAC) under EU legislation for its intertidal sediments. The whole of the North Wirral Foreshore is designated to protect wading birds and waterfowl, as a Special Protection Area (SPA) under European legislation, and a Site of Special Scientific Interest (SSSI) under UK legislation. The SPA protects nine internationally important species of bird including sanderling, oystercatcher, little gull, bar-tailed godwit, cormorant, grey plover, common tern, redshank and dunlin. The SSSI supports nationally important populations of knot, bar-tailed godwit and dunlin.

14. Cormorant and common tern are fish feeding birds, with their fish prey likely to utilise the intertidal sediment communities for feeding. The waders heavily utilise the beach for food resource and a further protected species, turnstone, also utilises the beach area for foraging.

15. Observations and enforcement patrols and sightings of unregulated gathering occurring in early summer showed that although cockles, otter clams and sand gapers were key target species for these gatherers, in true foraging fashion almost any clam and gastropod found will be taken. Gatherers have been recorded intensely searching the sea defence structures at the top of the beach for periwinkles and dog whelks. Surf clams and tellins have been observed in gatherers' buckets mixed in with the other catches.

16. This has serious implications for fisheries management. When one target species is identified, with a known amount of interest (number of gatherers / vessels / types of fishing gear etc) an assessment of stock status, investigation into its importance to protected features when situated within a protected area, assessment of the impact of fishing activity in terms of removal of that organism from the system and the fishing activity itself (on sediments, bird disturbance etc) can be made, and management parameters identified and set. NWIFCA is familiar with this through the Habitats Regulations Assessment (HRA) process for each of its cockle and mussel fisheries. It is comfortable with this approach and in setting limits such as Total Allowable Catches (TAC) on fisheries.

17. Decision making on how to sustainably manage such activities becomes extremely problematic when faced with:

- an unknown number of gatherers
- gatherers not identifiable through a permit scheme
- an unlimited number of target species
- no set methods of gathering
- no robust data on target species population dynamics and distribution
- majority of target species buried in sediment over a vast intertidal area.

18. It is clear that intertidal gathering cannot remain unregulated; the risks of damage shown by recent events are too great. There appear to be two options for NWIFCA to consider:

    i. to maintain a permanent closure on all intertidal gathering (except cockle gathering permitted under NWIFCA byelaw 3);

    ii. to regulate a sustainable fishery with set parameters.

    i. Maintain a permanent closure:

    NWIFCA is aware of and upholds the Public Right to Fish. To close this area totally to all but commercial gathering of cockles could be considered heavy-handed and over-zealous. There is also legitimate collection of bait worms. Some bait collectors will also take razor clams.

However, the on-going study into razor clam populations in the Liverpool Bay SPA (held up by coronavirus) indicates that razor clams found along the low tide level (only on large spring tides) form the edge of a larger sub-tidal population. Consequently there is little concern over the removal of razor clams which are only accessible on a few tides each year. Discussion with IFCOs confirm they do not consider this a significant issue to bait collectors.

ii. Regulate a sustainable fishery:

In order to regulate a fishery, a 'reasonable' level of fishing needs to be identified that would allow fishing to continue that is both sustainable for both the target species (plural), the ecosystem in which they are found and to which they contribute, and to be Habitats Regulations compliant. The first step to this is to ascertain population dynamics of species and stock levels.

Need for Data to Inform Management

19. NWIFCA science team worked stringently to provide evidence to the Authority to inform future management decisions. A methodology was developed and refined through an iterative process to provide a practical means of assessing population dynamics and distribution of the targeted large clams. A full survey report was produced and presented to the Authority's Technical Science and Byelaws Sub-committee in August 2020. The work must be considered in the context of it having been carried out following a period of intensive removal of clams by gathering over summer 2020.

Recommendations for Management

20. The surveys revealed that since the spring the population of large clams had reduced to almost zero with none detected on two targeted surveys. It can be assumed that some of the stock may have perished through natural causes as would be expected. It can also be assumed that the population was significantly reduced by the gathering that occurred.

21. The lack of stock results in an impossibility to regulate a sustainable fishery. There is no stock on which to gather data to assess sustainable levels of fishing. This option must now be ruled out until such time as populations return and can be quantified.

22. In accordance with EU environmental regulations a precautionary approach should be adopted when risk has been identified but cannot be quantified in order to ensure no risk to protected features.

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

23. Evidence used to justify the approach to introduce a full prohibitive byelaw includes IFCO monthly sightings data (2014 - 2020), scientific survey results, and intelligence gathered prior to and during the implementation of the Emergency Byelaw.

Description of options considered

24. As detailed above the range of options was examined by the Authority including the Do Nothing option.

Option 0. Do nothing - Continue to enforce NWIFCA Byelaw 3 Cockle and Mussel Hand-gathering Byelaw for cockles and mussels, and allow unregulated gathering of other bivalve species on the expiration of the Emergency Byelaw;

Option 1. Implement a per person daily allowance for non-commercial gathering on the expiration of the Emergency Byelaw ensuring sustainability through set parameters;

Option 2. Implement a full byelaw prohibition on all non-permitted gathering of bivalves, with a 3 year review period, and to gather scientific data to inform future management.

Option 0 is discounted as effort level cannot be controlled and there is potential for removal of the majority of bivalves with subsequent risk to protected features. This would revert back to the situation of May 2020 and does nothing to resolve the risk.

Option 1 is discounted because there is currently such a paucity of stock no population data can be gathered to inform sustainability levels. This is the long term aim of the proposed current management, should the stock recover from the over-exploitation that has occurred.

Option 2 is the preferred option as it would allow stock and biodiversity to recover, and the collation of scientific data to inform next steps. The aim is that a fully enforced prohibition of gathering will enable stocks to recover. Throughout the life of the byelaw NWIFCA scientific survey will be carried out to provide data on how the stock is behaving. If it recovers the data will be used to inform further decision on sustainable management and parameters will be set to enable re-opening of a fully regulated recreational fishery.

Policy objective

25. Seven clear policy objectives are set:

i. Prevent gap in regulation post expiry of Emergency Byelaw. Evidence from scientific survey shows there is no current option to permit regulated gathering due to lack of stock. To provide the conditions for the following policy objectives to be achieved there must be no gap in regulation.

ii. Ensure sustainability of fishery stocks. IFCO patrol sightings and actions together with intelligence provides evidence that without regulation risk to stocks being over-exploited in the future are real. By prohibiting gathering now stocks will have the chance of recovering to more sustainable levels.

iii. Remove risk to protected features. It cannot be quantified how much risk removal of large numbers of bivalves from the North Wirral Foreshore poses to the protected bird species, and whether or not constant digging in the sediment for deeply buried clams causes a longer term impact. By prohibiting gathering now the precautionary approach, backed up by a full complement of enforcement activity, can be implemented, ensuring legal responsibilities are upheld.

iv. Protect recovering fishery resources, measured through population and distribution surveys over 3 years. The byelaw has a built in review period of 3 years, during which time the recovery of the stocks will be measured through data collected by scientific survey, and reported to the Authority and so inform future management decisions.

v. Remove threat to permitted cockle fishery from unregulated gathering. Although already protected under regulations within the existing NWIFCA Byelaw 3, when up to 200+ people are gathering on the beach and when regulated and unregulated bivalves occur in the same areas, it is becomes logistically difficult to enforce a 5 kg allowance for cockles. NWIFCA Byelaw 3 permit holders are known to IFCOs and recognisable by sight. Having the prohibition in the proposed byelaw will make enforcement possible, and remove the threat of large numbers of unregulated gatherers removing unspecified volumes of cockles from the fishery.

vi. Review byelaw after 3 years. This provision is built into the byelaw and will be informed by scientific data together with IFCO sightings data.

vii. Implement per person daily allowance subject to iv. being achieved and to provide data on which to base a sustainable level of gathering. The overall aim of the actions being implemented, which may be possible to introduce at set levels following the review.

Summary and preferred option with description of implementation plan

26. Through secondary legislation the byelaw will come into force and the Emergency Byelaw will be revoked, ensuring seamless regulation. NWIFCA enforcement team will continue to ensure compliance following the NWIFCA Compliance and Enforcement Strategy, and working with partner agencies in law enforcement (police, local authority environmental health officers, Port Health Authority, Gangmasters and Labour Abuse Authority etc).

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

27. Monetised Costs and Benefits

The only monetary costs are to the NWIFCA; for administration of the byelaw itself, science and research costs related to survey and analysis of stock recovery and setting sustainable parameters, and communication with affected stakeholder groups, with possible requirement for translation and interpretation services. These costs are estimated at ~~£~~~~£~~~~£~~

Preventing the unregulated removal of cockles from the permitted cockle fishery will potentially increase stock, and thus profitability, available for permit holders.

28. Non-monetised Costs and Benefits

There will be a loss of access to foraged sea fishery resources for gatherers for a minimum period of 3 years. There will also be a loss of occasional and opportunistic storm 'washed-up' bivalves (razor clams, otter clams and sand gapers) for bait collectors for angling bait.

The byelaw will result in enhanced environmental protection and compliance with environmental legislation, enabling better protection of MPAs, and particularly protected bird features. There will be a reputational benefit for NWIFCA in terms of public perception of the improved sustainable management of intertidal fisheries (NB. this area is located adjacent to the promenade that runs along the foreshore. The North Wirral Foreshore is positioned close to the urban and highly populated areas of Merseyside and is a popular destination for locals and day-trippers alike. Activities on the beach are noticeably visible to members of the public, who take a great interest in their local beach).

- *Summarise the expected costs and benefits of the proposed approach.*
- *Give monetised values where possible.*
- *Summarise how values align with findings received from consultations.*
- *Use the EANDCB calculator to apply the correct BIT methodology.*
- *Include appropriate sensitivity analysis and/or other analytical approaches to risk and uncertainty.*

Direct costs and benefits to business calculations

- *In addition to providing the impacts and analysis in line with the BIT methodology, analysis should cover all other direct impacts (for example presenting estimated costs of enforcement activity even though this would only fall on non-compliant businesses and would not be included in the calculation of the EANDCB).*
- *For better regulation framework purposes, "business" is short for business and voluntary & community bodies (VCBs). Assessments of business impacts (e.g. for BIT and SaMBA purposes) will, therefore, need to take account of any impacts on VCBs."*

Risks and assumptions

30. There is a risk that the targeted bivalve species' populations and distribution (excluding cockles and mussels) are an occasional event in this area, and that even though the area is closed to gathering their numbers do not recover for natural reasons. There is also a risk

that the level of gathering in 2020 has left the populations so depleted that spawning and recruitment is not feasible in the next few years and stocks will take a long time to recover.

Impact on small and micro businesses

31. No businesses will be affected by this byelaw as it applies to recreational / non-permitted gathering only.

Wider impacts (consider the impacts of your proposals)

32. Impacts are fully explained in the IA above and no wider impacts are anticipated.

A summary of the potential trade implications of measure

33. No businesses will be affected by this byelaw as it applies to recreational / non-permitted gathering only.

Monitoring and Evaluation

34. IFCO patrols will continue and their daily sightings reports be collated and presented to Authority meetings. The Head of Enforcement will compile sanctions and prosecutions reports also presented to the Authority. NWIFCA scientific stock population and distribution surveys will be reported to the Authority through written reports, also publicly available on the NWIFCA website.

    This monitoring and reporting will enable to Authority to evaluate the effectiveness of the regulation and amend, adapt future management based on that evaluation.

Annex A: Policy and Planning

Which marine plan area is the MPA and management measure in?

The statutory consultation on the North West Marine Plan concluded on 20th April 2020. From the day the consultation began on 14th January all statutory bodies and developers must take it into account when considering any new developments, proposals and projects.

Have you assessed whether the decision on this byelaw is in accordance with the Marine Policy Statement and any relevant marine plan?

- Yes, see below

When assessing this byelaw due regard was given to the UK Marine Policy Statement and the draft North West Marine Plan.

This byelaw is in accordance with the Marine Policy Statement, in particular:

2.1.1 The UK vision for the marine environment is for 'clean, healthy, safe, productive and biologically diverse oceans and seas'.

2.5.4 The marine environment provides national economic and social benefits including for heritage assets, seascape and cultural services of coastal and marine activities, as well as directly contributing to the quality of life and well-being of coastal communities. Marine planning will also therefore make an important contribution towards ensuring vibrant and sustainable coastal communities - helping to build strong local economies - improving quality of life, access to, and enjoyment of, their marine areas.

2.5.8 The UK's marine environment is extremely rich and varied, supporting a wide range of species of national and international importance. It provides vital ecosystem goods and services including provision of food and regulation of the climate. A healthy marine ecosystem is fundamental to supporting sustainable development, thus ensuring wide social and economic benefits. There is a wide range of legislative provisions (and other biodiversity and ecologically relevant obligations) at the international and national level that Marine Plans need to take into account. These include the Marine Strategy Framework Directive (MSFD) (Directive 2008/56/EC), Water Framework Directive (WFD) (Directive 2000/60/EC), Habitats Directive and Wild Birds Directive.

2.5.9 The MSFD sets out the legislative framework for the achievement of good environmental status in our marine and coastal waters. The aim of the Directive is for Member States to put in place management measures designed to achieve good environmental status by 2020. Implementing the Directive will involve taking an ecosystem based approach to the management of human activities, ensuring that the collective pressure of those activities is kept within levels compatible with the achievement of good environmental status.

2.5.10 The Directive includes the following wide-ranging descriptors which Member States must use as the basis for their more detailed characterisation of good environmental status:

- Biological diversity is maintained;
- The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions:
- Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock;
- All elements of the marine food web, to the extent that they are known, occur at normal abundance and diversity levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.

2.6.1.1 Marine plan authorities should be mindful that, consistent with the high level marine objectives, the UK aims to ensure:

- A halting and, if possible, a reversal of biodiversity loss with species and habitats operating as a part of healthy, functioning ecosystems; and

• The general acceptance of biodiversity's essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and nongovernmental decisions and policies.

2.6.1.2 The MSFD also includes several key objectives in relation to marine ecology and biodiversity, which were referred to in Section 2.5. The Directive also requires the measures for achieving good environmental status to include spatial measures for biodiversity protection.

3.1 Marine Protected Areas

3.1.1 …the UK marine environment contains very rich and varied habitats which support a wide variety and abundance of living organisms. The UK Administrations recognise the economic, social and intrinsic value of a healthy marine environment and are committed to halting the loss of biodiversity and restoring it so far as is feasible – this means a no net loss to biodiversity. However, many habitats and species are subject to pressure from human activities. Some important habitats and species are declining and a number of commercial fish stocks are under pressure. The UK Administrations are committed to allowing damaged ecosystems to recover in order to realise the benefits from the marine environment. This will be achieved through integrating conservation objectives into marine planning and decision making and incorporating the requirements for specific designated conservation areas.

3.1.8 Marine plan authorities and decision-makers should take account of the regime for MPAs and comply with obligations imposed in respect of them. This includes the obligation to ensure that the exercise of certain functions contribute to, or at least do not hinder, the achievement of the objectives of a MCZ or MPA (in Scotland). This would also include the obligations in relevant legislation relating to SSSIs and sites designated under the Wild Birds and Habitats Directives.

3.8 Fisheries

3.8.1 Fish is an important source of protein, can be part of a healthy diet and has a role in achieving food security, which is an objective of the UK Administrations. The marine fisheries sector comprises all socio-economic activities related to the capture of wild marine organisms (fish and shellfish), and the subsequent handling and processing of catches. Shellfish and demersal fish species currently contribute around 40% each to the total catch value, with the remaining 20% comprising pelagic species such as mackerel and herring. The UK has a long history of fishing both inshore and offshore waters, which the UK Administrations wish to see continue.

3.8.2 The Common Fisheries Policy (CFP) provides the main framework for decisions concerning the management of fisheries in EU waters although a Member State may take non-discriminatory measures that are more restrictive than the CFP measures to those fisheries operating within their 0-12 nautical mile zones in respect of national fleets and, with the approval of the Commission and affected Member States, to other EU vessels subject to where historic fisheries rights exist in the 6-12 nautical mile zone.

3.8.3 Decision makers must therefore have regard to the provisions of the CFP in developing any plans or proposals affecting fisheries. The view of the UK Administrations is that the overall aim of the reformed CFP should be to attain ecological sustainability whilst optimising the wealth generation of marine fish resources and their long term prospects.

3.8.4 In the medium term, continuing our move towards more sustainable fisheries management that will improve the state of the stocks should provide more stability for industry, avoiding drastic cuts in quotas and providing for a more profitable industry as well as a healthier marine environment.

3.8.5 A reformed CFP should contribute to the delivery of the effective management of our seas and be integrated into wider marine policy including marine nature conservation. This will be key in delivering good environmental status under the MSFD. Good environmental status requires populations of all commercial fish and shellfish stocks to be exploited within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock. Achieving good environmental status will also involve better managing and mitigating the impact of fisheries on the wider marine environment, such as wider biodiversity impacts.

3.8.6 Sustainable fish stocks have the potential to maintain a prosperous and efficient fishing industry and provide social, cultural and economic benefits to often fragile coastal communities. The dependence of jobs on fishing can be as high as 20% or more in some communities.

3.8.8 Fishing can have negative environmental impacts. As well as over-exploitation of commercial fish stocks, this can include threats to vulnerable or rare species, including by-catch, and can cause extensive damage or destruction to habitats and the historic environment. Such impacts can often be associated with particular gear types and the intensity of fishing activity. Interactions between fishing activity and marine developments and their consequent impacts on fish stocks and the environment are complex and need to be considered. It should also be recognised that many fishing activities are compatible with other sea users.

3.11.2 The sea can provide a variety of tourism and recreational opportunities. These will vary from area to area but will include pleasure boating, sailing, recreational diving (including diving on wrecks), sea angling, kayaking and surfing, as well as exploration of underwater and coastal heritage assets. The coast also provides inspiration for a range of artistic and cultural activities and food-based tourism. There is also growing interest in eco-tourism and wildlife experiences104. All these activities can generate a considerable amount of income for the economy and can be a mainstay for many coastal towns, supporting their quality of life, and providing health and well being benefits, with many local businesses relying on the marine environment for their livelihoods. These activities will be enhanced by a well-managed and healthy marine environment, attractive and well-maintained beaches, seashore and clean bathing water.

3.11.4 Tourism can provide environmental benefits through helping to enhance understanding and appreciation of the marine environment through activities such as eco-tourism and nature watching. Environmental effects/impacts may include the removal of marine fauna and flora, the physical or visual disturbance of wildlife, pollution from waste water and litter and pressures from increased visitor numbers in environmentally sensitive areas. Socio-economic benefits include positive economic benefits through increased visitor numbers and improved access. Outdoor recreation and enjoyment of the coast can also provide benefits to physical and mental well being.

In the north west inshore plan area the byelaw is in accordance with the following objectives and policies from the draft North West Marine Plan:

Objectives:

Objective 2: The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.

Objective 5: People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and can act responsibly.

Objective 11: Biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted.

Objective 12: Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.

Objective 13: Our oceans support viable populations of representative, rare, vulnerable, and valued species.

Policies:

NW-FISH-2: Proposals that enhance access for fishing activities should be supported.

NW-FISH-3: Proposals enhancing essential fish habitat, including spawning, nursery and feeding

grounds, and migratory routes should be supported.

NW-ACC-1: Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, and also demonstrate the future provision of services for tourism and recreation activities, will be supported.

NW-MPA-1: Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.

NW-MPA-3: Where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.

NW-BIO-1: Proposals that enhance the distribution of priority habitats and priority species will be supported.

NW-BIO-2: Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported.