

Title: Marine Protected Areas 2016 Byelaw IA No: EIFCA003 Lead department or agency: Eastern Inshore Fisheries and Conservation Authority Other departments or agencies:	Impact Assessment (IA)		
	Date: 02/02/2016		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Secondary Legislation		
Contact for enquiries: Julian Gregory – Acting CEO (01553 775321)			
Summary: Intervention and Options			RPC Opinion: N/A

Cost of Preferred (or more likely) Option

Total Present Value	Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as In, Two-Out?
£m	£	£	NA	No	NA

What is the problem under consideration?

Marine Protected Areas (MPAs) require management measures for the protection of certain features and habitats from fishing activity. The Protected Areas Byelaw enabled Eastern IFCA to issue Regulatory Notices which contained management measures within MPAs listed in Schedule One of the Byelaw. Since its implementation, additional MPAs have come into Eastern IFCA's remit (The Inner Dowsing, Race Bank and North Ridge SAC and the Haisborough Hammond and Winterton SAC) and a new MPA has been designated, the Cromer Shoals Chalk Bed Marine Conservation Zone. In order to implement a Regulatory Notice in these areas as may be required, the Protected Areas Byelaw needs to reflect these new areas. It is also the case that additional new MPAs may be designated at some point in the future; the byelaw also needs to be capable of applying to any additional MPAs so designated.

Why is government intervention necessary?

Management of 'red risk' fealties in European Marine Sites requires regulatory measures to manage fishing activity. The appropriateness of regulatory intervention for each MPA will be considered through the process set out in the Marine Protected Areas 2016 Byelaw.

What are the policy objectives and the intended effects? To revoke the Protected Areas Byelaw. To implement a similar byelaw with extended flexibility to account for any additional MPAs designated such that Eastern IFCA can more effectively manage fishing activity in MPAs within its district.

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

The preferred option is the implementation of a new byelaw which will revoke the Protected Areas Byelaw and effectively replace it with a new byelaw which will contain the provision that Regulatory Notices can be implemented in any MPA designated through legislation listed in the byelaw. This will future proof the byelaw against any new MPA designations and make for a simplified, clearer process for stakeholders to understand.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: n/a

Does implementation go beyond minimum EU requirements?	Yes				
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
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

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years	Net Benefit (Present Value (PV)) (£m)			
			Low: Unknown	High: Unknown	Best Estimate: Unknown	

COSTS (£m)	Total (Constant Price)	Transition Years	Average (excluding transition) (Constant Price)	Annual transition)	Total (Present Value)	Cost
Low	£0		£0		£0	
High	£0		£0		£0	
Best Estimate	£0		£0		£0	

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

The byelaw will not have any direct impacts or costs. A resultant Regulatory Notice may have such impacts or costs which will be detailed in the Impact Assessment which will be necessary as per the process set out in the byelaw.

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

None identified.

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

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

Monetised benefits cannot be estimated - A resultant Regulatory Notice may have such benefits which will be detailed in the Impact Assessment which will be necessary as per the process set out in the byelaw.

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

The effect of the new byelaw will be better clarity for fishers who already understand the process involved in implementing new Regulatory Notices through this mechanism. There is a lesser process burden on Eastern IFCA, and as such on the public purse, to implement Regulatory Notices in new MPAs. Management of MPAs will be more dynamic.

Key assumptions/sensitivities/risks

Discount rate (%)

n/a

Assumptions: none. Key risks: none identified

BUSINESS ASSESSMENT (Option 1)

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

Evidence base

1. Introduction

The Department for Food, Environment, and Rural Affairs (Defra) has introduced a revised approach to the management of fisheries in EMS. This has resulted in the need for Eastern IFCA to establish measures to protect the features of MPAs from fishing activities where necessary to ensure full compliance with Article 6 of the Habitats Directive and section 154 of the Marine and Coastal Access Act 2009.

2. Rationale for intervention

Without government intervention the level of biodiversity in the seas would be reduced due to the presence of public goods and externalities. As such the government intervenes in a number of ways and at a number of levels for example through the habitats directive. The habitats directives places a duty to protect European Marine Sites and the Marine and Coastal Access Act 2009 requires IFCAs to seek to ensure that the conservation objectives of any MCZ are furthered. Therefore this IA is considering measures to meet these duties and reduce the impacts of externalities and maintain/increase the level of public goods in the marine environment.

Eastern IFCA has an obligation to protect the following sites from fishing activities;

- a) a site of special scientific interest, within the meaning of Part 2 of the Wildlife and Countryside Act 1981 (c.69);
- b) a national nature reserve declared in accordance with section 35 of that Act;
- c) a Ramsar site, within the meaning of section 37A of that Act;
- d) a European marine site, within the meaning of paragraph 4 of regulation 8 of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490);
- e) A marine conservation zone designated under section 116 of the Marine and Coastal Access Act 2009 (c.23);]

The proposed byelaw does not actually implement any restrictive or prohibitive measures on fishing activity.

To issue, vary or revoke a regulatory notice, Eastern IFCA must carry out a consultation with potentially effected stakeholders and produce an IA of the associated impacts.

3. Policy objectives and intended effects

The intended objectives of the proposed byelaw are as follows:

1. To enable Eastern IFCA to issue (and subsequently vary or revoke), as necessary, management measures for the protection of protected habitats and features within Marine Protected Areas through Regulatory Notices;
2. To allow Eastern IFCA to manage fishing activities in MPAs in a consistent manner to the benefit of stakeholders;

The intended effects of the proposed byelaw which are in addition to those associated with the Protected Areas Byelaw are as follows –

1. Enable Eastern IFCA to implement Regulatory Notices in any MPA within its district;
2. Enable Eastern IFCA to restrict levels of fishing effort in fisheries within all fisheries.

4. The options

Option 0 – do nothing

This option would not involve introducing any permanent management measure. This option would mean that risks to the site from damaging activities would not be addressed and that obligations under Defra's revised approach, Article 6 (2) of the Habitats Directive and section 154 of the Marine and Coastal Access Act 2009 would not be met.

Option 1 – Marine Protected Areas 2016 Byelaw

This byelaw includes provision for Regulatory Notices issued through the process set out in the byelaw itself have effect in any MPA within Eastern IFCA's district. This has the effect of future proofing the byelaw against any newly designated MPAs which the IFCA has a duty to protect from potentially damaging fishing activities as necessary.

This option will provide clarity to stakeholders as it uses a mechanism which is already understood and established. It will also reduce the process burden on Eastern IFCA and as such, reduce the public cost of managing fishing activities in MPAs.

Option 2 – Amend Schedule One of the Protected Areas Byelaw

This option would allow for Eastern to manage the 'red risk' features of the Inner Dowsing, Race Bank and North Ridge SAC, the Haisborough Hammond and Winterton SAC and potentially the Cromer Sholas Chalk Beds MCA as required in the short term. Any future designations of MPA would however then require additional amendments of Schedule One.

5. Analysis of costs and benefits

Option 0 – Do nothing

No monetary costs are associated with this option however, failure to comply with the Habitats Directive in a timely manner can result in infraction and large fines on member states..

Option 1 – Marine Protected Areas 2016 Byelaw

No economic costs are associated with this option. There is likely to be a monetised benefit in introducing the provision to issue Regulatory Notices in any MPA rather than amending Schedule One as less process is required. This option will also provide clarity to stakeholders as it uses a mechanism which is already understood and established.

Option 2 – Amendment of Schedule One of the Protected Areas Byelaw

No economic costs or benefits are associated with this option.

One In Two Out (OITO)

OITO is not applicable for byelaws as they are local government byelaws introducing local regulation and therefore not subject to central government processes.

Small firms impact test and competition assessment

No firms are exempt from this byelaw as it applies to all firms who use the area, it does not have a disproportionate impact on small firms. It also has no impact on competition as it applies equally to all businesses that utilise the area.

Conclusion

Recommended option: Option 1 – Marine Protected Areas 2016 Byelaw

This option provides a balance of flexibility and due process. The Marine protected Areas 2016 byelaw will have no direct impacts on fishing activities. The potential Regulatory Notices which may be issued as a result may have impacts associated with them. The proposed byelaw includes provisions that the issuing, varying or revocation of any Regulatory Notice will require consultation with potentially effected stakeholders and an Impact Assessment.