

Title: Wash Restricted Area Byelaw 2019 IA No: EIFCA008 Lead department or agency: Eastern Inshore Fisheries and Conservation Authority Other departments or agencies:	Impact Assessment (IA)			
	Date: 30/04/2019			
	Stage: Draft version 1			
	Source of intervention: Domestic			
	Type of measure: Other			
Contact for enquiries: Julian Gregory (CEO) Eastern IFCA, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG; tel:01553 775321, email: mail@eastern-ifca.gov.uk				
Summary: Intervention and Options			RPC Opinion: Not Applicable	

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2018)	One-In, Three-Out	Business Impact Target Status
£2,025,712	£2,127,338	£-221,559	Not applicable	n/a

What is the problem under consideration?
 Eastern IFCA manages certain shellfish fisheries within The Wash through the Wash Fishery Order (WFO) 1992. The intended spatial boundary of the WFO was to include the entire Wash embayment excluding that part which was the 'le Strange Estate'. A judgement was handed down by the High Court on the 27th July 2018 with the effect of changing the boundary of the le Strange Estate, creating a 'gap' between the eastern boundary of the WFO and the western boundary of the le Strange Estate.

Why is government intervention necessary?
 The Wash is part of a heavily designated marine protected area (MPA) which holds several national and international designations. The area also represents potentially valuable bivalve mollusc fisheries. Shellfish populations are vulnerable to overfishing and require monitoring and management to ensure sustainable fishers and to ensure conservation objectives of the MPA are met.

What are the policy objectives and the intended effects?
 Objectives: To enable a sustainable fishery and prevent adverse effects on site integrity of the MPA or to shellfish stocks within the 'unmanaged area'.
 Intended effects: To prohibit fishing in the 'unmanaged' area without a permit. To enable fishing activity which is consistent with the objective above through implementing flexible management measures. To manage the area in a manner consistent with the management of the bivalve mollusc shellfish fisheries under the WFO.

What policy options have been considered, including any alternatives to regulation?
 Option 0. Do nothing.
 Option 1. Wash Restricted Area Byelaw 2019 (permit byelaw)
 Option 2. Closure of the area to fishing
 The preferred option is option 1 – The proposed byelaw will enable Eastern IFCA enable a long-term, sustainable fishery.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 04/2025					
Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope?		Micro 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 Chief Executive:

Date: xx/xx/xxxx

Summary: Analysis & Evidence Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year 2018	PV Base Year 2016	Time Period Years: 10	Net Benefit (Present Value (PV)) (£)		
			Low: £-125,108	High: £3,059,116	Best Estimate: £2,025,712

COSTS (£)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0.0	£11,806.4	£101,626.1
High	0.0	£14,534.4	£125,107.9
Best Estimate	0.0	£12,862.4	£110,715.9

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

The vast majority of the monetised impacts fall to Eastern IFCA in relation to shellfish stock surveys and compliance activity. Cost to Eastern IFCA for administering permits is mitigated by the permit fee. Monetised costs on fishers relate to the annual permit fee which is £44. This impact is considered very small in scale and negated by the fishing opportunity made available by the permit (noting that the area was not previously part of the public fishery).

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

Management of the fishery will also require Eastern IFCA to undertake Habitat Regulations Assessments. The Byelaw also enables Eastern IFCA to dynamically manage the fishery, doing so will incur costs relating to development of measures (including consultation with permit holders).

BENEFITS (£)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Unknown	£0	£0
High	Unknown	£367,200	£3,160,743
Best Estimate	n/a	£248,200	£2,136,428

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

Provides fishing opportunity in an area which was not previously part of the public fishery. The potential first sale value of the cockle fishery in the area is between £367,200 and £129,200 based on the stock assessment and estimated cockle prices. The actual worth of the fishery depends on the stocks available, market value and the level of fishing activity.

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

Protection of the habitats identified as being at risk from fishing activity will have a positive effect on the overall ecological functioning of the MPAs and potentially improve fishery productivity, including in relation to species other than those targeted by these fisheries.

Key assumptions/sensitivities/risks:

Discount rate

3.5%

Costs are primarily based on estimates which will likely vary depending on the circumstances. Compliance costs will vary in accordance with risk. Benefits also relate to estimates which depend on several factors including stock size, market demand and levels of fishing activity.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual)	Score for Business Impact Target (qualifying provisions only) £m: n/a
Costs: £946.7 Benefits: £222,506 Net: £221,559	

Evidence Base

Problem under consideration

Eastern IFCA manages certain shellfish fisheries within The Wash (Norfolk & Lincolnshire) through the Wash Fishery Order (WFO) 1992. The intended spatial boundary of the WFO was to include the entire Wash embayment excluding that part which was the 'le Strange Estate'. The High Court handed down a judgement on the 27th July 2018 with the effect that the boundary of the le Strange Estate has changed, creating a 'gap' between the eastern boundary of the WFO and the western boundary of the le Strange Estate.

Within this area, Eastern IFCA byelaws apply and which would prevent the use of towed demersal gear to fish for molluscan shellfish (e.g. cockle suction dredging) but which would not prevent fishing by hand or hand rake.

The Wash is part of a heavily designated marine protected area (MPA) and holds the following designations: Special Area of Conservation (SAC) Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), RAMSAR site and National Nature reserves (NNR's). It also hosts important shellfish stocks. The area under consideration is likely to be targeted by fishers.

To ensure that neither the environment or the stocks are damaged by fishing activity, Eastern IFCA implemented an emergency byelaw on the 27th July 2018 which prohibited fishing for oysters, mussels, cockles, clams, scallops and queens without a permit. The byelaw reflected the management in place under the WFO which has proven to be a successful model for managing these shellfish fisheries. Managing the area in a manner consistent with the WFO also provides clarity to fishers.

As a result of surveys undertaken in 2018, which led to the opening of a fishery, there are known to be cockle beds within the 'unmanaged area'. This area exists within the Wash and North Norfolk Coast Special Area of Conservation and Special Protection Area (the MPA).

Cockle fisheries are valuable; the fishable stock (i.e. one third of the total adult stock) identified within the unmanaged area has a first sale value of between circa £367,200 based on estimates of 2018 cockle prices. As such the area is likely to be fished. Whilst fishing with dredges would be prohibited under Byelaw 3: Molluscan Methods of fishing, hand-work activity would not be managed in any way, potentially leading to the area being over-fished or fished in a manner not consistent with the protection of the MPA.

As such, the risk to the fishery and the MPA is considered sufficient to require management of the site. This is further evidenced by the Habitat Regulations Assessment which was undertaken in relation to the fishery opened in 2018 which concluded that fishing activity would have an adverse effect on the MPA without the application of mitigating in the form of management measures.

Rationale for intervention

IFCAs have a duty to ensure that fish stocks are exploited in a sustainable manner, and that any impacts from that exploitation on designated features in the marine environment are reduced or suitably mitigated, by implementing appropriate management measures. Implementing this byelaw will enable Eastern IFCA to ensure that fishing activities are conducted in a sustainable manner and that the marine environment is suitably protected.

Fishing activities can potentially cause negative outcomes as a result of 'market failures'. These failures can be described as:

1. Public goods and services – a number of goods and services provided by the marine environment such as biological diversity are 'public goods' (no-one can be excluded from benefiting from them, but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, mean

that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision.

2. Negative externalities – negative externalities occur when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment and this can lead to more damage occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.
3. Common goods - a number of goods and services provided by the marine environment such as populations of wild fish are 'common goods' (no-one can be excluded from benefiting from those goods however consumption of the goods does diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long-term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation.

IFCA byelaws aim to redress these sources of market failure in the marine environment through the following ways:

- Management measures to conserve designated features of MPAs will ensure negative externalities are reduced or suitably mitigated.
- Management measures will support continued existence of public goods in the marine environment by conserving the range of biodiversity in the sea of the Eastern IFC District.
- Management measures will also support continued existence of common goods in the marine environment by ensuring the long-term sustainability of shrimp stocks in the Eastern IFC District.

Policy objective

The overriding policy objectives of this Byelaw are:

- To prevent a significant effect on site integrity of the Wash and North Norfolk Coast SAC (and other designations); and
- To prevent impacts on stock sustainability of molluscan shellfish within the 'unmanaged area' of the Wash as a result of fishing activity to enable a long-term, sustainable fishery.

The intended effects of the measures are as follows:

- To prohibit fishing for cockles, mussels, oysters, clams, scallops and queens without a permit.
- To ensure that fishing activity is consistent with any permit conditions and the restrictions set out schedule one of the byelaw. These include:
 - Fishing gear requirements for use of bottom towed gear;
 - Use of tenders;

- Sorting of catch;
- Daily catch restrictions for cockles and mussels;
- Seed movement;
- Weekly Catch returns;
- Transshipping of catch;
- Requirement to land catch;
- Dual fishing prohibitions;
- Use of standard bags; and
- Prop-washing.

These reflect measures which have been in place in relation to fishing under the Wash Fishery Order 1992.

To enable Eastern IFCA to do the following things:

- Restrict the number of permits issued;
- Suspend the issuing of permits;
- Open and close fisheries;
- Issue, vary or revoke flexible permit conditions;
- Issue, vary or revoke criteria on the eligibility of a person to a permit; and
- Issue, vary or revoke operating times of a fishery;
- Suspend permits in the event of non-compliance with the byelaw or in relation to obstruction or failure to comply with Inshore Fisheries and Conservation Officers.

Eastern IFCA will undertake actions in relation with the above in accordance with the process set out in Schedule Two of the byelaw and in accordance with the formal operating procedure agreed by the Authority.

Description of options considered (including status quo);

Option 0 (do nothing) – status quo

The 'do nothing' option would have the least economic impact on stakeholders however, is not considered to adequate to reduce the risk of impacts from bivalve mollusc fisheries within Wash and North Norfolk Coast SAC and is not in keeping with Defra's revised approach to fisheries management in MPA. In addition, given the value of the shellfish fisheries in The Wash, it is likely that market failures will lead to over-exploitation of the fisheries. It is therefore not considered a viable option.

Option 1 (preferred option) – Wash Restricted Area Byelaw 2019

Implementation of the Wash Restricted Area Byelaw 2019 will enable Eastern IFCA to manage bivalve mollusc fisheries within the area in a manner consistent with that in the rest of The Wash via the WFO. This will enable Eastern IFCA to manage a valuable fishery within a heavily designated MPA.

Option 2 – Closure of area to fishing

Closure of the area would meet the conservation objectives of the site but have disproportionate impacts on the industry. It also goes beyond the minimum requirement to achieve the conservation objectives of the associated MPA. Therefore, this option was not considered viable.

Closure of the area would significantly reduce costs to Eastern IFCA which include stock surveys and compliance costs.

Monetised and non-monetised costs and benefits

Option 0 – Do nothing option

There are no monetised costs associated with the 'do nothing' option.

The key non-monetised costs relate to the impacts on ecosystem functioning resultant of continued fishing activity in the areas proposed to be closed. Impacts on ecosystem function is likely to lead to impacts on the sustainability of the fishery and its productivity.

In addition, the 'do nothing' option is not in keeping with the requirements of the Habitats Directive or the Marine and Coastal Access Act 2009 and as such may lead to infraction proceedings being taken against the UK.

Option 1 – Wash Restricted Area Byelaw 2019

Costs to stakeholders

The costs to fishers are in the form of the annual permit fee of £44. The proposed byelaw includes eligibility criteria with the effect of restricting the issuing of permits to those holding a WFO Licence. During the period of the Emergency byelaw, 24 permits were obtained by eligible fishers. This is the basis for the 'best estimate' of £1056 per annum. Up to 62 fishers may be eligible for a permit and this is the basis of the 'high' estimate of £2,728 per annum. Alternatively, no fishers could obtain a permit for the area which reflects a 'low' estimate of zero.

Given that the area was not part of the public fishery prior to the handing down of the High Court judgement, there are no impacts identified as a result of restricting access to the fishery by the eligibility criteria.

Costs associate with the specified restrictions and permit conditions are also considered as zero. This reflects that they form part of the mitigation which enables a fishery within the area which is consistent with the conservation objectives of the site (i.e. no fishery could occur without the measures) and because they reflect restrictions that are in place within the WFO and as such, there will be additional burdens on fishers operating in the fishery.

Costs to Eastern IFCA

Additional compliance activities will be required in addition to education and engagement. The cost of these are estimated to be £7,176 based on six additional sea patrols and 4 additional shore patrols. This is likely to be an underestimate with regards to the initial implementation of the measures during which time the risk of non-compliance is higher. In addition, the number of patrols will increase if risk associated with the fishery increases as directed through the Tactical Coordinating Group. Costs are set out in table 1 (below).

Eastern IFCA will undertake stock surveys of the area in relation to cockle stocks. The survey methodology consists of 100 stations (Pers coms Senior Science Officer (Research), 2019). This represents circa 10% of the costs of the current cockle surveys which are described in Action Item 12¹ of the 35th Eastern IFCA meeting (30th Jan 2019). This is the basis for all estimates ('best', 'high' and 'low') of £4,630.7 per year to Eastern IFCA.

¹ <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/02/35th-EIFCA.pdf>

Table 1. showing the breakdown of costs associated with additional compliance needs resultant of introducing a new byelaw.

Costs associated with 1 sea patrol

	employment	cost	working days	cost per 7.4 hour day
Crew:-				
Skipper	1	33,760.00	225	150.04
Crew:-	3	29,410.00	227	388.68
Total cost				538.72
"on costs"				
Pension			21.50%	115.83
Employers NI		12,156.97	226	53.79
				708.34
	annual cost		days at sea	
<u>Operation cost of vessel</u>			70	
Maintenance/refit		15,000.00		214.29
Insurance		3,000.00		42.86
				257.14
Total operation cost per day/trip				965.48
6 additional sea patrols				5792.898

Costs associated with 1 shore patrol

	employment	cost	working days	cost per 7.4 hour day
Crew:-				
Skipper	0	33,760.00	0	0.00
Crew:-	2	29,410.00	227	259.12
Total cost				259.12
"on costs"				
Pension			21.50%	55.71
Employers NI		6,978.94	226	30.88
				345.71
Total operational cost of shore patrol				345.71
4 additional shore patrols				1382.839

total additional compliance costs 7175.74

There is also a cost associated with the administration of permits. This is set out in Table 2 (below). The cost to Eastern IFCA is mitigated by the permit fee (£44).

Table 2. Estimate costs associated with the administration of a Wash Restricted Area permit per permit issued per year.

Unit	Unit cost	Number of units	Total cost
Return book	£6.50	1	£6.50
pre-paid envelope	£0.60	14	£8.40
Admin Officer time (including on-costs)	£11.54	2.5	£28.85
		Total	£43.75

Non-monetised costs

Costs to fishers

No non-monetised costs are identified

Costs to Eastern IFCA

Management of the fishery will also require Habitat Regulations Assessments. The Byelaw also enables Eastern IFCA to dynamically manage the fishery which will incur costs relating to development of measures (including consultation with permit holders). Option 2 – Total closure of relevant MPA's to bottom towed gear

Benefits

The Wash Restricted Area is within a Marine Protected Area with numerous national and international designations. Without mitigation in place in the form of Eastern IFCA management measures no fishery could take place as it is deemed to be likely to have an adverse effect on site integrity.

The high estimate for benefit takes into account the Total Allowable Catch for the area in 2018 which was 612 tonnes (i.e. the fishable portion of the stock) and the estimated cockle prices for 2018 (circa £600 per tonne). This results in a 'high' estimate of £367,200 per year. In reality, the actual value could be much higher depending on available stocks and the market value of cockles.

The low estimate is £0 which reflects the potential for no fishery to be viable in certain years. This is expected to be very unlikely on the basis that Eastern IFCA management measures will result in a long-term, sustainable fishery. That said, the Wash Restricted Area fishery relates to only a single cockle bed – the wider WFO cockle fishery relates to a number of beds, some of which support fisheries on certain years but not others. Therefore, this is considered an appropriate low estimate.

The best estimate takes into account the potential first sale value from 2018 and a lesser estimate of value based on the 2019 stock surveys (with a total allowable catch of 323) and a lower price per kilo of cockles of £4 per kilo. The average between the two represents the 'best' estimate of benefit to business, which is £248,200.

The actual benefit to business will vary annually depending on the market value of cockles and total allowable catch. In addition, fishers may not actively fish the area in favour of other more productive bed despite there being a fishery available. It is known that the total allowable catch was not taken during the 2018 fishery for example.

Option 2 – Closure of the area to fishing for bivalve molluscs

The cost associated with this option relates to the loss of fishing opportunity with a potential first sale value of between £367,200 and £129,200 per year.

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

This assessment has used the following information:

- Eastern IFCA catch returns data and permit issuing data
- Anecdotal information provided by fishers (during informal engagement)

The analysis has considered the best available evidence to estimate monetised costs where the data will allow such. This has included extensive consultation with stakeholders who are likely to be impacted.

Risks and assumptions

Costs are primarily based on estimates which will likely vary depending on the circumstances. For example, compliance costs will vary in accordance with risk.

Benefits also relate to variable values which depend on several factors including stock size, market demand and levels of fishing activity.

Summary and preferred option with description of implementation plan

The preferred option is Option 1 – Wash Restricted Area Byelaw

This will enable Eastern IFCA to manage bivalve mollusc fisheries in the 'unmanaged area' in a manner consistent with the well-established approach under the WFO.

To implement these measures, fishers will be made aware of the additional closures through updates to the Eastern IFCA website and targeted dialogue fishers. Officers will engage with the industry to educate and engage as per Eastern IFCA's Enforcement Policy and Regulation Strategy².

² <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/RC-Strategy.pdf>

Annex A: Policy and Planning

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

East Inshore Marine Plan

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

- Yes

If so, please give details of the assessments completed:

Marine Plan Policy	Policy Text	Policy screened in or out from assessment	Assessment of plan policy
Policy AGG1	Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised unless there are exceptional circumstances.	×	Does not apply.
Policy AGG2	Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction or there are exceptional circumstances.	×	Does not apply.
Policy AGG3	Within defined areas of high potential aggregate resource, proposals should demonstrate in order of preference: a) that they will not, prevent aggregate extraction b) how, if there are adverse impacts on aggregate extraction, they will minimise these c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the application if it is not possible to minimise or mitigate the adverse impacts	×	Does not apply.

<p>Policy AQ1</p>	<p>Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference:</p> <p>a) that they will avoid adverse impacts on future aquaculture development by altering the sea bed or water column in ways which would cause adverse impacts to aquaculture productivity or potential</p> <p>b) how, if there are adverse impacts on aquaculture development, they can be minimised</p> <p>c) how, if the adverse impacts cannot be minimised they will be mitigated</p> <p>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts</p>	<p>×</p>	
<p>Policy BIO1</p>	<p>Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).</p>	<p>✓</p>	<p>add</p>
<p>Policy BIO2</p>	<p>Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.</p>	<p>×</p>	
<p>Policy CAB1</p>	<p>Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.</p>	<p>×</p>	<p>Does not apply.</p>

<p>Policy CC1</p>	<p>Proposals should take account of:</p> <ul style="list-style-type: none"> • how they may be impacted upon by, and respond to, climate change over their lifetime and • how they may impact upon any climate change adaptation measures elsewhere during their lifetime <p>Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.</p>	<p>✓</p>	<p>Protecting site integrity of the Wash and north Norfolk Coast SAC will increase the resilience of the site and its features such that it can better withstand natural phenomenon and events related to climate change.</p>
<p>Policy CC2</p>	<p>Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.</p>	<p>×</p>	<p>Does not apply.</p>
<p>Policy CCS1</p>	<p>Within defined areas of potential carbon dioxide storage,(mapped in figure 17)proposals should demonstrate in order of preference:</p> <ol style="list-style-type: none"> a) that they will not prevent carbon dioxide storage b) how, if there are adverse impacts on carbon dioxide storage, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts 	<p>×</p>	<p>Does not apply.</p>
<p>Policy CCS2</p>	<p>Carbon Capture and Storage proposals should demonstrate that consideration has been given to the re-use of existing oil and gas infrastructure rather than the installation of new infrastructure (either in depleted fields or in active fields via enhanced hydrocarbon recovery).</p>	<p>×</p>	<p>Does not apply.</p>

Policy DD1	Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference a) that they will not adversely impact dredging and disposal activities b) how, if there are adverse impacts on dredging and disposal, they will minimise these c) how, if the adverse impacts cannot be minimised they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	×	Does not apply
Policy DEF1	Proposals in or affecting Ministry of Defence Danger and Exercise Areas should not be authorised without agreement from the Ministry of Defence.	×	Does not apply
Policy EC1	Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.	✓	The.
Policy EC2	Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.	✓	At least three processor plants (which process shellfish) are known to process cockle catches from Wash based fisheries – enabling a productive cockle (and other bivalves) fishery will support jobs in addition to fishing activity (e.g. factory cleaners, admin etc.).
Policy EC3	Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.	×	Does not apply.
Policy ECO1	Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas	✓	The proposed closures will support a healthy marine habitat which in turn,

	(marine, terrestrial) should be addressed in decision-making and plan implementation.		should have a benefit on the biodiversity of the wider ecosystem.
Policy ECO2	The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.	✓	No additional collision risk identified as a result of the proposed byelaw.
Policy FISH1	Within areas of fishing activity, proposals should demonstrate in order of preference: a) that they will not prevent fishing activities on, or access to, fishing grounds b) how, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts	✓	The purpose of the byelaw is enable bivalve mollusc fisheries within the Wash and North Norfolk Coast SAC whilst meeting requirements of the Habitats Directive.
Policy FISH2	Proposals should demonstrate, in order of preference: a) that they will not have an adverse impact upon spawning and nursery areas and any associated habitat b) how, if there are adverse impacts upon the spawning and nursery areas and any associated habitat, they will minimise them c) how, if the adverse impacts cannot be minimised they will be mitigated d) the case for proceeding with their proposals if it is not possible to minimise or mitigate the adverse impacts	✓	Implementing management measures through the proposed byelaw will have the effect of protecting habitats determined as potentially being impacted by bivalve fishing activity.
Policy GOV1	Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.	×	Does not apply.
Policy GOV2	Opportunities for co-existence should be maximised wherever possible.	×	Does not apply.

Policy GOV3	Proposals should demonstrate in order of preference: a) that they will avoid displacement of other existing or authorised (but yet to be implemented) activities b) how, if there are adverse impacts resulting in displacement by the proposal, they will minimise them c) how, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against or d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement	✓	No adverse impacts identified.
Policy MPA1	Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.	✓	The byelaw will enable Eastern IFCA to manage bivalve mollusc fisheries which do not result in adverse effects on site integrity on the Wash and North Norfolk Coast SAC.
Policy OG1	Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated.	X	Does not apply.
Policy OG2	Proposals for new oil and gas activity should be supported over proposals for other development.	X	Does not apply.
Policy PS1	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.	X	Does not apply.

<p>Policy PS2</p>	<p>Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (see figure 18) should not be authorised unless there are exceptional circumstances. Proposals should:</p> <ul style="list-style-type: none"> a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact b) anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows and c) account for impacts upon navigation in-combination with other existing and proposed activities 	<p>×</p>	<p>Does not apply.</p>
<p>Policy PS3</p>	<p>Proposals should demonstrate, in order of preference:</p> <ul style="list-style-type: none"> a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this c) how, if the interference cannot be minimised, it will be mitigated d) the case for proceeding if it is not possible to minimise or mitigate the interference 	<p>X</p>	<p>Does not apply.</p>
<p>Policy SOC1</p>	<p>Proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.</p>	<p>X</p>	<p>Does not apply.</p>
<p>Policy SOC2</p>	<p>Proposals that may affect heritage assets should demonstrate, in order of preference:</p> <ul style="list-style-type: none"> a) that they will not compromise or harm elements which contribute to the significance of the heritage asset b) how, if there is compromise or harm to a heritage asset, this will be minimised c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or d) the public benefits for proceeding with the proposal if it is not possible to minimise or 	<p>×</p>	<p>Does not apply.</p>

	mitigate compromise or harm to the heritage asset		
Policy SOC3	Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference: a) that they will not adversely impact the terrestrial and marine character of an area b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	×	Does not apply.
Policy TIDE1	In defined areas of identified tidal stream resource (see figure 16), proposals should demonstrate, in order of preference: a) that they will not compromise potential future development of a tidal stream project b) how, if there are any adverse impacts on potential tidal stream deployment, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	×	Does not apply.

<p>Policy TR1</p>	<p>Proposals for development should demonstrate that during construction and operation, in order of preference:</p> <ul style="list-style-type: none"> a) they will not adversely impact tourism and recreation activities b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts 	<p>×</p>	
<p>Policy TR2</p>	<p>Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference:</p> <ul style="list-style-type: none"> a) that they will not adversely impact on recreational boating routes b) how, if there are adverse impacts on recreational boating routes, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts 	<p>X</p>	
<p>Policy TR3</p>	<p>Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East marine plan areas should be supported.</p>	<p>X</p>	<p>Does not apply.</p>
<p>Policy WIND1</p>	<p>Developments requiring authorisation, that are in or could affect sites held under a lease or an agreement for lease that has been granted by The Crown Estate for development of an Offshore Wind Farm, should not be authorised unless</p> <ul style="list-style-type: none"> a) they can clearly demonstrate that they will not compromise the construction, operation, maintenance, or decommissioning of the Offshore Wind Farm b) the lease/agreement for lease has been surrendered back to The Crown Estate and not been re-tendered c) the lease/agreement for lease has been terminated by the 	<p>×</p>	<p>Does not apply.</p>

	Secretary of State d) in other exceptional circumstances		
Policy WIND2	Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.	×	Does not apply.

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