

<b>Title:</b> Minimum Sizes Byelaw 2019 <b>IA No:</b> EIFCA009  <b>RPC Reference No:</b> <b>Lead department or agency:</b> Eastern Inshore Fisheries and Conservation Authority <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 07/11/2019		
	<b>Stage:</b> Development/Options		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Other		
<b>Contact for enquiries:</b> Julian Gregory, CEO			

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> RPC Opinion Status
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Cost of Preferred (or more likely) Option (in 2016 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£m	£m	£m	Qualifying provision

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

Changes to European Legislation in relation to minimum sizes of fish and shellfish have diminished the protective effect of these measures by not applying them to recreational fisheries and have diminished the effective enforcement of remaining measures. Intervention is required to maintain the protective effect of the measures lost as result and to ensure that they are enforceable. Preventing or reducing the removal of pre-spawning individuals is an important measure to ensure the sustainability of fish and shellfish stocks within the context of the Marine Strategy Framework Directive.

**What are the policy objectives and the intended effects?**

To prevent or limit the removal of pre-spawning fish and shellfish from fisheries to seek to ensure the continued sustainability of fish stocks within the Eastern IFC District and beyond. The intended effects are to prohibit the removal of fish and shellfish which are below the minimum size established within European legislation in relation to commercial and non-commercial fisheries and to enable the effective enforcement of such. Effectively, the proposed measures maintain the effects of Council Regulation (EC) No 850/98 in relation to minimum sizes for catches not subject to the landing obligation.

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

Option 0 – do nothing

Option 1 – implement minimum size requirements for recreational and commercial catches consistent with measures in place immediately prior to the implementation of Regulation (EU) 2019/1241.

Option 1 is the preferred option as it presents no impacts on affected stakeholders and reduces the risk of impacts as a result of the removal of pre-spawning individuals from stocks.

**Will the policy be reviewed? It will be reviewed. If applicable, set review date: 12/2025**

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?	<b>Micro</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	<b>Traded:</b> n/a	<b>Non-traded:</b> 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: .....

# Summary: Analysis & Evidence

Policy Option 1

Description:

## FULL ECONOMIC ASSESSMENT

Price Base Year n/a	PV Base Year n/a	Time Period Years n/a	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 0

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	0	0	0

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

No monetised costs are identified

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

No non-monetised costs are identified

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	0	0	0

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

No monetised benefits are identified

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

Preventing or limiting the removal of pre-spawning fish and shellfish from stocks will have a beneficial impact on overall stock sustainability with beneficial implications on associated commercial (direct benefit) and non-commercial (indirect benefit) catches. In addition, protection of pre-spawning individuals is in keeping with the requirements of the Marine Strategy framework Directive.

### Key assumptions/sensitivities/risks

Discount rate (%)

Effects of the proposed measures are in keeping with and have no additional effects of the associated requirements of Council Regulation (EC) No 850/98. Minimum sizes established in EU legislation are appropriate and have a protective effect.

## BUSINESS ASSESSMENT (Option 1)

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

# Evidence Base

## Problem under consideration

Regulation (EU) 2019/1241<sup>1</sup> was published by the European Union on 25 July 2019. These regulations deal broadly with managing fishers, applying an eco-system approach as well as providing for 'regional' management of fisheries across Europe. The intentions of this legislation come from reformed Common Fisheries Policy. Importantly, these regulations revoke and replace the measures implemented through 850/98. Officers have identified some key differences in the legislation compared to 850/98 which have also been confirmed by an independent legal advisor:

- Establishes that the MCRS apply only in relation to commercial fishing;
- Removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms;

As a result, IFCA's powers will be significantly diminished. There will be no effective IFCA enforcement regime in respect of undersized fish for recreational anglers and no enforcement in respect of trans-shipment, landing, transporting, storing, displaying and offering for sale. This would cause enforcement issues in circumstances where there is insufficient evidence to demonstrate retention on board a vessel, and it would be almost impossible to enforce against end users such as restaurants and wet fish shops, transport companies, and processors found with fish which are outside the landing obligation below the MCRS.

As a consequence of the changes to European regulation, Eastern IFCA implemented the FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019 on the 13<sup>th</sup> August 2019. This byelaw was developed and introduced collaboratively with neighbouring IFCAs (Northumberland, North Eastern and Kent and Essex IFCAs) to provide a continued and consistent protective effect along the East Coast.

An emergency byelaw naturally expires after 12 months (with a potential for a six-month extension). Eastern IFCA consider that the problem under consideration will not have resolved at the time the byelaw expires and as such is proposing a replacement of the emergency byelaw with a permanent byelaw.

## Rationale for intervention

### *The importance of minimum sizes*

The removal of fish only once they have reached a minimum size (usually related to a breeding size) is a common fisheries management measure used around the world<sup>2,3</sup>. As a management measure it is relatively cheap, simple and effective to apply and easy for fishers to understand why this is used as a management measure.

There has been a move away from managing fisheries using a minimum size regime which requires commercial fishers to discard dead, undersize fish. This is set out in the reformed common fisheries policy and implemented through 1380/2013 as the 'landing obligation'. The landing obligation removes the incentive to catch undersize fish through requiring that they are landed and counted against quota but crucially that they are not sold for human consumption. The landing obligation applies to finfish rather than shellfish (crustacea, molluscs) as a reflection of their high incidental mortality – i.e. large percentages of finfish perish after being caught regardless of their being returned to the sea. Enforcement activity of minimum sizes in relation to crustacea and molluscs are important aspects of Eastern

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>

<sup>2</sup> <sup>1</sup>New South Wales Recreational Saltwater Fishing Guide. (2018) NSW Department of Primary Industries. ISBN web 978-1-76058-242-5

<sup>3</sup> 2FLORIDA SALTWATER RECREATIONAL 2019. FISHING REGULATIONS. Florida Fish and Wildlife Conservation Commission. Issued: Jan. 1, 2019

IFCA's compliance regime and in relation to the crab and lobster fisheries on the North Norfolk Coasts and whelk fisheries throughout the district.

In addition, the landing obligation does not apply to recreational fishing activity. As such, maintaining the disincentive to take and retain undersize marine organisms relies solely on the enforcement of a minimum size by prohibiting their removal. It is also worth noting that rod and line fishers (the primary recreational fishery) generally have higher survivability than other commercial fishing gears (e.g. trawls, static nets etc.) increasing the effectiveness of a minimum size as a management tool.

The loss of the ability to enforce minimum sizes would significantly diminish Eastern IFCA's ability to meet its obligations under the Marine and Coastal Access Act 2009 and the Marine Strategy Framework Directive i.e. long-term, sustainable fisheries.

A proposed byelaw is considered the most effect way of achieving this because the use of MMO cross-warrants will enable only the enforcement of minimum sizes through 1380/2013 which significantly diminishes the effectiveness of the enforcement of minimum sizes and would not apply to recreational fishing.

It should be noted that the proposed measures are not intended to conflict with the landing obligation – paragraph 2 of the proposed byelaw applies the prohibition in paragraph 3 (of removing undersize fish etc.) only to catches where the landing obligation doesn't apply.

#### *Importance of MCRS in relation to recreational fisheries*

Unfortunately, accurate national or regional information about angling activity around the coast and at sea is relatively sparse. Sea Angling 2012<sup>4</sup> was established to find out how many people go sea angling in England, how much they catch, how much is released, and the economic and social value of sea angling. The surveys also met UK obligations under European law to estimate recreational catches of several species including bass and cod. However, recreational fishing covers more broadly all non-commercial fishing which includes some traditional netting and potting activities to catch fish and shellfish for personal consumption which are not covered by the Angling 2012 survey.

Within Sea Angling 2012, data were collected from over 11,000 sea anglers in England through an Office of National Statistics (ONS) household survey, face-to-face interviews with anglers by Inshore Fisheries and Conservation Authorities (IFCA), catch diaries and online surveys. The findings give a good national overview of the English angling sector and give a good indication of the amount of annual fishing effort. More up-to-date feedback from the recreational fishing sector suggests that there has been a steady decline in angling numbers since 2012. A summary of the results is set out below:

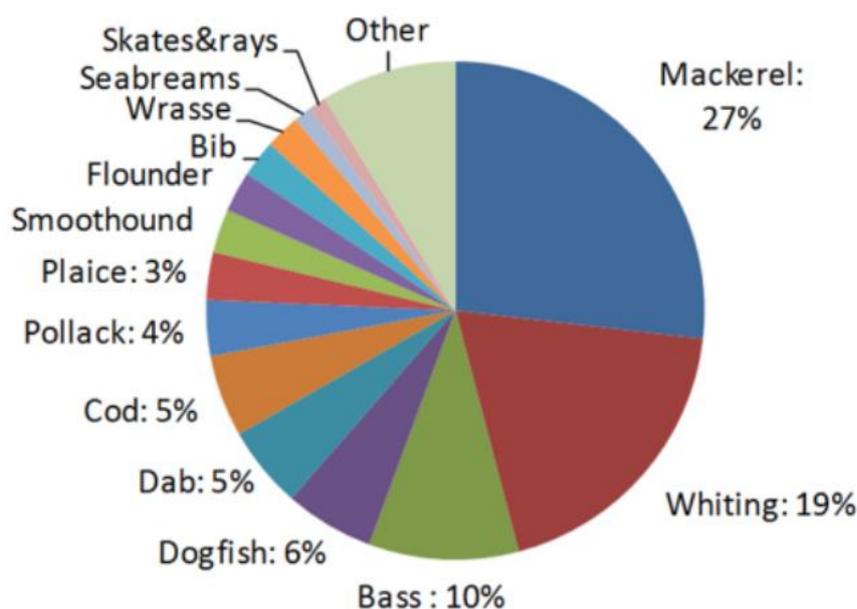
- The surveys estimated there are 884,000 sea anglers in England, with 2% of all adults going sea angling. These anglers make a significant contribution to the economy - in 2012, sea anglers' resident in England spent £1.23billion on the sport, equivalent to £831million direct spend once imports and taxes had been excluded.
- This supported 10,400 full-time equivalent jobs and almost £360 million of gross value added (GVA). Taking indirect and induced effects into account, sea angling supported

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<sup>4</sup> Armstrong M., Brown A., Hargreaves J., Hyder K., Pilgrim-Morrison S., Munday M., Proctor S., Roberts A. & Williamson K. (2012) Sea Angling 2012 – a survey of recreational sea angling activity and economic value in England. Defra - contract MF1221.

£2.1 billion of total spending, a total of over 23,600 jobs, and almost £980 million of GVA. Angling 2012

- Almost 4 million days of sea angling were recorded over the year.
- Shore fishing was the most common type of sea angling – almost 3 million angler-days compared with 1 million for private or rented boats and 0.1 million on charter boats.
- Anglers had most success on charter boats, catching 10 fish per day on average compared with around 5 from private boats and only 2 from the shore.
- The most common species caught, by number, were mackerel and whiting, (below).



- Shore anglers released around 75% of the fish caught, many of which were undersized, and boat anglers released around 50% of their fish.

While there are no large recreational shellfish fisheries in our district, there is a small but constant level of activity, with people putting out 2-3 pots at a time or collecting small amounts of shellfish from the shore, particularly on the north Norfolk coasts. Minimum size regulations help manage this activity. Such activities were not captured within the Sea Angling 2012 survey but are known to occur.

In addition, there is potential for the removal of locally significant amounts of pre-spawning fish and shellfish via non-commercial fishing which operates using nets. Such fishing gear is similar if not the same as used by commercial operators and as such can have as significant an impact, particularly in relation to targeting fish within spawning or nursery areas (such as estuaries and rivers) where, do to shoaling behaviours and narrow windows of migration out to sea, large proportions of a local population can be targeted and captured with a single well placed net.

The importance of minimum sizes is also recognised by the recreational angling community. *Angling Trust website*<sup>5</sup> (19/7/19)

<sup>5</sup> <https://www.anglingtrust.net/page.asp?section=163>

*“Minimum landing sizes are used all over the World and are just one of a number of tools used to manage fish stocks. However, as a common-sense approach to conservation and an easy concept to understand (protecting immature fish) they have become particularly favoured by recreational anglers with an interest in conservation and sustainable management of fish stocks.”*

*“The angling Trust encourages all anglers to Give Fish A chance and apply voluntary minimum retention sizes which exceed the EU's and allow all fish retained the chance to have bred at least once.”*

The minimum size legislation also applies to a long list of molluscs and crustacea including, whelks, edible crabs, lobsters and several clam species.

#### *Effective enforcement of MCRS*

The new regulations require only that catch of marine organisms below the MCRS ‘*shall not be retained on board, but shall be returned immediately to the sea*’<sup>6</sup>. Notwithstanding that this effectively rules out its application to fishing from shore (including what may be commercial fishing), it also removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms. This would cause enforcement issues in circumstances where there is insufficient evidence to demonstrate retention on board a vessel and would make it almost impossible to enforce against end-users such as restaurants and wet fish shops, transport companies, and processors found with fish which are outside the landing obligation below the MCRS.

Catch inspections typically take place on quaysides as vessels are landing. However, market inspections, inspection on stalls or fish shops and inspections of catch loaded into vehicles or in the process of being loaded are also an important part of the compliance regime and has encouraged best practice – for example, whelk processing factories within the district have instructed delivery drivers to check the sizes of whelk catch prior to loading it into lorries.

The protective effect and effectiveness of enforcement of minimum sizes are therefore greatly diminished by the new regulations.

#### *Application to all species for which MCRS applies and which are landed within the Eastern IFC District*

The proposed byelaw seeks to replicate the protective effect in place under Council Regulation (EC) No 850/98. To this end, the byelaw applies to species which have an MCRS and are evidenced to have been landed within the Eastern IFC District. This is determined using the Marine Management Organisation landing dataset 2010 to 2018 (inclusive).

Whilst the level of risk is likely to vary between species, the previous regime had a level of protective effect on all species. The impacts of recreational fishing are relatively unknown on a species by species basis. It is considered reasonable to maintain the current protective effect for species which are fished within the district as a reflection of this uncertainty and the precautionary approach advocated through the Common Fisheries Policy.

Emergency byelaws naturally expire after 12 months and may be extended for a further 6. Therefore, the timeframe for replacing the emergency byelaw do not allow for further investigation on a species by species basis. The generality of the byelaw reflects that the urgency of the circumstances do not allow for further investigation or justification of specific provisions. Legal advice has been sought and such legal advice confirmed that this is an acceptable approach.

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<sup>6</sup> Article 15(12) 1380/2013 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1380>

### *Parts of shellfish*

The proposed byelaw also prohibits the removal of shellfish which cannot be measured to determine minimum size. This was also a provision of 850/98, albeit with exceptions for edible crab claws, which would not be enforceable under current IFCO powers.

Eastern IFCA byelaw 7 (Parts of Shellfish) applies a restriction within the district with regards to edible crabs and velvet crabs but crucially not for lobsters. Eastern IFCA has relied on the provision within 850/98 to enforce this measure as national legislation for lobsters referred to in the byelaw has been revoked. The effectiveness of enforcing minimum sizes on crustaceans is greatly diminished without a prohibition on landing whole because undersize crustaceans can be de-clawed, and the size of the individual would not be detectable.

### **Policy objective**

The objective of the regulatory intervention is to limit or prevent the removal of pre-spawning individuals from populations of fish and shellfish caught within the Eastern IFCA district.

To achieve this, the proposed regulatory intervention will do the following:

- Prohibit the removal of fish and shellfish below a size which is considered to represent a 'mature' fish or shellfish which is likely to have spawned;
- Apply the above prohibition in relation to commercial and non-commercial fishing activity;
- Apply the prohibition to the retaining on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale, any of the species named in the byelaw which are undersize to enable the effective enforcement of the minimum size;
- Require shellfish to be landed 'whole' except for *Nephrops norvegicus* to enable effective enforcement of the minimum sizes;
- Apply an exemption in relation to using certain fish as bait when they are undersize;
- Apply an exemption in relation to certain small pelagic species to permit 10% of catch to be undersize;
- Apply an exemption in relation to catch subject to the landing obligation (Regulation (EU) No 1380/2013).

The measures are intended to replicate the related measures within Council Regulation (EC) No 850/98 for all catches not subject to the landing obligation and such as they applied immediately prior to the implementation of Regulation (EU) 1240/2019.

### **Description of options considered (including status-quo)**

Two options were considered:

- Option 0 – Do Nothing: Regulation (EU) 1240/2019 had the effect of changing minimum fish and shellfish size provisions as they had been under Council Regulation (EC) No 850/98. In particular, the amended provisions do not apply to non-commercial fishers or fishers operating from unpowered vessels and remove the prohibition on transshipping, landing, transporting, storing, selling, displaying or offering for sale undersize marine organisms. This option is not considered appropriate as it will not effectively protect pre-spawning individuals from fishing mortality and will not enable effective enforcement of the minimum sizes.
- Option 1 – Minimum Sizes byelaw 2019: This measure effectively maintains the status quo immediately prior to the implementation of 1240/2019. It has the effect of maintaining the provisions which had been in place including applying the minimum size provisions to non-commercial fishers and to fishers from unpowered vessels and in relation to activities ancillary to fishing (i.e. transshipping etc.).

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

No monetised or non-monetised costs are identified for either option. This reflects that the proposals effectively maintain the status quo which had been in place immediately prior to the implementation of 1240/2019.

No monetised benefits are identified for option 1 (preferred option) but none for option 0 (do nothing). Non-monetised benefits relate to the protection of pre-spawning individuals from fish and shellfish populations. Removal of pre-spawning individuals can have significant negative impacts on stock health, as populations are unable to replace individuals lost via natural and fishing mortality. Limiting or preventing the removal of pre-spawning fish and shellfish will ensure healthier spawning stock biomass with direct benefits to commercial fishers and indirect benefits to non-commercial fishers and the related industry (i.e. tackle shops, charter vessels etc.). This will also be in keeping with obligations under the Marine Strategy Framework Directive, to ensure stocks are:

1. exploited sustainably consistent with high long-term yields
2. have full reproductive capacity in order to maintain stock biomass and;
3. the proportion of older and larger fish/shellfish should be maintained (or increased) being an indicator of a healthy stock.

The consultation closed on 28<sup>th</sup> October 2019 and only a single written response was received and a further verbal response. The Angling Trust commented on the proposal subsequent to the deadline and this has also been taken into consideration. There was general support for the byelaw, including from the Angling Trust which supports the need for enforceable minimum sizes for recreational anglers. In addition, the National Federation of Fishermen's Organisations have indicated that their view hasn't changed since the view provided at the time of implementing the Emergency Byelaw which was to the effect that as the measures maintain the status quo, there will be limited impact. A summary of the key comments raised pertinent to the byelaw are set out below.

*Limited impact of recreational fishing* – representation was made to the effect that recreational anglers are unlikely to have a 'significant' impact on fish and shellfish stocks for most stocks (possibly with the exception of bass and cod).

Whilst this may be the case for 'anglers', the byelaw's effect extends to all 'non-commercial' fishers, including for example, non-licensed fishers who deploy commercial style fishing gear such as nets. The Impact Assessment highlighted this distinction, setting out the potential impacts associated particular with non-commercial fishers using nets in estuaries and rivers for which there is currently no restrictions, save for the minimum sizes for fish and shellfish.

*Lack of parity between commercial and recreational fishers* – in support of the byelaw, the view was expressed that European Regulations do not reflect an 'equal playing field' between commercial and recreational anglers with minimum sizes being imposed on commercial fishers only. This was of particular concern in the context, in the opinion of the respondent, the EU measures were having a 'crippling' impact on local commercial fishers and particularly in relation to bass fishing.

*Unintentionally making it illegal to store / transport etc. catch within Eastern IFCA district which was caught legally elsewhere* – the concern raised relates to where someone has in their possession a fish which is below the minimum size within the Eastern IFCA district but which was caught elsewhere, where the minimum size is different and was therefore caught legally.

This issue persists only where the minimum size for a marine organism within the Eastern IFCA district is greater than elsewhere. This is considered to be the case for two species only, whelks (*Buccinum undatum*) and mackerel (*Scomber Scombus*). In the case of whelks, the wording of the emergency byelaw takes into account where the whelks were caught from in detaining if there is an offence and as such, the issue does not persist.

In relation to mackerel, the issue does exist because the wording of the emergency byelaw does not take into account the location the mackerel was caught from. As such, it is proposed that this is amended the wording of such to prevent this interpretation. This change reflects the status quo of the original EU measures prior to their changing and its not being included in the emergency byelaw was an oversight rather than a purposeful change.

*The minimum size of some species should be increased* – Representation was made to the effect that the current minimum sizes have only a limited effect in protecting pre-spawning individuals. As set out in the previous section, the limited timescale to replace the emergency byelaw effectively preclude Officers from undertaking a review of the current minimum sizes. This is to be reflected in longer-term workstreams, working collaboratively with other IFCA's.

*Other species should be added to the byelaw* – proposed species include cockles. As set out in the previous section, whilst there may be a driver for changes to the minimum sizes (including implementing such where none presently exists), the approach recommended is to implement a byelaw to effect a continued protective effect in the first instance and seek to augment this going forward.

## **Rationale and evidence that justify the level of analysis used in the IA**

Given that no impacts are identified from the proposed intervention, the level of analysis within the assessment is considered appropriate.

## **Risks and assumptions**

- Minimum sizes set out in the byelaw will have a protective effect – some of the minimum sizes set out in European legislation are thought to be below that which would be effective to limit or prevent the removal of pre-spawning individuals. Evaluating the effectiveness of the minimum sizes set internationally is beyond the scope of the current intervention.
- Impacts of using nets with inappropriate mesh sizes – amendments made by 1240/2019 also remove the mesh size requirements on non-commercial fishers in relation to fishing with nets. Bycatch from fishing with nets can be significant and the incidental mortality of fish caught by nets can be significant. The proposed intervention does not implement mesh size requirements on non-commercial fishers (which was in place under Council Regulation (EC) 850/98) and as such, this poses a risk to fish stocks, particularly when fishing happens in rivers and estuaries, as a result of incidental mortality of pre-spawning individuals.

## **Direct costs and benefits to business calculations**

None identified

## **Wider impacts**

Non identified

## **Potential trade implications**

Implications on trade are unknown. However, failing to evidence that fish and shellfish stocks are meeting the criteria of the Marine Strategy Framework Directive may have an impact on trade with European Countries after 2020 (deadline imposed by the directive to meet 'good environmental status').

## **Summary and preferred option and implementation plan**

The preferred option is to implement a byelaw which effectively replicates the minimum size provisions which were in place immediately prior to the implementation of 1240/2019 including their application to non-commercial fishing activity and in activities ancillary to fishing (including transporting, selling etc.).

Given that the proposed intervention is effectively maintaining the status quo, no specific implementation plan is required. Eastern IFCA's engagement plan includes engagement with the non-commercial fishing industry who are broadly aware of the requirement to ensure fish met a minimum size. Commercial fishers are aware of the minimum size requirements.

Eastern IFCA will publicise the byelaw on the Eastern IFCA website and via social media platforms as well as engaging fishers on the ground during compliance activity.

## Assessment of proposed intervention in relation to the Marine Policy Statement.

### Marine Plan: Eastern Inshore Marine Plan

Marine Plan Policy	Policy Text	Policy screened in or out from assessment	Assessment of plan policy
<b>Policy AGG1</b>	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.	n/a	Does not apply.
<b>Policy AGG2</b>	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.	n/a	Does not apply.
<b>Policy AGG3</b>	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	n/a	Does not apply.
<b>Policy AQ1</b>	Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference: 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 b) how, if there are adverse impacts on aquaculture development, they can be minimised 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	✓	Proposals will not impact on aquaculture development.

<b>Policy BIO1</b>	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).	✓	The proposed byelaw will not impact on biodiversity. The measures are intended to reduce the likelihood of impacts on stock sustainability of fish and shellfish targeted by fishing activity which will ultimately prevent reduction in biodiversity (through overfishing).
<b>Policy BIO2</b>	Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.	✓	Where the measures act to ensure stock sustainability, they will have the effect of enhancing biodiversity which would otherwise be lost due to overfishing.
<b>Policy CAB1</b>	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.	n/a	Does not apply.
<b>Policy CC1</b>	Proposals should take account of: <ul style="list-style-type: none"> <li>• how they may be impacted upon by, and respond to, climate change over their lifetime and</li> <li>• how they may impact upon any climate change adaptation measures elsewhere during their lifetime</li> </ul> Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.	✓	Preventing or limiting the removal of pre-spawning individuals from populations of fish and shellfish will make such more resilient to negative impacts of climate change.
<b>Policy CC2</b>	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.	n/a	Does not apply.

<b>Policy CCS1</b>	Within defined areas of potential carbon dioxide storage,(mapped in figure 17)proposals should demonstrate in order of preference: 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	n/a	Does not apply.
<b>Policy CCS2</b>	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).	n/a	Does not apply.
<b>Policy DD1</b>	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	n/a	Does not apply
<b>Policy DEF1</b>	Proposals in or affecting Ministry of Defence Danger and Exercise Areas should not be authorised without agreement from the Ministry of Defence.	n/a	Does not apply
<b>Policy EC1</b>	Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.	X	No additional benefits are identified as a result of the proposed byelaw as it effectively maintains the protective effect of measures which were in place prior to an amendment of European legislation. The proposals do make negative impacts on economic productivity as a result of impacts on fish and shellfish stock sustainability less likely.

<b>Policy EC2</b>	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.	X	No additional employments benefits are identified as a result of the proposed byelaw as it effectively maintains the protective effect of measures which were in place prior to an amendment of European legislation. The proposals do make negative impacts on employment as a result of impacts on fish and shellfish stock sustainability less likely.
<b>Policy EC3</b>	Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.	×	Does not apply.
<b>Policy ECO1</b>	Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.	✓	The proposed measures will support a healthy marine habitat which in turn, should have a benefit on the wider ecosystem.
<b>Policy ECO2</b>	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.
<b>Policy FISH1</b>	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 proposed byelaw will not impact on fishing activities as they effectively maintain the measures which were in place immediately prior to an amendment to European Legislation.

<b>Policy FISH2</b>	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	✓	The proposed measures will maintain a protective effect on spawning and nursery areas in so much as they will prevent the removal of pre-spawning fish and shellfish using these areas.
<b>Policy GOV1</b>	Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.	n/a	Does not apply.
<b>Policy GOV2</b>	Opportunities for co-existence should be maximised wherever possible.	n/a	Does not apply.
<b>Policy GOV3</b>	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.
<b>Policy MPA1</b>	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.	✓	No impacts on the overall Marine Protected Area network are identified.
<b>Policy OG1</b>	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.	n/a	Does not apply.
<b>Policy OG2</b>	Proposals for new oil and gas activity should be supported over proposals for other development.	n/a	Does not apply.

<b>Policy PS1</b>	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.	n/a	Does not apply.
<b>Policy PS2</b>	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: 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	n/a	Does not apply.
<b>Policy PS3</b>	Proposals should demonstrate, in order of preference: 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	n/a	Does not apply.
<b>Policy SOC1</b>	Proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.	X	Proposed byelaw does not relate to access to the marine environment.
<b>Policy SOC2</b>	Proposals that may affect heritage assets should demonstrate, in order of preference: 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 mitigate compromise or harm to the heritage asset	n/a	Does not apply.

<p><b>Policy SOC3</b></p>	<p>Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:</p> <p>a) that they will not adversely impact the terrestrial and marine character of an area</p> <p>b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them</p> <p>c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against</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>Does not apply.</p>
<p><b>Policy TIDE1</b></p>	<p>In defined areas of identified tidal stream resource (see figure 16), proposals should demonstrate, in order of preference:</p> <p>a) that they will not compromise potential future development of a tidal stream project</p> <p>b) how, if there are any adverse impacts on potential tidal stream deployment, they will minimise them</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>Does not apply.</p>
<p><b>Policy TR1</b></p>	<p>Proposals for development should demonstrate that during construction and operation, in order of preference:</p> <p>a) they will not adversely impact tourism and recreation activities</p> <p>b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them</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>Does not apply.</p>

<b>Policy TR2</b>	Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference: 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	n/a	Does not apply.
<b>Policy TR3</b>	Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East marine plan areas should be supported.	✓	The proposed measures will reduce the risk of negative impacts on fish and shellfish stocks. Commercial and recreational fishing activities are considered important culturally within communities around the Eastern IFC District generating important tourist activity. Most notably the North Norfolk coast.
<b>Policy WIND1</b>	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 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 Secretary of State d) in other exceptional circumstances	n/a	Does not apply.
<b>Policy WIND2</b>	Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.	n/a	Does not apply.