

De-Minimis Assessment

For Self-Certified Measures in Defra

Title of Measure		Whelk Permit Conditions Review	
Lead Department/Agency		Eastern Inshore Fisheries and Conservation Authority	
Expected Date of Implementation		10/12/2025	
Date of Assessment		14/11/2025	
Lead Departmental Contact		Luke Godwin	
Type of Measure (primary/secondary etc)		Permit Conditions	
Cost of Preferred Option			
Total Net Present Social Value	Business Net Present Value	Equivalent Annual Net Direct Cost to Business (EANDCB)	
Unknown	Unknown	£168	
Policy overview, rationale for intervention and intended effects			
Summary:			
The addition of permit conditions relating to separation of catch and provision of spatial information to permits associated with the whelk permit byelaw, with the intent for these conditions to remain in place unless new evidence shows that changes are needed.			
Problem:			
Non-compliance with current whelk permit conditions were identified as an issue by the most recent permit review. Specifically, non-compliance with pot limitations for commercial fishers, which is set at 500 pots, may be undermining the accuracy of data used to monitor the health and sustainability of the whelk fishery. The health of the whelk stock is currently assessed using Landings Per Unit Effort (LPUE), which measures the quantity of whelk caught per pot. A stable LPUE suggests sustainable harvesting, while a decline may indicate overfishing. If fishers that exceed pot limitations do not report the actual number of pots used, LPUE may be overestimated and potentially mask declines in the fishery's productivity. Furthermore, as the whelk fishery extends beyond the Eastern IFCA district limit of 6 nautical miles, which can create enforcement challenges, as fishers may attribute large catches to pots set outside the district, making it difficult to verify effort and catch levels within the managed fishery, as well as compliance with permit conditions. As a result, there is a risk that declining stock health may not be detected due to Landings per Unit Effort figures being obscured by pot limitation non-compliance or the misreporting of catch.			

Need for intervention:

Market Failure Correction – Externalities.

Non-compliance and limitation in the confidence of stock monitoring increases the risk of overfishing. Non-compliance is rewarded by the market as smaller whelk may be landed under the guise of being caught outside the district, and detection of non-compliance is complicated by lack of data and the ability to mix catch. Additionally, the whelk fishery is a shared and valuable resource and is vulnerable to the risks associated with a “tragedy of the commons” scenario, as such there is no market imperative preventing this behaviour. To safeguard the sustainability of the whelk fishery it has been deemed necessary to consider the introduction of additional permit conditions with the aim of strengthening accountability, improving data accuracy and supporting the continued viability of the whelk stock for all stakeholders.

Regulatory Landscape:

The fishery is managed through a set of permit conditions under the Whelk Permit Byelaw 2019. It is a responsibility of the Whelk Permit Byelaw 2019 that the permit conditions are reviewed every four years¹. Subject to review and consultation the permit conditions can be altered following new information, evidence from fishermen, scientific stock assessments and conservation advice. Eastern IFCA reflect upon best practice approaches to fisheries management in accordance with a formal operational procedure which was agreed by the Authority.

Proposed Policy:

Permit conditions to be added such that;

- vessels carrying a VMS unit must report at least at a 3-minute ping rate so that enforcement officers can identify when additional gear is being used and identify when fishing has taken place inside and outside of the Eastern IFCA district, and;
- vessels must separate whelk caught from outside the Eastern IFCA district from whelk caught from inside the Eastern IFCA district. Catch from inside and outside of the district must be reported separately on whelk returns forms.

Policy Options (including alternatives to regulation)

Option 0: Do Nothing

Maintaining the permit conditions as they currently are could potentially save the vessels currently operating in the whelk fishery a small amount of money. The separation of whelk caught from inside and outside of the district is not anticipated to have any associated extra costs, and the cost of VMS ping rate increases is estimated at £14 a month. However, this would limit the ability of Eastern IFCA to ensure the sustainability of the whelk fishery, by limiting the capacity for detection of non-compliance as well as limiting the confidence in the data used in monitoring. Further, other EIFCA fisheries are now requiring VMS ping rate increases, so it is unlikely and unrealistic that many vessels would save money.

¹ [2016 11 03 Whelk Permit Byelaw 2016 Final.pdf](#)

Option 1: Voluntary measures.

Given that the risk of overfishing arises from non-compliance of existing permit conditions, and enforcement challenges persist despite the threat of fines and legal action, voluntary measures alone are considered to be insufficient in deterring non-compliant behaviour. Furthermore, these measures are intended to be built upon existing conditions which are already regulatory and given the existing non-compliance voluntary measures would seem contradictory to the problem. As above market failures mean that self-regulation is not an acceptable alternative and unlikely to be effective if participation remains optional. So, in this case, it was determined that without intervention from Eastern IFCA, the risk of overfishing could not be adequately mitigated.

Option 2: Attach conditions as above to fishery permits

Given the existing regulation around the fishery and the mandatory four-yearly review of permit conditions, it is both efficient and effective to introduce additional conditions to existing permits with minimal administrative burden. The proposed condition to increase VMS ping rate aligns with established regulatory standards for i-VMS systems, ensuring consistency and regulatory coherence.

Given the likely unsatisfactory outcomes provided by options 0 and 1, the implementation of option 2 is considered the best course of action. This approach offers the most robust mechanism for deterring and detecting non-compliance, while simultaneously enhancing the quality of the data used for monitoring the whelk fishery. Option 2 provides a high likelihood of identifying and evidencing any violations of the Whelk Permit Byelaw 2016, without increasing the day-to-day enforcement workload.

Therefore, option 2 is considered the most effective solution to address the identified problems.

Assessment of Impacts on Business

The whelk fishery in the Eastern IFCA district is a small-scale fishery that serves a primarily international market. Stock levels (based on Landings Per Unit Effort) have fluctuated since monitoring began but remained at levels considered sustainable and continue to remain at levels considered enough to sustain the fishery at its current level. The number of individuals in the whelk fishing industry remained stable, with a slight decrease in recent years. Of these, most individuals use boats that are under 12 m in length and so are required to have i-VMS, which pings at a rate of 3-minutes, leaving only a single vessel requiring changes to their VMS units.

Consultation with the industry found that the separation of catch from inside and outside the district is unlikely to have any significant financial costs attached. One industry member indicated that there is the potential for a loss of revenue if fishers are dissuaded from fishing inside and outside of the district due to the need to sort catch separately. This impact, however, is not possible to quantify and likely to be negligible as indicated by the consultation.

As such, the real impact on business is limited to a small number of individuals, and while the increase in ping rate may constitute an additional financial cost for the industry members that require it, the amount in monetary terms is very low.

The best estimate of EANDCB is £168, based on the requirement for one business to increase VMS pings to 3-minutes. The EANDCB has been calculated based on the cost of increasing the VMS ping rate, which is estimated to be approximately £14 a month (based on the price in 2023).

The value of the whelk fishery within the Eastern IFCA district was assessed to be £1,82,742.76 in 2024.

The impact of the permit conditions are estimated to be minimal within the context of one business and negligible in the context of the sector (East Anglia whelk fishers) in the Eastern IFCA district. It is not considered of national significance in comparison to the environmental risks tackled by the permit conditions.

Altogether, the impact of the permit conditions are not significant within the context of one business and not considered of national significance in comparison to the environmental risks tackled by the policy.

Wider Impacts (Including Assessment of Impact on SMBs and Households)

The proposed permit conditions will have minimal wider impact as it only impacts one businesses within a small section (whelk fishers) of a small sector (East Anglian fishers).

There is a risk, as with all regulations and restrictions within fisheries, that these permit conditions will; displace effort, potentially taking other fisheries or the whelk fishery within the 6 nm limit beyond sustainable levels causing business failures within the fishing industry. These risks however cannot be accurately quantified.

Assessment of Impact on Trade and Investment (Including Internal Market Assessment)

International sales make up a large portion of whelk sales, but due to the negligible impacts on the industry the proposed permit conditions are not expected to impact trade or investment.

Assessment of Environmental Impacts

This policy will protect biodiversity by tackling non-compliance and enhancing the monitoring of the whelk fishery in the Eastern IFCA district.

There is a risk, as with all regulations and restrictions within fisheries, that these permit conditions will displace effort due to industry increasing effort either side of the 6nm district boundary to

attempt to avoid situations where bags or boxes are left only half-filled, potentially taking other fisheries or the whelk fishery within the 6 nm limit beyond sustainable levels.

Rationale for producing a DMA (as opposed to an OA/IA)

The impact from this policy is well below £10m EANDCB, is limited to permit conditions, and does not contain contentious or novel elements.

Will the policy be reviewed (yes/no): Yes

Review date if applicable: N/A

Review Provision Detail and Monitoring and Evaluation Plans.

The Authority must review flexible permit conditions and restriction of the issuing of whelk permits no less frequently than every four years after the date that a flexible permit conditions or restriction on the issuing of whelk permits has taken effect.

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14/11/2025

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Internal Directorate Clearance

Policy sign off

Senior Analyst sign off

Central Sign Off

Better Regulation Unit (Policy) Sign off

Office of the Chief Economist
(Central Appraisal Team) Sign off