

De Minimis Assessment	
Title of measure	Netting Byelaw
Lead Department/Agency	Northumberland Inshore Fisheries and Conservation Authority (NIFCA)
Expected date of implementation	To be updated
Origin (Domestic or International)	Domestic
Date	5 th April 2024
Lead Departmental Contact	Mark Southerton, Chief Officer, NIFCA 8 Ennerdale Road, Blyth, Northumberland NE24 4RT nifca@nifca.gov.uk
Departmental Triage Assessment	Low cost regulation (fast track)
Viable policy options (including alternatives to regulation)	
<p>Option 0: Do nothing.</p> <p>Option 1: No further statutory restrictions and introduce voluntary agreements.</p> <p>Option 2: Update current 'Fixed Engines' byelaw into a Netting permit byelaw to include multiple forms of netting and simplify the current regulation.</p> <p>Option 3: Prohibition of fixed nets/engines.</p> <p>Option 2 is the preferred option.</p>	
Initial assessment of impact on business	
<p>Available evidence suggest 6 fishing vessels are likely to be directly affected by the proposed updates to the NIFCA Fixed Engine byelaw. The changes ultimately will not affect fishing opportunities or current practices. The change, and therefore any associated impact, is likely to be ongoing as opposed to one-off.</p> <p>The estimated monetised costs to UK businesses over 10 years is expected to be negligible. The equivalent annual net direct cost to business (EANDCB) is negligible.</p> <p>There are no non-monetised costs anticipated.</p> <p>None of the expected benefits of the proposed management measure have been monetised, however non-monetised benefits include the fulfilment of NIFCA's duties under the Marine and Coastal Access Act 2009¹.</p>	
BIT status/score / Summary of monetised impacts	
<ul style="list-style-type: none"> • Estimated Net Present Value: Negligible • Estimated Business Net Present value: Negligible: • Estimated Equivalent Annualised Net Direct Costs to Business: Negligible • Appraisal period: ten years • The Price Base Year and Present Value Base Year: 2022 and 2024 • BIT status/score: 0 <p>The proposal is a Regulatory Provision as it relates to business activity (commercial fishing); it has a regulatory effect by restricting netting through spatial, temporal, and gear restrictions; and has effect by virtue of the exercise of a function conferred on a Minister of the Crown or a relevant regulator. The proposal is a Qualifying Regulatory Provision as it does not fall within any of the administrative exclusions set out in the Business Impact Target written ministerial</p>	

¹ [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

statement - HCWS5745²

Rationale for producing a DMA (as opposed to a Regulatory Impact Assessment)

The fast-track appraisal route is appropriate as this regulation falls under the 'low cost' criteria - EANDCB is under £5m, as detailed in the initial assessment of impact on business above.

Departmental signoff (SCS):

Date:

Economist signoff (senior analyst):

Date:

Better Regulation Unit signoff:

Date:

² [Written statements - Written questions, answers and statements - UK Parliament](#)

Northumberland Inshore Fisheries and Conservation Authority (NIFCA) De Minimis Assessment: Netting Byelaw

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1. Supporting evidence

1.1 Policy issue and rationale for Government intervention

Northumberland Inshore Fisheries and Conservation Authority (NIFCA) have a statutory duty to manage the exploitation of sea fisheries resources³, to so do NIFCA should:

- a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
- b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
- c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and
- d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

In line with the “evaluate and adapt” section of the marine management cycle, IFCA's should continually monitor the effectiveness of their byelaws. When they are no longer effective, they should be repealed or modified⁴. The Fixed Engine byelaw was inherited from the Northumberland Sea Fisheries Committee (NSFC) and includes outdated information which requires updating. The byelaw was updated in 2015, however retained measures from the NSFC.

There are multiple issues with the current byelaw that should be addressed:

1. The byelaw is difficult to follow. There are multiple measures applying to different areas including spatial restrictions combining regulation from the Environment Agency (EA) and the Tweed Commission designed for migratory fish. They are described in multiple different formats using coordinates, distances and landmarks. There are also spatial restrictions for an area which falls outside of the NIFCA district boundary.
2. During the winter months (1st November to 25th March) there is only a depth restriction within three conservation areas around estuaries. Nets can legally be set very close to the shore or intertidally during this time period.
3. The byelaw does not regulate any other methods of netting i.e. drift netting. NIFCA have had enquires about the possibility of use of different types of netting including: cast nets for bait fishing operated from the shore, and beach seines (also no regulation covering this activity). At present, these types of net are unregulated in the NIFCA district.
4. Currently, NIFCA have very little information on the number of vessels engaged in this activity, or catch and/or effort levels.

³ Section 153 of the Marine and Coastal Access Act 2009.

<https://www.legislation.gov.uk/ukpga/2009/23/section/153>

⁴ IFCA Byelaw Making Guidance, 2011.

<https://assets.publishing.service.gov.uk/media/5a7b34e0ed915d3ed9062dce/ifca-byelaw-guidance.pdf>

1.2 Marine Plan Assessment

The North East Marine Plan⁵ was adopted in 2021. The decision to propose management changes in relation to netting has been made in accordance with the North East Marine Plan. In particular, the following marine plan policies in the North East Marine Plan are relevant:

- Fishing

NE-FISH-1, NE-FISH-2, NE-FISH-3

- Employment

NE-EMP-1

- Marine Protected Areas

NE-MPA-1

- Biodiversity

NE-BIO-1

- Cumulative Effects

NE-CE-1

1.3 Marine Strategy Regulations

In proposing the management options here, NIFCA has considered the UK Marine Strategy, as required by regulation 9 of the Marine Strategy Regulations 2010⁶.

2. Policy objectives and intended effects

A NIFCA byelaw review cycle has concluded that updates are required to the Fixed Engine byelaw. These updates will simplify the byelaw, maintain and expand on current protections for migratory fish, include more netting gear types than just Fixed Engines to future-proof protection for sea fish, and increase the amount of information provided to NIFCA on the fishery to improve monitoring, and ultimately management of this fishery.

Fishing activities have the potential to cause negative outcomes in the marine environment as a result of 'market failures'. These failures can be described as:

- 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. NIFCA must seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way.

⁵ The North East Marine Plan <https://www.gov.uk/government/publications/the-north-east-marine-plans-documents>

⁶ [The Marine Strategy Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- **Negative externalities:** These 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. NIFCA must seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote the recovery from, the effects of such exploitation.
- **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. NIFCA must seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

The proposed byelaw aims to redress these sources of market failure in the marine environment through improved management of the exploitation of sea fisheries resources, which will ensure negative externalities are reduced or suitably mitigated.

3. Policy options considered, including alternatives to regulation

Option 0: Do nothing.

This option would mean retaining the current byelaw which is not considered a viable option due to the issues with the byelaw listed in section 1.1. All other options are compared to option 0.

Option 1: No further statutory restrictions and introduce voluntary agreements.

This option would involve developing voluntary codes of practice to enhance the current byelaw. NIFCA have considered this option in light of the Hampton Review and Better Regulation, which requires that new regulation is introduced only as a last resort. However, this would not work effectively in this case as it would further complicate the management landscape and is not a suitable approach to achieve the aims listed in section 1.2.

Option 2: Update current 'Fixed Engines' byelaw into a Netting permit byelaw to include multiple forms of netting and simplify the current regulation.

Updating the byelaw to create a netting permit byelaw will simplify the current regulation by removing the conservation areas and having a specified depth in which nets must be set throughout the whole district for winter and summer. This will increase protection for birds through reduced likelihood of bird bycatch, reduce the risk of loss of gear in bad weather, and futureproof the regulation for new or emerging fisheries (eg bass). This option would not include

landing nets, push nets, crab nets, or hand nets used for a recreational activity, but would prohibit drift nets, and fixed nets set for recreational purposes.

Introduction of a permit will allow NIFCA to monitor and manage the fishery more effectively through an increase in information on the number of vessels actively fishing in the district and their catch and effort. This information, at the level required by NIFCA, is not available through current catch and effort returns processes that the MMO has in place and therefore would be required as part of this byelaw. An updated byelaw can also include other forms of netting other than fixed engines which will increase protection for sea fish and future proof the management of this fishery.

Option 3: Prohibition of fixed nets/engines.

This option is not considered appropriate as it would eliminate this fishery from the NIFCA district which is not considered to be required for NIFCA to carry out statutory duties effectively.

Option 2 is the preferred option. As such, this is reflected in the costs and benefits analysis.

4. Expected level of business impact

Given the proposed changes under Option 2, there will likely be very little impact to current fishing practices resulting in monetised costs to the fishing industry. NIFCA have gathered information on the current levels and extent of use of fixed engines for fishing for sea fish in the NIFCA district.

4.1 Levels of fixed engine or fixed net activity

Levels of static netting activity within the district have declined considerably in recent years and are currently considered by NIFCA to be low. This decline in netting has been attributed by local fishers to the introduction of TACs and quotas in 1983, cessation of dumping sewage sludge off the Tyne and Blyth (which cod fed from) and grey seal predation of fixed nets.

Three types of evidence have been used to estimate current levels of fixed netting activity in the district:

- Knowledge from NIFCA Officers regarding netting (High data confidence)
- Netting data from NIFCA shellfish permit returns (Moderate data confidence)
- Sightings data from NIFCA patrol vessels (High data confidence)

Knowledge from NIFCA Officers regarding netting

Netting in the District is considered to occur at a low-level, the lack of netting is attributed to both declines in white fish stocks and grey seal predation (particularly around the Farne Islands) from fixed nets. Fishing for white fish is mainly historic, with no regular fishery. Officers have listed recent netting activity either known to officers or observed:

From the north side of St Mary's Island into Hartley Bay there have been attempts to target cod with gills nets by approximately five fishers over the last five years (2018-2023). This has not resulted in a regular fishery.

- One vessel has targeted the south end of Whitley Bay in winter, looking for cod.

- One Amble boat very occasionally gill nets, mentioned twice to NIFCA, not much return from this netting.
- Recreational netting has been mentioned as a possibility by vessels operating from the Wansbeck boat club, but never seen by NIFCA Officers.

NIFCA Officers have also seized a number of illegal gill nets in the district over the last 5 years. Nets have been seized from both the north end of Newbiggin near Lynemouth, and the south end, also from Cambois beach. These nets are thought to have been set primarily for salmon.

Data from shellfish permit returns

Whilst netting does not require a shellfish permit, the majority of vessels fishing in the NIFCA district do have commercial shellfish permits. The number of vessels reporting using nets on shellfish permit returns is therefore an indication of the number of vessels netting in the district, although it cannot be considered complete. Between 2015 and 2022 the number of vessels has ranged from 4-9 (Figure 1). One of these vessels has reported using tangle nets to target shellfish, as well as white fish.

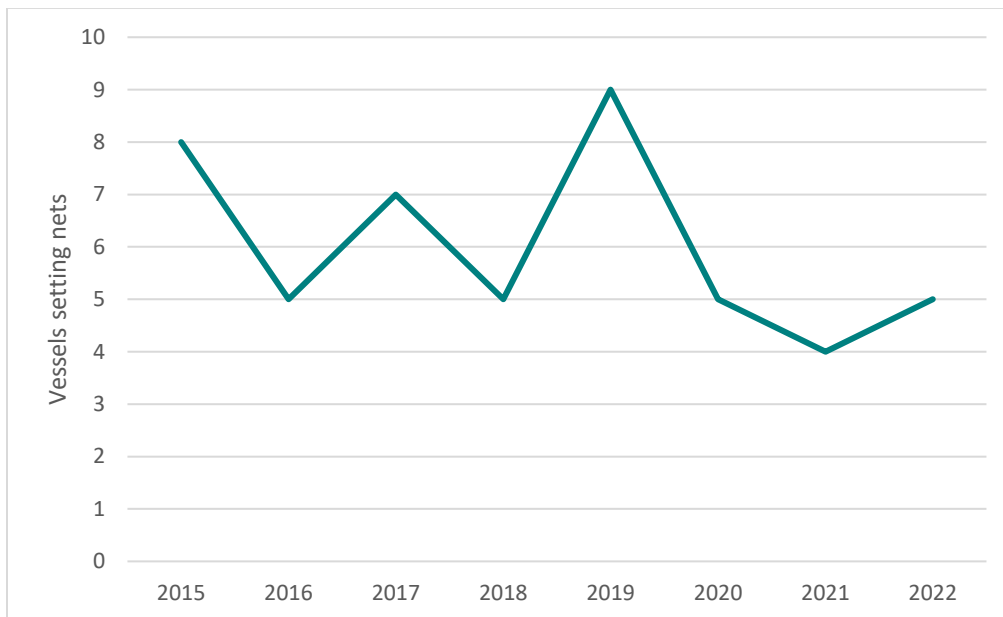


Figure 1 Number of vessels reported setting nets in the NIFCA District from 2015-22 (NIFCA shellfish permit returns). Not all vessels deploying nets will have a shellfish permit.

Sightings data from NIFCA patrol vessels

Officers on NIFCA patrol at sea record all fishing vessels and the fishing activity they are engaged in. From 2015-2022 only three sightings of gill netting were recorded. Two approximately 1 mile off the coast at Tynemouth and one approximately half a mile east of the mouth of the Blyth estuary.

4.2 Costs to the UK fishing industry

This DMA considers the economic impact to UK businesses. Economic impacts to non-UK businesses and individuals, including fishing vessels registered outside of the UK, are not in

scope for the headline cost figures. Further, the changes in management proposed here will not impact non-UK vessels as they are prohibited from fishing in the area under consideration.

To estimate the current value of the fishery the UK Sea Fisheries statistics⁷, specifically the UK fleet landings by rectangle, stock, port and EEZ 2018-2022 dataset was used to estimate landed weight and value for any fixed or drift net fishing in ICES rectangles that overlap with the NIFCA district (39E8 and 40E8). The dataset was filtered for each ICES rectangle and then for gear type with 'Fixed and Drift Nets' selected each year from 2018 to 2022. In some years, results included Nephrops as a species landed from Fixed and Drift nets, these were omitted due to it being unlikely that Nephrops would be caught using nets in this area.

As detailed in section 4.1, netting activity in the NIFCA district is low and this is reflected in the landings statistics with both landed weight and values consistently low over the past 5 years (Table 1). There are no landings reported using this gear type in area 40E8 which is the northern section of the NIFCA district. Landings from 39E8 include Cod and Pollack only. Annual landed value does not exceed £150.00 in any one year. Suggested changes to the byelaw should not further limit current fishing activity and therefore should not further reduce landed weight or value. Therefore, any economic impacts will be negligible.

Table 1 Landed weight (tonnes) and value (£) of species landed by 'Drift and Fixed Nets' from UK Sea Fisheries statistics 2018-2022.

Year	ICES Rectangle	Landed weight (tonnes)	Landed value (£)
2018	39E8	0.09	128.50
	40E8	0	0
2019	39E8	0	0
	40E8	0	0
2020	39E8	0	0
	40E8	0	0
2021	39E8	0.01	34.50
	40E8	0	0
2022	39E8	0.06	63.92
	40E8	0	0

4.3 Familiarisation costs

The familiarisation cost is the cost to fishers of reading the byelaw. NIFCA have estimated that on average 6 vessels set nets within the NIFCA district (average number of vessels from 2015-2022). These vessels are small under 12m inshore boats which are often worked single handed or with one crew member. While it is not possible to estimate with any accuracy the reading time of the new byelaw (as in the MMO De Minimis Assessment for Marine Protected Areas Bottom Towed Fishing Gear Byelaw 2023⁸), due to the limited number of people involved in the fishery, the plan to simplify the current byelaw and the education process NIFCA goes through when introducing new byelaws the familiarisation costs, in this case, will be negligible.

⁷ UK Sea Fisheries Statistics <https://www.gov.uk/government/statistics/uk-sea-fisheries-annual-statistics-report-2022>

⁸ [MMO Stage 2 DMA Updated.pdf \(defra.gov.uk\)](#)

4.4 Monitoring and Compliance

NIFCA enforcement and compliance actions are intelligence led and risk based. Where intelligence suggests non-compliance, or that there may be a risk of non-compliance, action is taken with resources deployed accordingly. A 'Fixed Engine' byelaw currently exists within NIFCA's suite of byelaws, the updated version of this byelaw should not alter current enforcement priorities and actions. Whether this byelaw becomes a priority depends on compliance, however it is not possible to anticipate this, or the associated enforcement costs. The enforcement of this byelaw will be absorbed by existing compliance systems and will not be considered here.

4.5 Total monetised costs

The total monetised costs for updating this byelaw are difficult to estimate. The proposed changes in option 2 will not remove or fundamentally change any current netting practices in the district and therefore should not directly result in any changes to landed value. Landed weights and value of this fishery in ICES rectangles overlapping the NIFCA district can be seen in table 1. This shows landed values do not exceed £150.00 per year in any one year between 2018 and 2022. Monetised costs to fisheries will be negligible.

Option 2 does seek to restrict other forms of netting such as drift nets and intertidal nets, however this activity does not take place within the NIFCA district and has been included to future-proof the management measures, therefore there are no monetised costs associated with this change.

4.6 Non-monetised costs

None anticipated. The management measures are unlikely to cause any displacement of netting activity.

4.7 Non-monetised benefits

The changes to the current byelaw which would be brought in under proceeding with option 2 offer the following non-monetised benefits:

Increased protection to seabirds and migratory fish

The changes would increase the protection offered in the current Conservation Areas in the byelaw. The depth of water fixed engines can be placed is restricted from the 1st November to 25th March but only in the conservation areas. Legally during this time, nets could be set intertidally from the shore, or very close to the shore from a vessel. If there was a depth restriction throughout the entire district, the conservation areas could then be removed from the byelaw and intertidal netting would be prohibited. This would offer increased protection to migratory fish and seabirds as it would increase the area of sea in which the depth restrictions apply from the current Conservation Areas to the entire NIFCA district area.

Prevention of illegal fishing

By prohibiting drift nets, and fixed nets set by recreational fishers NIFCA would remove legislative grey areas that currently exist in the byelaw.

Simplification of the byelaw

As it stands the byelaw is complex and difficult to follow with multiple conservation areas described in different formats (coordinates, landmarks, and imaginary lines with different units of measurement). The update would simplify the byelaw making it easier to understand and follow.

Permits

The possibility of having the fishery permitted with gear types specified in the byelaw conditions would allow more flexible management. Currently there is no restriction on size of vessel for netting in the district, permits could allow for these restrictions to be added as flexible permit conditions. This would also allow NIFCA to require permit returns to increase the information available on this fishery the information from which could feed into MPA monitoring and control plans to allow for more robust monitoring.

5. Environmental Impact

Overview of Marine Protected Areas (MPAs)

Netting assessments have been completed for all MPAs in the NIFCA district. In all assessments netting activity (at current levels) was found to either not significantly impact the conservation objectives of each site (Special Areas of Conservation SACs and Special Protection Areas SPAs) or not to hinder the conservation objectives of each site (Marine Conservation Zones MCZs). All assessments have been agreed with Natural England.

The proposed netting byelaw will extend the protection currently in place within specific conservation zones with a headline depth restriction in place throughout the year and within the whole NIFCA district area, with a greater depth in the summer months. The changes made through updating this byelaw will not reduce the level of protection in place for MPA features and will not act to increase netting activity levels. Any changes in the fishery within MPAs will be monitored through NIFCA's monitoring and control plan process.

The proposed netting byelaw will improve the amount of information NIFCA holds on netting activity to better evidence monitoring and control plans to monitor feature-fishery interactions in MPAs into the future.

6. Recommended management option

Following the above assessment, the recommended management option is Option 2: Update current 'Fixed Engines' byelaw into a Netting permit byelaw to include multiple forms of netting and simplify the current regulation.

This will be achieved through the implementation of a NIFCA Netting byelaw. The introduction of this byelaw means the current Fixed Engines byelaw will be revoked.