

<b>Title:</b> Minimum Sizes Byelaw  <b>IA No:</b> NIFCA 015  <b>Lead department or agency:</b> Northumberland Inshore Fisheries and Conservation Authority (NIFCA)  <b>Other departments or agencies:</b> Marine Management Organisation (MMO), Department for Environment, Food and Rural Affairs (Defra).	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 19/01/2021		
	<b>Stage:</b> Final		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Secondary Legislation		
<b>Contact for enquiries:</b> Mike Hardy, CEO 8 Ennerdale Road, Blyth, NE24 4RT <a href="mailto:nifca@nifca.gov.uk">nifca@nifca.gov.uk</a> - 01670797676			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b> N/A

Cost of Preferred (or more likely) Option (in 2019 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year (EANCB in 2019 prices)	Business Impact Target Status
£0	£0	£0	Non-qualifying regulatory provision.

**What is the problem under consideration? Why is government intervention necessary?**  
Changes to European legislation in relation to minimum conservation reference 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 Northumberland Inshore Fisheries and Conservation Authority (IFCA) District. The intended effects are to prohibit the removal of fish and shellfish which are below the minimum conservation reference size established within Regulation (EU) 2019/1241 in relation to commercial and non-commercial fisheries and to enable the effective enforcement of such. Effectively, the proposed measures maintain the effects of the former Council Regulation (EC) No 850/98 in relation to minimum conservation reference 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 – Minimum Sizes Byelaw - implement minimum conservation reference 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:** 01/2026

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)		Traded: n/a	



# Summary: Analysis & Evidence

Policy Option 1

Description:

## FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2020	Time Period 10 Years	Net Benefit (Present Value (PV)) (£)		
			Low: 0	High: 0	Best Estimate: 0

COSTS (£)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant	Total Cost (Present Value)
Low	0		0	0
High	0		0	0
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 (£)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant	Total Benefit (Present Value)
Low	0		0	0
High	0		0	0
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

Effects of the proposed measures are in keeping with and have no additional effects of those previously felt when the, now revoked, Council Regulation (EC) No 850/98 was in place. Minimum conservation reference sizes established in EU legislation, such as those in Regulation (EU) 2019/1241, are appropriate and have a protective effect.

### Discount rate

3.5%

## BUSINESS ASSESSMENT (Option 1)

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

# 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 Regulation (EU) 1380/2013 on the common fisheries policy<sup>2</sup>. Importantly, these regulations revoke and replace the measures implemented through Council Regulation (EC) 850/98<sup>3</sup>. Officers have identified some key differences in the current legislation compared to 850/98 which have also been confirmed by an independent legal advisor:

- The current regulation establishes that minimum conservation reference sizes (MCRS) apply only in relation to commercial fishing;
- The current regulation removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms that was present in 850/98.

As a result, Inshore Fisheries and Conservation Authority (IFCA) powers are 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, Northumberland IFCA confirmed the MINIMUM SIZE EMERGENCY BYELAW 2019 on the 13<sup>th</sup> August 2019. This byelaw was developed and introduced collaboratively with neighbouring IFCAs (North Eastern, 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). Northumberland IFCA consider that the problem under consideration will not have resolved at the time the emergency byelaw extension expires (13<sup>th</sup> February 2021) and as such is proposing a replacement of the emergency byelaw with a permanent byelaw.

## Rationale for intervention

### *The importance of minimum conservation reference sizes*

The removal of fish only once they have reached a MCRS (usually related to a breeding size) is a common fisheries management measure used around the world<sup>4,5</sup>. As a management measure it is relatively cheap, simple and effective to apply and easy for fishers to understand.

There has been a move away from managing fisheries using a MCRS regime which requires commercial fishers to discard dead, undersize fish. This is set out in the reformed common fisheries policy and implemented through Regulation (EU) 1380/2013 as the 'landing obligation'.

---

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

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1547133726973&uri=CELEX:32013R1380>

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01998R0850-20140101>

<sup>4</sup> New South Wales Recreational Saltwater Fishing Guide. (2018) NSW Department of Primary Industries. ISBN web 978-1-76058-242-5

<sup>5</sup> FLORIDA SALTWATER RECREATIONAL 2019. FISHING REGULATIONS. Florida Fish and Wildlife Conservation Commission. Issued: Jan. 1, 2019

The landing obligation removes the incentive to catch undersize fish through the introduction of a requirement that they are landed and counted against quota and crucially that they are not sold for human consumption. The landing obligation applies to finfish rather than shellfish (crustacea, molluscs), however enforcement activity of MCRS in relation to shellfish is an important aspect of Northumberland IFCA's compliance regime and in relation to the crab and lobster fisheries throughout the District, therefore the proposed byelaw is required.

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 MCRS by prohibiting their removal. It is also worth noting that organisms caught by rod and line fishers (the primary recreational fishery) generally have higher survivability than those caught by other commercial fishing gears (e.g. trawls, static nets etc.) increasing the effectiveness of a MCRS as a management tool.

The loss of the ability to enforce the MCRS would significantly diminish Northumberland 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 effective way of achieving this because the use of MMO cross-warrants will enable only the enforcement of MCRSs through 1380/2013 which significantly diminishes the effectiveness of the enforcement of MCRS and would not apply to recreational fishing.

It should be noted that the proposed measures are not intended to conflict with the landing obligation.

#### *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 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 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 Sea Angling 2012 survey.

Within Sea Angling 2012, data were collected from over 11,000 sea anglers in England through an Office of National Statistics household survey, face-to-face interviews with anglers by IFCA's, 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 £1.23 billion on the sport, equivalent to £831 million 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 £2.1 billion of total spending, a total of over 23,600 jobs, and almost £980 million of GVA. Angling 2012

- Almost four million days of sea angling were recorded over the year.
- Shore fishing was the most common type of sea angling – almost three million angler-days compared with one million for private or rented boats and 100,000 on charter boats.
- Anglers had most success on charter boats, catching ten fish per day on average compared with around five from private boats and only two from the shore.
- The most common species caught, by number were mackerel and whiting (Figure 1).

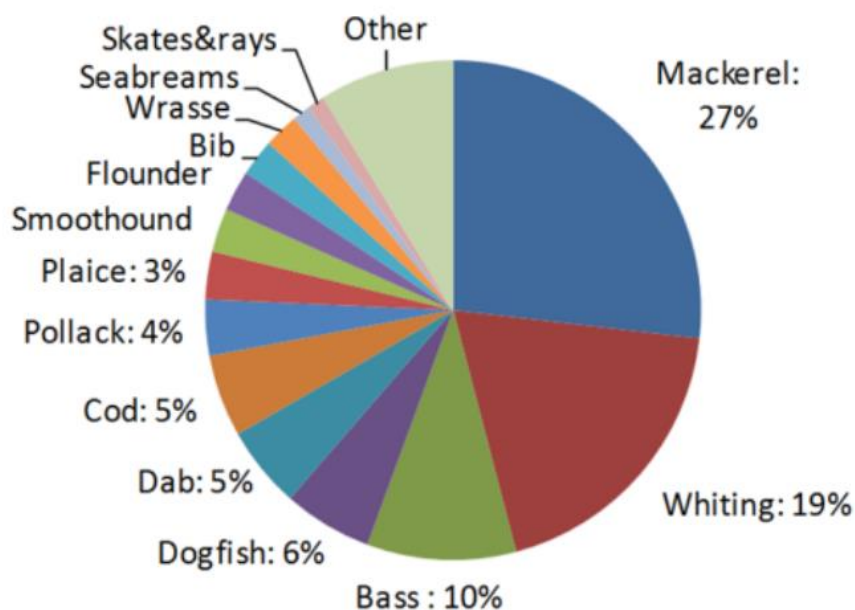


Figure 1: Outputs from the survey where fishers highlighted the species they typically catch when fishing.

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

Whilst there are no large-scale recreational shellfish fisheries in the Northumberland IFCA District, there is a low but constant level of activity, with people putting out up to five pots at any one time, collecting small amounts of shellfish. MCRS 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, due 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 MCRSs is also recognised by the recreational angling community.

*Angling Trust website<sup>6</sup> (19/7/19)*

*“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*

<sup>6</sup> <https://www.anglingtrust.net/page.asp?section=163>

*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 MCRS legislation also applies to a long list of molluscs and crustacea including edible crabs (*Cancer pagurus*), lobster (*Homarus gammarus*) and whelks (*Buccinum undatum*).

### *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>7</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 Northumberland IFCA compliance regime and has encouraged best practice.

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

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

The proposed byelaw seeks to replicate the protective effect in place under 850/98. To this end, the byelaw applies to species which have an MCRS and are evidenced to have been landed within the Northumberland IFCA District. This is determined using the MMO landing dataset 2010 to 2018 (inclusive)<sup>8</sup>.

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 six. 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.

---

<sup>7</sup> Article 15(12) 1380/2013 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1380>

<sup>8</sup> <https://www.gov.uk/government/collections/uk-sea-fisheries-annual-statistics>

## Parts of shellfish

The proposed byelaw also prohibits the removal of shellfish which cannot be measured to determine MCRS. This was also a provision of 850/98, albeit with exceptions for edible crab claws, which would not be enforceable under current Inshore Fisheries and Conservation Officer powers. It should also be noted that there are National Statutory Instruments (SIs) for velvet crab<sup>9</sup>, spider crab<sup>10</sup> and edible crab<sup>11</sup>.

Northumberland IFCA byelaw 3<sup>12</sup> (Crustacea Conservation 2019) prohibits fishing for, removing, taking, landing or offering for sale lobsters, edible crabs and velvet crabs based upon their physical condition. This byelaw also prohibits the use of edible crab as bait, subject to specific exceptions. Northumberland 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 MCRSs 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 Northumberland 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 MCRS;
- Require shellfish to be landed 'whole' except for *Nephrops norvegicus* to enable effective enforcement of the MCRS;
- Apply an exemption in relation to using certain fish as bait when they are undersize;
  - a) This applies to Horse Mackerel (*Trachurus trachurus*), Mackerel (*Scomber scombrus*), Herring (*Clupea harengus*) and Sardine (*Sardina pilchardus*).
- Apply an exemption in relation to certain small pelagic species to permit ten percent of catch to be undersize;

The measures are intended to replicate the related measures within 850/98 for all catches not subject to the landing obligation and such as they applied immediately prior to the implementation of Regulation (EU) 2019/1241.

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

Two options were considered:

- **Option 0 – Do Nothing:** 2019/1241 had the effect of changing minimum fish and shellfish size provisions as they had been under 850/98. In particular, the amended provisions do not apply to non-commercial fishers or fishers operating from unpowered vessels or the shore

---

<sup>9</sup> <https://www.legislation.gov.uk/uksi/1989/919/contents/made>

<sup>10</sup> <https://www.legislation.gov.uk/uksi/2000/1502/made>

<sup>11</sup> <https://www.legislation.gov.uk/uksi/2000/2029/contents/made>

<sup>12</sup> <https://www.nifca.gov.uk/wp-content/uploads/2020/05/FULL-BYELAWS-MAY-2020.pdf>



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 MCRS. This option would also allow the existing emergency byelaw to lapse, leaving a gap in the protective legislation.

- **Option 1 – Minimum Sizes Byelaw:** This measure effectively maintains the status quo immediately prior to the implementation of 2019/1241. It has the effect of maintaining the provisions which had been in place including applying the MCRS provisions to non-commercial fishers, fishers from unpowered vessels and fishers from the shore and in relation to activities ancillary to fishing (i.e. transshipping etc.).

As per the Defra Guidance on byelaw making, Northumberland IFCA consulted on the MINIMUM SIZE EMERGENCY BYELAW 2019 through the following channels:

- Fishing News – 27<sup>th</sup> February & 5<sup>th</sup> March 2020
- Sea Angling News – 5<sup>th</sup> March 2020
- Sea Angler – 5<sup>th</sup> March 2020
- Northumberland IFCA website – 27<sup>th</sup> February 2020

There were no objections received to the proposed byelaw.

### **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 2019/1241.

No monetised benefits are identified for option 1 (preferred option) and 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 sexually mature and larger fish/shellfish should be maintained (or increased) being an indicator of a healthy stock.

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

Given that it is unlikely that there will be any negative impacts from the proposed intervention, the level of analysis within the assessment is considered appropriate.

### **Risks and assumptions**

- The MCRSs set out in the byelaw will have a protective effect – some of the MCRSs 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 MCRSs set internationally is beyond the scope of the current intervention.

- Impacts of using nets with inappropriate mesh sizes – amendments made by 2019/1241 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**

It is unlikely there will be any widely felt negative impacts of the proposed byelaw. There would be no additional burden on enforcement or compliance with this new byelaw, as it simply intends to maintain the protection previously afforded to the fishery via the now revoked 850/98.

### **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 EU member states 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 MCRS provisions which were in place immediately prior to the implementation of 2019/1241 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. Northumberland IFCA's engagement plan includes engagement with the non-commercial fishing industry who are broadly aware of the requirement to ensure fish and shellfish meet a MCRS. Commercial fishers are aware of the MCRS requirements.

Northumberland IFCA will publicise the byelaw on the Northumberland IFCA website and via social media platforms as well as engaging fishers on the ground during compliance activity and in all relevant channels.

## Annex A: Policy and Planning

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

#### Marine Plan: Draft North East Inshore Marine Plan

Marine Plan Policy	Policy Text	Policy screened in or out from assessment	Assessment of plan policy
<b>NE-INF-1</b>	Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported.	X	Does not apply.
<b>NE-CO-1</b>	Proposals that optimise the use of space and incorporate opportunities for coexistence and co-operation with existing activities will be supported. Where potential conflicts with existing activities are likely (including displacement) proposals must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on existing activities (including displacement) d) if it is not possible to mitigate significant adverse impacts on existing activities (including displacement), proposals should state the case for proceeding.	X	Does not apply.
<b>NE-AGG-1</b>	Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the other development or activity is compatible with aggregate extraction.	X	Does not apply.
<b>NE-AGG-2</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.	X	Does not apply.
<b>NE-AGG-3</b>	Proposals in areas where high potential aggregate resource occurs should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on aggregate extraction d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.	X	Does not apply.

<b>NE-CAB-1</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. Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures.	X	Does not apply.
<b>NE-CAB-2</b>	Proposals demonstrating compatibility with existing landfall sites and incorporating measures to enable development of future landfall opportunities should be supported. Where this is not possible proposals will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on new and existing landfall sites d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.	X	Does not apply.
<b>NE-CAB-3</b>	Where seeking to locate close to existing sub-sea cables, proposals should demonstrate compatibility with ongoing function, maintenance and decommissioning activities of the cable.	X	Does not apply.
<b>NE-DD-1</b>	In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.	X	Does not apply.
<b>NE-DD-2</b>	Proposals that cause significant adverse impacts on licensed disposal areas should not be supported. Proposals that cannot avoid such impacts must, in order of preference: a) minimise b) mitigate c) if it is not possible to mitigate the significant adverse impacts, proposals must state the case for proceeding.	X	Does not apply.
<b>NE-DD-3</b>	Proposals for the disposal of dredged material must demonstrate Oil and gas that they have been assessed against the waste hierarchy. Where there is the need to identify new dredge disposal sites, proposals should be supported which are subject to best practice and guidance.	X	Does not apply.
<b>NE-OG-1</b>	Proposals in areas where a licence for oil and gas has been granted or formally applied for should not be authorised unless it is demonstrated that the other development or activity is compatible with the oil and gas activity	X	Does not apply.
<b>NE-OG-2</b>	Proposals within areas of geological oil and gas extraction potential demonstrating compatibility with future extraction activity will be supported.	X	Does not apply.

<b>NE-PS-1</b>	Only proposals demonstrating compatibility with current activity and future opportunity for sustainable expansion of port and harbour activities will be supported. Proposals that may have a significant adverse impact upon current activity and future opportunity for expansion of port and harbour activities must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.	X	Does not apply.
<b>NE-PS-2</b>	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance must not be authorised within or encroaching upon International Maritime Organization routing systems unless there are exceptional circumstances.	X	Does not apply.
<b>NE-PS-3</b>	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance which encroaches upon high density navigation routes, strategically important navigation routes, or that pose a risk to the viability of passenger services, must not be authorised unless there are exceptional circumstances.	X	Does not apply.
<b>NE-PS-4</b>	Proposals promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport will be supported where appropriate.	X	Does not apply.
<b>NE-REN-1</b>	Proposals that enable the provision of renewable energy technologies and associated supply chains, will be supported.	X	Does not apply.
<b>NE-REN-2</b>	Proposals for new activity within areas held under a lease or an agreement for lease for renewable energy generation should not be authorised, unless it is demonstrated that the proposed development or activity will not reduce the ability to construct, operate or decommission the existing or planned energy generation project.	X	Does not apply.
<b>NE-WIND-1</b>	Proposals for offshore wind inside areas of identified potential will be supported.	X	Does not apply.
<b>NE-HER-1</b>	Proposals that demonstrate they will conserve and enhance elements contributing to the significance of heritage assets will be supported. Proposals unable to conserve and enhance elements contributing to the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate harm to those elements contributing to the significance of heritage assets d) if it is not possible to mitigate, then public benefits for proceeding with the proposal must outweigh the harm to the significance of heritage assets.	X	Does not apply.

<p><b>NE-SCP-1</b></p>	<p>Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> <li>a) avoid</li> <li>b) minimise</li> <li>c) mitigate</li> <li>d) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area.</li> </ul> <p>Where possible, proposals should demonstrate that they have considered how highly the seascapes and landscapes of an area is valued, its quality, and the areas potential for change. In addition, the scale and design of the proposal should be compatible with its surroundings, and not have a significant adverse impact on the seascapes and landscapes of an area.</p>	<p>X</p>	<p>Does not apply.</p>
<p><b>NE-FISH-1</b></p>	<p>Proposals supporting a sustainable fishing industry, including the industry's diversification, should be supported.</p>	<p>✓</p>	<p>This byelaw will not affect the diversification of the fishing industry, but it will afford protection to species, which may enhance the sustainability of a number of fisheries.</p>
<p><b>NE-FISH-2</b></p>	<p>Proposals that enhance access for fishing activities should be supported. Proposals that may have significant adverse impacts on access for fishing activities, must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> <li>a) avoid</li> <li>b) minimise</li> <li>c) mitigate significant adverse impacts</li> <li>d) if it is not possible to mitigate the significant adverse impacts, proposals should state the case for proceeding.</li> </ul>	<p>✓</p>	<p>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.</p>
<p><b>NE-FISH-3</b></p>	<p>Proposals enhancing essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported. If proposals cannot enhance essential fish habitat, they must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> <li>a) avoid</li> <li>b) minimise</li> <li>c) mitigate significant adverse impact on essential fish habitat, including spawning, nursery and feeding grounds, and migration routes.</li> </ul>	<p>✓</p>	<p>The proposed byelaw will not enhance essential fish habitats, however it will allow animals to reach an appropriate size before they can be removed from the fishery, allowing them to reproduce before they are taken.</p>

<b>NE-EMP-1</b>	Proposals that result in a net increase to marine related employment will be supported, particularly where they meet one of more of the following: i. are created in areas identified as the most deprived or; ii. are in line with local skills strategies and the skills available in and adjacent to the north east marine plan area or; iii. create a diversity of opportunities or; iv. implement new technologies.	✓	The protection afforded to species in this byelaw may increase the sustainability of fishing practices, therefore increasing the longevity of these practices. Whilst not directly increasing marine employment, it may provide more security to the industry.
<b>NE-CC-1</b>	Proposals which enhance habitats that provide flood defence or carbon sequestration will be supported. Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts, or, as a last resort, d) compensate and deliver environmental net gains in line with and where required in current legislation.	X	Does not apply.
<b>NE-CC-2</b>	Proposals should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change.	X	Does not apply.
<b>NE-CC-3</b>	Proposals in the north east marine plan areas and adjacent marine plan areas that are likely to have significant adverse impacts on coastal change should not be supported. Proposals that may have significant adverse impacts on climate change adaptation measures outside of the proposed project areas must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate the significant adverse impacts upon these climate change adaptation measures.	X	Does not apply.
<b>NE-CCUS-1</b>	Decommissioning Programmes for oil and gas facilities should demonstrate that they have considered the potential for re-use of infrastructure.	X	Does not apply.
<b>NE-CCUS-2</b>	Carbon Capture Usage and Storage proposals incorporating the re-use of existing oil and gas infrastructure will be supported.	X	Does not apply.
<b>NE-AIR-1</b>	Proposals must assess their direct and indirect impacts upon air quality and greenhouse gas emissions. Where proposals are likely to result in air pollution or increased greenhouse gas emissions, they must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate air pollution and or greenhouse gas emissions in line with current national and local air quality objectives and legal requirements.	X	Does not apply.

<b>NE-ML-1</b>	Public authorities must make adequate provision for the prevention, re-use, recycling and disposal of waste to reduce and prevent marine litter. Public authorities should aspire to undertake measures to remove marine litter within their jurisdiction.	X	Does not apply.
<b>NE-ML-2</b>	Proposals that facilitate waste re-use or recycling to reduce or remove marine litter will be supported. Proposals that could potentially increase the amount of marine litter in the marine plan area, must include measures to: a) avoid b) minimise c) mitigate waste entering the marine environment.	X	Does not apply.
<b>NE-WQ-1</b>	Proposals that enhance and restore water quality will be supported. Proposals that cause deterioration of water quality must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate deterioration of water quality in the marine environment.	X	Does not apply.
<b>NE-ACC-1</b>	Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, and also demonstrate the future provision of services for tourism and recreation activities, will be supported. Where enhanced public access cannot be provided, proposals should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on public access.	X	Does not apply.
<b>NE-TR-1</b>	Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported. Where proposals may have a significant adverse impact on tourism and recreation activities they must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate that impact.	X	Does not apply.
<b>NE-SOC-1</b>	Those bringing forward proposals are encouraged to consider and enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal.	✓	Proposed byelaw will not affect the enjoyment of the marine environment. It may enhance local knowledge of the MCRS and the issue of overfishing.
<b>NE-DEF-1</b>	Proposal in or affecting Ministry of Defence areas should only be authorised with agreement from the Ministry of Defence.	X	Does not apply.



<b>NE-MPA-1</b>	Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported. Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate adverse impacts, with due regard given to statutory advice on an ecologically coherent network.	✓	No impacts on the overall Marine Protected Area network are identified.
<b>NE-MPA-2</b>	Proposals that enhance a marine protected area's ability to adapt to climate change, enhancing the resilience of the marine protected area network will be supported. Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate adverse impacts.	✓	No impacts on the overall Marine Protected Area network are identified.
<b>NE-MPA-3</b>	Where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.	✓	No impacts on the overall Marine Protected Area network are identified.
<b>NE-MPA-4</b>	Proposals must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on designated geodiversity.	✓	No impacts on the overall Marine Protected Area network are identified.
<b>NE-BIO-1</b>	Proposals that enhance the distribution of priority habitats and priority species will be supported. Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate d) compensate for significant adverse impacts.	✓	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>NE-BIO-2</b>	Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported. Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts d) compensate for significant adverse impacts.	✓	Where the measures act to ensure stock sustainability, they will have the effect of enhancing native species biodiversity which would otherwise be lost due to overfishing.

<b>NE-BIO-3</b>	Proposals that deliver environmental net gain for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported. Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services, and demonstrate that they will in order of preference: a) avoid b) minimise c) mitigate d) compensate for net habitat loss and deliver environmental net gain.	✓	The proposed byelaw will not impact coastal habitats.
<b>NE-NG-1</b>	Proposals should deliver environmental net gain for marine or coastal natural capital assets and services. Proposals that may have significant adverse impacts on marine and coastal natural capital assets and services must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate d) compensate for significant adverse impacts and deliver environmental net gain.	X	Does not apply.
<b>NE-INNS-1</b>	Proposals that reduce the risk of introduction and/or spread of invasive non-native species should be supported. Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species, particularly when: 1) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another 2) introducing structures suitable for settlement of invasive non-native species, or the spread of invasive non-native species known to exist in the area.	X	This byelaw will not affect the spread of invasive non-native species.
<b>NE-INNS-2</b>	Public authorities with functions to manage activities that could potentially introduce, transport or spread invasive non-native species should implement adequate biosecurity measures to avoid or minimise the risk of introducing, transporting or spreading invasive non-native species.	X	This byelaw will not affect the spread of invasive non-native species.
<b>NE-DIST-1</b>	Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts.	X	Does not apply.
<b>NE-UWN-1</b>	Proposals that result in the generation of impulsive sound must contribute data to the UK Marine Noise Registry as per any currently agreed requirements. Public authorities must take account of any currently agreed targets under the UK Marine Strategy Part One Descriptor 11.	X	Does not apply.

<b>NE-UWN-2</b>	Proposals that result in the generation of impulsive or non-impulsive noise must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on highly mobile species d) if it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding.	X	Does not apply.
<b>NE-CE-1</b>	Proposals which may have adverse cumulative effects with other existing, authorised or reasonably foreseeable proposals must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse cumulative and/or in-combination effects.	X	Does not apply.
<b>NE-CBC-1</b>	Proposals must consider cross-border impacts throughout the lifetime of the proposed activity. Proposals that impact upon one or more marine plan areas or impact upon terrestrial environments must show evidence of the relevant public authorities (including other countries) being consulted and responses considered.	✓	No adverse impacts identified.