

Title: Southern IFCA Shore Gathering Byelaw IA No: SIFCA0124 RPC Reference No: N/A Lead department or agency: Southern Inshore Fisheries and Conservation Authority Other departments or agencies: Marine Management Organisation, Natural England, Department for the Environment, Food and Rural Affairs (Defra)	Impact Assessment (IA)
	Date: 08/08/2024
	Stage: Development
	Source of intervention: Domestic
	Type of measure: Secondary Legislation
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Summary: Intervention and Options	RPC Opinion: N/A
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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	Business Impact Target Status
£-700,000	£-700,000	£77,808	Qualifying provision

What is the problem under consideration? Why is government action or intervention necessary?

Shore gathering activities such as shellfish gathering, bait digging, push-netting, mechanical harvesting (by hand), crab tilling and seaweed harvesting have the potential to impact certain sensitive features for which MPAs within the National Site Network are designated. Management is required to ensure that the Southern IFCA (SIFCA) can continue to meet its duties under the Marine and Coastal Access Act 2009, the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to manage fishing activities in MPAs to ensure features are not adversely affected (Special Areas of Conservation [SACs] and Special Protection Areas [SPAs]), and that Conservation Objectives (Marine Conservation Zones [MCZs]) are furthered. A review of the existing SIFCA management relevant to shore gathering is required as well as consideration of new management interventions to ensure consistent and relevant management for all shore gathering activities in the District in line with Southern IFCA's legal duties

What are the policy objectives of the action or intervention and the intended effects?

- To avoid adverse impact from shore gathering activity on SACs and SPAs, and further the conservation objectives of MCZs in the Southern IFCA District
- To review existing management to ensure that it is based on best available evidence and is relevant and consistent for all shore gathering activities in the District
- To manage activity proportionately by considering management for designated features within MCZs and within or adjacent to SACs and SPAs
- To enhance environmental sustainability within the Southern IFCA District
- Intended effect is protection of designated sensitive features in MPAs (National Site Network sites) from shore gathering activities, success is measured by compliance with regulations, measured through compliance and enforcement outputs and, if required, associated enforcement action.

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

0. Do nothing.
1. Create a new Southern IFCA Shore Gathering Byelaw in order to introduce relevant, consistent and feature-based management for shore gathering activities in line with Southern IFCA's legal duties for sites under the National Site Network (SACs, SPAs and MCZs).
2. Create a Southern IFCA byelaw to prohibit shore gathering activities within the full extent of all MPAs under the National Site Network (SACs, SPAs and MCZs).
3. Voluntary measures.

The preferred option is **Option 1**:

- The revocation of the:
 - Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
 - Poole Harbour Shellfish Hand Gathering Byelaw
 - Periwinkles Byelaw
 - Fishing for Oysters, Mussels and Clams Byelaw
 - Redeposit of Shellfish Byelaw
- The amendment of the Fishing for Cockles Byelaw to remove hand gathering gear restrictions.
- The cessation of the Memorandum of Agreement for Bait Digging in Poole Harbour ('Bait Digging MoA').
- And creation of the Southern IFCA Shore Gathering Byelaw.

Option 1 would best enable Southern IFCA to meet its duties. Spatial management in MPAs utilising a feature-based approach is in line with the current legal duties of the Southern IFCA and is a proportionate response to ensuring appropriate protection of the marine environment from shore gathering activities.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: Review in line with provision (10) of the Shore Gathering Byelaw.				
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	Micro	Small	Medium	Large
	Yes	Yes	No	No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded: N/A		Non-traded: N/A

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible CHAIR: Date:

Description:

FULL ECONOMIC ASSESSMENT

Base Year 2019	PV Base Year 2020	Period Years 10	Net Benefit (Present Value (PV)) (£)		
			Low: Optional	High: Optional	Best Estimate: £-700,000

COSTS (£)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
	Optional	Optional	Optional
	Optional	Optional	Optional
Best Estimate	£1,717	£77,609	£669,750

Description and scale of key monetised costs by ‘main affected groups’

The **maximum average** annual cost to the UK shore gathering industry is estimated to £77,609 assuming the proposed closures are accessed **every available day**. These consequences are a result of 3 commercial bait diggers being displaced from Holes Bay in Poole Harbour for two extra months of the year and three commercial bait diggers who currently dig in the River Medina for three months of the year only.

The displacement of these groups will impact local bait and tackle shops, the cost of which is included in the figure above.

It should be noted that based on Southern IFCA records of activity data and observations made by Southern IFCA Officers that bait digging activity has not been observed to occur every day in any location. However, given the potential currently for that activity to occur every day during the referenced period, an estimation of cost has been made on this basis, this is highly likely to be an overestimate.

The total transition cost to Southern IFCA associated with the new measures is estimated to be £1,717 and would come in the first year of the byelaw. This cost is related to the update of current information boards and production of new information resources. Ongoing compliance costs would form part of the normal annual delivery of work by Southern IFCA.

Other key non-monetised costs by ‘main affected groups’

As a consequence of loss of access to certain areas, there is the potential for displacement of fishing effort to other areas, potentially creating additional conflict with other users and reducing the sustainability of fisheries and the marine environment. This is unlikely as a targeted engagement exercise showed minimum overlap with activity and prohibited areas asides from the groups mentioned under monetised costs.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	n/a	n/a	n/a
High	n/a	n/a	n/a
Best Estimate	n/a	n/a	n/a

Description and scale of key monetised benefits by ‘main affected groups’

The removal of restrictions related to the type of tools allowed when gathering shellfish may increase the efficiency of shellfish related shore gathering activity and therefore the profits, however there is existing non-compliance with the gear restrictions in place therefore it is likely that shellfish is already being gathered with implements in some cases reducing the overall benefit by removing this restriction. It is not possible to monetise this benefit with the data available. There are no studies into the efficiency of gathering using hand equipment vs hand picking only.

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

Proposed measures will benefit the sustainability of the marine environment through the protection of sensitive designated features within MCZs and within or adjacent to SACs and SPAs that would otherwise be vulnerable to potentially damaging shore gathering techniques. Certain designated features are also defined as blue carbon habitats contributing to offsetting climate change. Such benefits are difficult to quantify.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
<p>A key assumption is that the management intervention will be successful in preventing shore gathering activities within prohibited areas and that the exclusion of these activities will lead to maintenance and/or recovery of designated sensitive features.</p> <p>Costs to industry have been calculated using information from Southern IFCA stakeholders gathered during an engagement exercise. Data on economic value of harvested species is lacking in landings data and for certain activities, such as recreational harvesting or bait gathering there is no requirement to report landings. Therefore, direct engagement was the only method of obtaining an assessment of potential costs.</p> <p>Costs was calculated using the maximum volume of catch and financial gain provided through the engagement exercise. This impact assessment estimates the maximum impact to industry on this basis. It should be noted that based on Southern IFCA records of activity data and observations made by Southern IFCA Officers that the levels of effort for relevant activities (bait digging) do not equate to the maximum available period for undertaking this activity and therefore whilst the maximum cost has been calculated, this is highly likely to be an overestimate.</p>		

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £:			Score for Business Impact Target (qualifying provisions only):
Costs: 77,808	Benefits: N/A	Net: 77,808	
			0.389042

Evidence Base

1 Problem under consideration and rationale for intervention

- 1.1 This Impact Assessment (IA) is for the Southern Inshore Fisheries and Conservation Authority (SIFCA) Shore Gathering Byelaw (“the Byelaw”). The Byelaw will manage shore gathering activity in the Southern IFCA District and has been developed through a review of shore gathering activity undertaken by the Southern IFC Authority.
- 1.2 Shore gathering activities such as shellfish gathering, bait digging, push-netting, mechanical harvesting (by hand), crab tilling and seaweed harvesting have the potential to impact certain sensitive features for which MPAs in the National Site Network are designated. Management is required to ensure that the Southern IFCA (SIFCA) can continue to meet its duties under the Marine and Coastal Access Act 2009, The Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to manage fishing activities in MPAs (National Site Network Sites) to ensure features are not adversely affected (SACs and SPAs), and that Conservation Objectives (MCZs) are furthered. A review of the existing SIFCA management is required to ensure consistent and relevant management for all shore gathering activities in the District.
- 1.3 There have been 1357 occurrences of shore gathering within MPAs (SACs, SPAs and MCZs) recorded by SIFCA between July 2007 and March 2024. These occurrences have been recorded as sightings or inspections by Southern IFCA Officers and further information on activity can be found in the supporting document for the byelaw, the Site-Specific Evidence Document. As Southern IFCA patrols are intelligence led and dictated by resource and activity, this figure will not reflect all shore gathering activity which takes place in the District, however the timeseries dataset gives an overview of preferred areas and seasonal patterns. Levels of shore gathering activities occurring in the Southern IFCA District are deemed to be low based on best available evidence with the most occurrences in a single site in a single month being less than 20.
- 1.4 Shore gathering activity can potentially cause negative outcomes 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.
 - **Negative externalities** – Negative externalities occurs 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.
 - **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

1.5 The Byelaw aims to redress these sources of market failure in the marine environment through the following ways:

- Management measures to ensure that designated features and supporting habitats are not adversely affected (SACs and SPAs) and to ensure that Conservation Objectives are furthered (MCZs) will ensure negative externalities are reduced or suitably mitigated.
- Management measures will support continued existence of public goods in the marine environment, for example conserving the range of biodiversity in the Southern IFC District.
- Management measures will also support continued existence of common goods in the marine environment, for example ensuring the long-term sustainability of stocks of sea fisheries resources in the IFC District.

2 Southern IFCA Legal Duties

2.1 Southern IFCA is responsible for the management of fishing activities in the coastal waters of Dorset, Hampshire and the Isle of Wight. These waters contain highly biodiverse and ecologically rich habitats, providing a range of valuable ecosystem services. The value of these habitats and species is recognised through a range of Marine Protected Area (MPA) designations, collectively contributing to the UK's MPA Network ("the National Site Network").

2.2 Southern IFCA has duties under section 154 of the Marine and Coastal Access Act 2009¹ ("the MaCAA") for the protection of features within marine conservation zones as follows:

- (1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.
- (2) Nothing in section 153(2) is to affect the performance of the duty imposed by this section.
- (3) In this section –
 - a. "MCZ" means a marine conservation zone designated by an order under section 116;
 - b. the reference to the conservation objectives of an MCZ is a reference to the conservation objectives stated for the MCZ under section 117(2)(b)

2.3 Section 125 of the MaCAA also requires that public bodies (which includes the IFCA) exercises its functions in a manner to best further (or, if not possible, least hinder) the conservation objectives for MCZs.

2.4 Southern IFCA has duties under the Conservation of Habitats and Species Regulations 2017² and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019³ (referred to jointly in this document as the "Conservation Regulations"). The Conservation Regulations transpose the land and marine aspects of the Habitats Directive and Wild Birds Directive into domestic law and outlines how the National Site Network will be managed.

2.5 The National Site Network is a network of protected sites which are designated for rare and threatened species and rare natural habitat types. These sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), designated under the EC Habitats Directive 1992⁴ and the EC Birds

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

² [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

³ [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁴ [EUR-Lex - 31992L0043 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu)

Directive 2009⁵, respectively. The National Site Network also includes MCZs designated under the MaCAA.

- 2.6 Under Regulation 6 of the Conservation of Habitats and Species Regulations 2017, Southern IFCA, as a named competent authority, must ensure that fishing activity within or adjacent to an SAC or SPA does not damage, disturb or lead to a deterioration of a species which receives protection under the relevant designation, so as to ensure compliance with the Habitats Directive and Birds Directive.
- 2.7 For MCZs, where section 154 of the MaCAA states that an IFCA's performance in meeting the duty to further Conservation Objectives for features within an MCZ should not be affected by anything listed in the general IFCA duties under section 153, this includes social or economic considerations. Likewise, for SACs and SPAs, the overarching legislation does not provide for the consideration of social or economic factors/impacts when making management decisions which are required to ensure that the duty of no adverse effect is met for activity within or adjacent to these sites. Once these duties have been satisfied, if there is a need for further management intervention then this would be developed in consideration of any other relevant material considerations (matters that should be taken into account when making a decision) which includes consideration of socio-economic factors.

3 Review of Shore Gathering Activity

- 3.1 Shore gathering is the action of gathering sea fisheries resources in the intertidal or shallow subtidal environment. Activities are carried out on foot and include shellfish gathering, bait digging/collection, shrimp push-netting, crab tilling/collection, mechanical harvesting (by hand) and the harvesting of seaweed by hand from the shore. A selection of shore gathering activities are already managed in the District through a combination of byelaws and non-statutory measures, these measures are:
 - Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
 - Poole Harbour Shellfish Hand Gathering Byelaw
 - Periwinkles Byelaw
 - Fishing for Oysters, Mussels and Clams Byelaw
 - Redeposit of Shellfish Byelaw
 - Fishing for Cockles Byelaw
 - The Bait Digging MoA
- 3.2 During 2022, Southern Inshore Fisheries and Conservation Authority (IFCA) commenced a review of management for shore gathering activities in the District, to consider where management may be required for Tranche 3 Marine Conservation Zones (MCZs) and in response to an update to the evidence base provided by the Statutory Nature Conservation Body, Natural England, on the location and extent of designated features. In addition, the review encompassed consideration of existing legislation which relates to shore gathering activities.

This review was further informed in 2023 by the publication of The Environmental Improvement Plan 2023 (EIP)⁶, introduced by Government as the first revision of the 25-Year Environment Plan⁷. The Environment Plan identified the Government's intention to support progress towards the UN's Sustainable Development Goals under the Global Biodiversity Framework which includes protection of 30% of the global ocean by 2030. At a domestic level, the Government aim to achieve this by enhancing protection for MPAs. Under the goal of Thriving Plants and Wildlife in the EIP, there is a target for 70% of designated features in MPAs to be in favourable condition by 2042 with the remainder in recovering condition and a new interim target of 48% of this to be achieved by 31st January 2028. The delivery of this is to be supported through strengthened protections in MPAs by 2024. Appropriate regulators, including IFCAs, are required to ensure that management measures are in place for all MPAs by 2024 in order for this interim target to be achieved. For the Southern IFCA, this includes management of shore gathering activities in relevant MPAs. In line with the targets for the EIP, the Shore Gathering Review was re-defined to focus on feature-based management interventions for MPAs: sites designated under the National Site Network (SACs, SPAs and MCZs).

⁵ [EUR-Lex - 32009L0147 - EN - EUR-Lex \(europa.eu\)](#)

⁶ [Environmental Improvement Plan 2023 - GOV.UK \(www.gov.uk\)](#)

⁷ [25 Year Environment Plan - GOV.UK \(www.gov.uk\)](#)

Conservation Assessments

- 3.3 The evidence to support the outcomes of this review was collated through a series of environmental assessments relevant to shore gathering activities for MCZs, SACs and SPAs. A determination of whether management measures are appropriate to meet the legal duties for relevant sites is made through the completion of an MCZ Assessment (for MCZs) or a Habitats Regulations Assessment (HRA, for SACs and SPAs). For the latter, a duty is placed on Southern IFCA as a competent authority under Article 6(3) of the Habitats Directive, whereby any plan or project likely to have a significant effect on an SPA or SAC within the National Site Network, either individually or in combination with other plans or projects, is to undergo an appropriate assessment, namely a Habitats Regulation Assessment (HRA). The plan or project must be assessed in view of the site's conservation objectives. Accordingly, MCZ Assessments and HRAs were undertaken as part of the review.
- 3.4 The MCZ assessment process is staged, comprising of an initial screening assessment to establish whether an activity occurs or is anticipated to occur/has the potential to occur within the site. Activities which are not screened out are subject to a 'Part A' assessment, akin to the Test of Likely Significant Effect required under the Habitats Directive. The aim of this assessment is to identify pressures capable of significantly affecting designated features or their related processes. Fishing activities and their associated pressures which are not screened out in the Part A assessment are then subject to a more detailed 'Part B' assessment, where assessment is undertaken on a gear type basis. The Part B assessment is akin to the Appropriate Assessment required under the Habitats Directive. The aim of this assessment is to determine whether there is a significant risk of the activity hindering the Conservation Objectives of the MCZ. The Part B assessment assesses the proposed management measures for the relevant activities to determine if the mitigation provided allows the IFCA to meet its legal duties.
- 3.5 MCZ assessments for shore gathering activities were undertaken for the following MCZs in the Southern IFCA District:
- Bembridge MCZ
 - Studland Bay MCZ
 - Yarmouth to Cowes MCZ
 - Purbeck Coast MCZ
 - The Needles MCZ
 - Chesil Beach and Stennis Ledges MCZ
- 3.6 The first stage in the HRA process is a screening of activities (in the same format as for an MCZ assessment), for activities screened in, a Test of Likely Significant Effect (TLSE) is undertaken, which is designed to test whether relevant pressures for an activity are likely to cause a significant effect on the designated features of an SAC or SPA. All the features/sub-features and supporting habitats for a site are subject to the TLSE assessment for relevant activities. Where the potential for a likely significant effect cannot be excluded an Appropriate Assessment must then be undertaken which must consider, in detail, the potential effects of the activity being assessed on any features/sub-features and supporting habitats where a likely significant effect has been identified and determine if proposed mitigation through management measures allows the IFCA to meet its legal duties.
- 3.7 SAC/SPA assessments for shore gathering activities were undertaken for the following SPAs and SACs in the Southern IFCA District:
- Lyme Bay and Torbay SAC
 - Studland to Portland SAC
 - Chesil and the Fleet SAC
 - Solent Maritime SAC

- South Wight Maritime SAC
- Chesil Beach and The Fleet SPA
- Poole Harbour SPA
- Solent and Southampton Water SPA
- Portsmouth Harbour SPA
- Chichester and Langstone Harbours SPA

3.8 Consideration of feature-based management for MPAs is in line with the legal duties of Southern IFCA in relation to the different designations of MPA. In all cases the term 'feature' is used to refer to designated features and supporting habitats for designated features under SPA designations.

3.9 Members of the Southern IFC Authority agreed, through a Working Group in early 2024 and the IFCA Technical Advisory Sub-Committee in May 2024, a set of Management Principles which would underpin the management measures for shore gathering. Defining these principles ensures a transparent approach to management and that this approach is applied consistently across the District.

3.10 The Management Principles are as follows:

1. The best available evidence used to inform feature-based protection for features designated under relevant MCZs, SACs and SPAs is:
 - a. The Natural England (NE) designated features layer provided to Southern IFCA in 2023
 - b. The National Seagrass Layer obtained from the Defra Government Website
 - c. NE (quality assured) commissioned Hampshire and Isle of Wight Wildlife Trust (HIWWT) seagrass data provided to Southern IFCA in 2024
2. Any additional data received after 9th May 2024 will be considered during the period of formal consultation and then (subject to byelaw ratification), in subsequent byelaw reviews, as determined by the provisions of the byelaw.
3. For relevant features a GPS buffer of 10m will be incorporated.
4. Prohibition areas will be defined as follows:
 - a. For designated seagrass features within MCZs that occur up to the 2m chart datum contour.
 - b. For seagrass designated as a feature or as a supporting habitat, within or adjacent to SACs and SPAs that occur up to the 2m chart datum contour.
5. Existing Southern IFCA management measures for relevant activities in the Poole Harbour SPA will be combined to create a single management approach.
6. With the exception of seagrass, the extent and distribution of feature-based management in the Solent Maritime SAC and District wide SPAs will be developed using Poole Harbour as a model.
7. In the application of the Poole Harbour model to the Solent Maritime SAC and District wide SPAs, the following approach will be taken:
 - a. Bird Sensitive Areas (BSA) will be used as the basis for spatial management.
 - b. In the absence of BSAs being defined by Natural England in the Solent Maritime SAC and District wide SPAs (excluding Poole Harbour), BSAs will be defined as follows:
 - i. For the Solent Maritime SAC and Solent SPAs, BSAs will be initially defined using areas proposed for management as good examples of estuarine habitat under the Bottom Towed Fishing Gear Byelaw 2023 and adapted to be relevant to shore gathering activity.
 - ii. For the Solent Maritime SAC, Solent SPAs and The Chesil and The Fleet SPA, consideration will be given to aligning BSAs with directions relating to access and shore gathering activities given by other bodies, for example harbour authorities and conservation bodies.

c. The requirements for seasonal management within BSAs will be considered on the basis of best available evidence.

8. A code of practice will be developed for the gathering of seaweed by hand.

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

- 4.1 The level of evidence presented through the environmental assessments to inform the appropriateness and robustness of management intervention to meeting the IFCA's legal duties is appropriate to the problem under consideration. These assessments have been based on best available evidence of feature/supporting habitat location and extent in MPAs as provided to the Southern IFCA by Natural England, as the Government's Nature Conservation Advisors, in 2023, supported by data from The National Seagrass Layer (obtained from the Defra Government website) and NE (quality assured) commissioned HIWWT seagrass data provided to Southern IFCA in 2024.
- 4.2 The development of the Shore Gathering Byelaw to consider feature-based management interventions for designated features within MCZs and within and adjacent to SACs and SPAs means that, where management is required to meet the IFCA's relevant legal duties for those sites, the development of management is unable to consider socio-economic factors. Information has been sought from stakeholders to inform the anticipated cost to industry through the implementation of the Byelaw as this is the only method through which data would be available for affected activities as landings/catch data is not available for the relevant activities, however no further data has been sought on socio-economic impacts, due to the inability for the IFCA to consider this information when making feature-based management decisions to satisfy legal duties. The Shore Gathering Byelaw is deemed to satisfy those legal duties and thus does not require any further precautionary interventions, in the event that management interventions had been included which were additional to those required to meet the IFCA's legal duties then further consideration of socio-economic impacts, alongside any other relevant material considerations would have been given.

5 Description of options considered

5.1 Option 0: Do nothing

Under this option, management of Shore Gathering activities would continue under the current legislation, and voluntary codes of practice.

- 5.1.1 This would result in spatial management not being updated to include the current best available evidence on feature location and extent, as well as not introducing management in the relevant Tranche 3 MCZs. Southern IFCA would not fulfil its legal duties of feature-based management for designated features and supporting habitats in SACs, SPAs and MCZs as listed under MaCAA and the Conservation Regulations.

5.2 RECOMMENDED OPTION

Option 1: Create a new Southern IFCA Shore Gathering Byelaw in order to introduce relevant, consistent and feature-based management for shore gathering activities in line with Southern IFCA's legal duties for sites under the National Site Network (SACs, SPAs and MCZs).

Under this option a byelaw would be created based on the Management Principles outlined in Section 3.10 to manage shore gathering activities through a single regulatory mechanism, introducing new and revised feature-based spatial and temporal management for shore gathering activities in SACs, SPAs and MCZs.

5.2.1 Under this option, the following byelaws would be revoked:

- Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw
- Poole Harbour Shellfish Hand Gathering Byelaw
- Periwinkles Byelaw
- Fishing for Oyster mussels and clams Byelaw
- Redeposit of Shellfish Byelaw

5.2.2 This option would require the cessation of the Memorandum of Agreement for Bait Digging in Poole Harbour.

5.2.3 Under this option, the following byelaws would be amended:

- Fishing for Cockles Byelaw

5.2.4 This option would allow Southern IFCA to meet its duties for MCZs under the MaCAA and for SACs and SPAs under the Conservation Regulations. This option, will allow the IFCA to meet the Government target of ensuring that management measures are in place for all MPAs by 2024.

5.3 Option 2: Create a Southern IFCA byelaw to prohibit shore gathering activities within the full extent of all MPAs under the National Site Network (SACs, SPAs and MCZs)

Under this option a single byelaw would be created to prohibit shore gathering activities within the full spatial extent of all MPAs under the National Site Network (SACs, SPAs, MCZs).

5.3.1 This approach would allow Southern IFCA to meet its duties under the MaCAA, however under the Conservation Regulations, Southern IFCA must ensure that fishing activity does not damage, disturb or have an adverse impact upon the features for which an SAC or SPA has been legally protected. As such, full spatial closures of MPAs would be exceeding the legislative requirements upon IFCAs under the Conservation Regulations. Relevant to all National Site Network Sites, this option would be disproportionate to the spatial footprint and level of impact caused by the activities under review and, in going beyond the meeting of IFCA legal duties, would require a full assessment of all relevant material considerations applicable to each site/activity, including balancing the needs of the marine environment with the socio-economics of the fishing industry.

5.4 Option 3: Voluntary measures

5.4.1 Due to the total area and environmental value of the District's SACs, SPAs and MCZs, coupled with the number of different types of shore gathering activity, it is believed that a voluntary agreement would pose too great a risk to the integrity of the environmental designations. In support of this statement, voluntary measures have previously been used to manage bait digging activity within the Poole Harbour SPA under the Bait Digging MoA. Southern IFCA have 81 recorded breaches of the MoA since its introduction in 2013, providing an indication that voluntary measures are no longer suitable to ensure that the appropriate protection is provided to the site.

6 Policy objectives

6.1 The policy objectives of the Shore Gathering Byelaw 2024 are:

- To avoid adverse impact from shore gathering activity on SACs and SPAs, and further the conservation objectives of MCZs in the Southern IFCA District
- To review existing management to ensure that it is based on best available evidence and is relevant and consistent for all shore gathering activities in the District

- To manage activity proportionately by considering management for designated features within MCZs and within or adjacent to SACs and SPAs
- To enhance environmental sustainability within the Southern IFCA District
- Intended effect is protection of designated sensitive features in MPAs (National Site Network sites) from shore gathering activities, success is measured by compliance with regulations, measured through compliance and enforcement outputs and, if required, associated enforcement action

7 The Shore Gathering Byelaw

7.1 The Shore Gathering Byelaw provides spatial management for sensitive habitats and species within MCZs and within or adjacent to SACs and SPAs to mitigate potential impacts from shore gathering activities. Spatial management is further defined by prohibition (year-round) or seasonal management, with three types of management areas under the Byelaw:

- Prohibited Areas (year-round)
- Summer Closure Areas (closed 1st March to 31st August)
- Winter Closure Areas (closed 1st November to 31st March)

During those periods of closure, no shore gathering activities will be permitted to take place in accordance with the definitions for shore gathering

7.2 This management is introduced through the following provisions in the Byelaw:

Prohibitions

- i. No person shall fish for or take sea fisheries resources by hand or with the use of hand operated equipment where the fishing for, or taking is for the purpose of harvesting sea fisheries resources.
- ii. No person shall have with them any hand operated equipment for use in the course of, or in connection with, the fishing for, or taking of sea fisheries resources for the purpose of harvesting.
- iii. No person shall use or deploy any form of artificial habitat, structure or shelter to aid the collection of crab.

The definition of 'harvesting' in relation to the above prohibitions is given as: to remove and retain for the purposes of consumption, selling, displaying, using as part or wholly for a product or service, cultivating, introducing to the sea or using as bait whether carried out for commercial purposes or otherwise.

Exceptions

- iv. Points (i) and (ii) do not apply to the fishing for or taking of sea fisheries resources using a vessel provided that no part of the vessel's hull is in contact with the seabed
- v. Points (i) and (ii) do not apply when using:
 - a. Hook and line in conjunction with a fishing rod
 - b. Handlines
 - c. Spear gun
 - d. A net other than a push net

These provisions ensure that all relevant activities are covered. The potential impacts which require spatial management are applicable to all types of shore gathering activity and therefore in order to ensure that identified protections for designated features are appropriately mitigating those impacts, there is a need to manage all relevant activities consistently.

- 7.3 The byelaw will have year-round prohibition areas in 43 areas of the District. The area numbers in table 1 align with those in the schedule of the byelaw.

Table 1 Year-round prohibitions as defined in the Byelaw

Area of District	Shore Gathering Prohibition Area Number
Chichester Harbour	1 - 2
Langstone Harbour	3 – 12
Portsmouth Harbour	13 – 16
Southampton Water	17 - 18
Beaulieu	19
Isle of Wight	20 – 34
Poole Harbour	35 – 40
Studland Bay	41 - 42
The Fleet	43

- 7.4 The byelaw will have seasonal prohibition between 1st November and 31st March in 10 areas of the District. The area numbers in table 2 align with those in the schedule of the byelaw.

Table 2 Seasonal prohibitions between 1st November and 31st March as defined in the Byelaw

Area of District	Shore Gathering Prohibition Area Number
Poole Harbour	44 – 53

- 7.5 The byelaw will have seasonal prohibition between 1st March and 31st August in 8 areas of the District. The area numbers in table 3 align with those in the schedule of the byelaw.

Table 3 Seasonal prohibitions between 1st March and 31st August as defined in schedule

Area of District	Shore Gathering Prohibition Area Number
Southampton Water	54 - 57
Lymington & Keyhaven	58
Isle of Wight	59 - 61

- 7.6 The Byelaw provides for the Authority to issue a written dispensation to any person committing an act which would otherwise constitute an offence against the byelaw if the act is for the purpose of educational, scientific, stocking or breeding purposes, is being undertaken in accordance with that purpose and the dispensation is carried on board and produced for inspection when requested by an IFCO of the Authority or any other person authorised by the Authority to make such a request.

- 7.7 The Byelaw provides for the Authority to review the suitability of the byelaw in accordance with any changes in best available evidence, to include any statutory evidence provided by Natural England or other such bodies, organisations or persons as the Authority deems fit.
- 7.8 The total area closed to shore gathering activity year-round through the proposed closure areas under the Shore Gathering Byelaw is 20.28 km² representing 0.74% of the Southern IFCA District. **This is an increase of 4.97 km² from the current year-round spatial footprint of the Prohibition of Gathering (Sea Fisheries Resources) in Seagrass Beds Byelaw.** The total area closed to shore gathering activity between the 1st November and 31st March is 5.27 km² representing 0.19% of the Southern IFCA District. **This remains the same as the current 1st November to 31st March closures under the Poole Harbour Shellfish Hand Gathering Byelaw.** The total area closed to shore gathering activity between the 1st March and 31st August is 17.26 km² representing 0.63% of the Southern IFCA District. **There is currently no shore gathering management in the Southern IFCA District occurring in this period.** The total area of the District closed under both year-round and seasonal closures is 42.81km² representing 1.56% of the Southern IFCA District.
- 7.9 In addition to the Byelaw, Southern IFCA have developed the Southern IFCA Seaweed Harvesting Code of Conduct has been developed. The Code of Conduct is in line with other seaweed harvesting CoCs around the UK and has primarily used a CoC developed by Natural England in conjunction with partners including other IFC Authorities as a base with the inclusion of specific provisions relevant to the needs of applicable National Site Network Sites.

The CoC includes voluntary provisions for:

- Obtaining relevant permissions
- Harvesting only by hand
- No use of vehicles
- Avoiding disturbance to sea birds
- Avoiding trampling or taking of non-target species
- Collection of less than 1/3 of an individual plant
- Cutting fronds above the point of growth and leaving the holdfast
- Harvesting sparsely and taking only a small percentage of standing stock
- Rotating harvest areas
- Harvesting during the active growing season
- Harvesting after reproduction has occurred and ensuring a sustainable proportion of mature plants remain
- INIS protocols
- Not collecting drift seaweed from the entire length of stand lines
- Keeping records of volumes of species harvested
- Limiting harvesting in erosion-prone coastal areas where kelp forests dissipate wave energy
- Being aware of hazards on the foreshore

8 Consultation

8.1 Formal Consultation

- 8.1.1 **To be added following completion of Formal Consultation period.**

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

- 9.1 Option 1 will be analysed in comparison to Option 0.
- 9.2 The creation of the Southern IFCA Shore Gathering Byelaw may result in the following costs:
- Direct costs to the fishing industry as a result of reduced access or loss of access to fishing grounds.
 - Costs to Southern IFCA for information boards to support compliance.
 - Indirect costs to the fishing industry associated with displacement to other fishing grounds.
- 9.3 Costs to the fishing industry from reduced access or loss of access to fishing grounds and compliance costs to Southern IFCA can be monetised and these estimated values have been collated and presented as part of this IA.
- 9.4 Indirect costs to the fishing industry associated with displacement are difficult to value and are therefore described here as non-monetised costs.

10 Costs and Benefits to the Fishing Industry

- 10.1 To estimate the economic cost, Southern IFCA undertook a targeted engagement exercise to gather the potential impact of changes to shore gathering management in the District. In the absence of any available catch data from national mechanisms being available for shore gathering activities, targeted engagement was the most appropriate method to gather this information.

Through this exercise it was determined that commercial bait digging participants are expected to incur costs as a result of reduced access or loss of access to fishing grounds within year-round prohibition areas under the Byelaw. These costs will be incurred as a direct result of the closure of the fishing area.

- 10.2 Specifically, it was determined that changes to bait digging management in the southern section of Holes Bay, Poole Harbour would displace 3 commercial bait diggers for two months of the year, this equates to a total **maximum** estimated loss of £14,640 to diggers and £20,496 to merchants if diggers were to **dig every day of each of the two months**. This is based on a maximum of 61 available days, with weight range of 7lbs-8lbs per day and a payment of £10 per lb of bait paid to the digger. Maximum merchant loss is calculated using a sale price of £18 - £24 per lb of bait recognising that the payment to the digger of £10 would need to be removed, making a profit price of £8-14 per lb for a merchant. It should be noted that based on Southern IFCA records of activity data and observations made by Southern IFCA Officers that bait digging activity has not been observed to occur every day in this, or any other location. However, given the potential currently for that activity to occur every day during the referenced period, an estimation of cost has been made on this basis, this is highly likely to be an overestimate.
- 10.3 Changes to bait digging management in the River Medina, Isle of Wight would displace 3 commercial bait diggers for the 'summer months of the year'. Assuming the summer months to be June, July and August, and if diggers were to **dig every day of each of the three months**, there would be a total **maximum** estimated loss of £22,080 to diggers and £30,912 to merchants. This is based on a maximum of 92 available days, with weight range of 7lbs-8lbs per day and a payment of £10 per lb of bait paid to the digger. Maximum merchant loss is calculated using a sale price of £18 - £24 per lb of bait recognising that the payment to the digger of £10 would need to be removed, making a profit price of £8-14 per lb for a merchant. The same note regarding actual versus potential levels of activity applies in this case also.

- 10.4 The removal of gear restrictions on current shellfish harvesting will have a financial benefit to the fishing industry, for example through the ability to gather Manila clam using hand operated equipment rather than by just hand picking. However, it is noted that there has been non-compliance historically with the restriction on Manila clam harvesting being by hand picking only therefore it is likely that a proportion of currently gathered Manila clam is already undertaken using such an implement and thus the benefit to fishers will be lower than if there was full compliance with this regulation. In addition, the gathering for cockles which can take place using a hand-held implement is likely to reveal other shellfish species unintentionally, resulting in their collection, again lessening the potential financial gain by removing this measure. The complexity of the current measure which limits the use of hand operated equipment to certain species provides no additional environmental benefit over that achieved through the proposed spatial restrictions therefore it is proposed to be revoked through the making of the Shore Gathering Byelaw. It is not possible to quantify the potential financial benefit or revoking this measure due to the lack of data available on the efficiency of hand picking vs hand rakes when used in shellfish gathering and the above outlined factors regarding current practice.
- 10.5 The exercise also involved meeting with six commercial shellfish gatherers operating across Poole and the Solent. The proposed closure areas do not affect those operating in Poole as they remain unchanged from current management. There is not expected to be conflict between new proposed closure areas and shellfish gatherers in the Solent which would result in an economic loss.
- 10.6 Due to there being low levels of seaweed gathering, crab tilling and push netting and no recorded instances of mechanical harvesting activity in the District, along with no requirement to provide data to either Southern IFCA or the Marine Management Organisation (MMO) for these activities, there is currently no method of determining participants in this fisheries and thus actively engage to understand any economic impact. However, due to the low levels or absence of activity, participants are not expected to incur a measurable cost.
- 10.7 The total annual cost to the industry (based on quantified **maximum** economic losses defined for bait diggers and merchants in paragraphs 10.2 and 10.3) is £88,128.

11 Costs to Southern IFCA

- 11.1 Southern IFCA is anticipating that additional costs for compliance and enforcement as a result of the Byelaw, over and above those already directed towards compliance and enforcement for shore gathering activity as part of business as usual, will be minimal due to the low risk posed by this activity and current low levels of effort across all relevant activities. There is therefore no monetary amount attributed to additional patrol work. Costs will be related to the development of new information resources and updates to current information boards at key areas across the District to support participants in compliance. The costs of which are to be £1,950.
- 11.2 Under section 153 of the MaCAA, Southern IFCA has the lead responsibility of enforcing an IFCA byelaw. The Authority's existing compliance and enforcement strategy would be the most likely and effective method of enforcing the recommended byelaw.
- 11.3 The best form of engagement will be with stakeholders whilst they are participating in shore gathering activities therefore can be incorporated into the above mentioned business as usual patrols related to shore gathering activities.

12 Total monetised costs

- 12.1 The Equivalent Annual Net Direct Costs to Business (EANDCB) as a result of the proposed measures are estimated to be a **maximum of £77,808**.

13 Non-monetised costs

13.1 There is expected to be displacement of approximately six bait diggers from the previously mentioned areas of Poole Harbour and the River Medina on the Isle of Wight. Relative to the scale of the shore gathering fishery, this number of participants is not significant.

14 Non-monetised Benefits

14.1 The creation of the Shore Gathering Byelaw 2024 may result in the following benefits:

- Improved sustainability of the marine environment through the protection of sensitive designated features within MCZs and within or adjacent to SACs and SPAs that would otherwise be vulnerable to potentially damaging fishing techniques.
- A potential increase in the delivery of ecosystem services.
- A potential increase in the sustainability of the fisheries, leading to a socio-economic benefit for fishermen and associated businesses.
- Potential reputational benefits to shore gathering participants and the fishing industry.

14.2 These benefits are difficult to value and therefore described as non-monetised.

14.3 The MCZ and HRA assessments carried out to inform the review of shore gathering activity demonstrate that methods of shore gathering are likely to have a significant effect on certain sensitive features/supporting-habitats for which sites in the District are designated and therefore prevent the furthering of Conservation Objectives for MCZs and lead to an adverse effect on features within or adjacent to SACs and SPAs, in all cases affecting overall site integrity. The creation of prohibited and seasonal management areas under the Byelaw provides a benefit to these MPAs through protection of these sensitive features/supporting-habitats contributing to the achievement of overall site integrity.

14.4 The sensitive habitats and species designated for the National Site Network sites in the Southern IFC District which relate to the assessments for shore gathering activity include: seagrass, reef features, estuarine habitats (i.e. saltmarsh, intertidal sediments), sea-pens and burrowing megafauna, subtidal sediment habitats, native oyster, pink sea fans, peacock's tail, stalked jellyfish spp., seahorse species and bird species with associated supporting habitats. The outputs from the assessments indicate that abrasion, penetration or disturbance of the seabed, removal of non-target and target species, and disturbance of bird species were main pressures which required management consideration.

14.5 The sensitive habitats and species listed above contribute to the biodiversity of the marine environment and provide a variety of roles in supporting food webs, providing areas for feeding, breeding, roosting and protection for species and supporting the development of species communities and characteristic biotopes. These services would be maintained and potentially enhanced by the Byelaw.

14.6 Protection of these features/supporting habitats is also anticipated to deliver additional ecosystem services. The seagrass habitats offer important areas for nutrient cycling, carbon and nitrogen fixing and by protecting areas of sensitive habitat, a natural refuge is created for populations of exploited and bycatch species.

14.7 It is anticipated that the Byelaw will manage the fishery-ecosystem interaction, supporting biodiversity within the prohibited areas. The effective management of shore gathering activity in MPAs demonstrates that these fisheries can be managed in an appropriate way in designated sites. The Byelaw therefore provides these fisheries with the opportunity to demonstrate their environmental credentials. In an ever-more environmentally aware society, this information may

increase consumer confidence in these fisheries which may in turn have associated social and economic benefits.

15 Risks and Assumptions

- 15.1 Cost estimates are based on conversations with fishery participants during a targeted engagement exercise. The values are the maximum estimates based on the figure providers by stakeholders. There is no MMO landings data available for shore gathering activities, therefore there is no way to corroborate the potential financial impact on industry or to provide a value supported by regional/national data collection.
- 15.2 Estimated costs to the fishing industry are likely to be an overestimate, as participants are likely to offset some of the lost revenue by fishing in other areas and current costs are based on daily occurrence of activity at maximum harvest levels which is known not to occur from Southern IFCA data and observation. It is also possible that the increased environmental status within the prohibited areas could coincide with relatively more abundant fishing grounds, and therefore the analysis may have underestimated the value of reduced fishing ground.
- 15.3 The number of participants to be displaced has been obtained through the targeted engagement exercise. There is possibility this number does not reflect the full displacement.
- 15.4 Displacement of fishing effort is difficult to quantify and impossible to predict where activities will be displaced to.

16 Impact on small and micro businesses

- 16.1 The Byelaw will impact on small (<50 employees) and micro (<10 employees) businesses including individual fishery participants and a small but unknown number of bait and tackle shops, through targeted engagement with fishery participants, it is thought that bait harvested supplies up to 10 bait and tackle shops across the District.
- 16.2 Using information provided by commercial bait diggers, the financial cost to all bait shops is estimated to be a maximum of £51,408 per year due to spatial management. This cost however is based on the utilisation of management areas, currently accessible, every day for a defined time period (see section 10.3 and 10.4) which, based on sightings/inspection data and Officer knowledge is unlikely to be the case and in addition does not take into account the ability of participants to relocate to locally available areas not subject to restrictions to undertake activities.
- 16.3 It would not be possible to exempt small and micro businesses from the Byelaw. The approach taken under the Shore Gathering Byelaw is to manage activity by aligning the prohibited areas with the Management Principles developed by the Authority to ensure consistency in approach across the District and ensure that closures are developed for feature-based management within MCZs and within or adjacent to SACs in line with the Southern IFCA duties. This has resulted in some new prohibited areas and extensions to some existing prohibited areas. The spatial footprint of the Byelaw is as follows:
 - Prohibited Areas - Year-round closures: 20.28 km²
 - Winter Closure Areas - 1st November to 31st March: 5.27 km²
 - Summer Closure Areas - 1st March to 31st August: 17.26 km²

Through targeted engagement with fishery participants, it is understood that due to current levels of activity and preferred locations, there is minimal overlap between prohibited and seasonal areas and activities therefore the impact of the proposed measures is low.

17 Wider impacts (consider the impacts of your proposals)

- 17.1 There is the potential for businesses directly related to fishing to be affected as a result of the proposed measures. This is aimed to be abated through the mitigation to the fishing industry by the relatively small overlap between shore gathering activities and proposed prohibited areas a small increase in size of spatial management compared to existing regulations (3.79km² for year-round prohibited areas).
- 17.2 There are potential social implications associated with the proposed byelaw, these have the potential to include the suppliers, fuel costs and time costs associated with sourcing new suppliers, travelling to and utilising alternative fishing grounds.
- 17.3 It is anticipated that the introduction of the proposed measures will achieve the conservation objectives of the MPAs within the District in the National Site Network (SACs, SPAs, MCZs) thus maintaining the overall integrity of these sites.
- 17.4 Decreased disturbance to birds in prohibited areas and nature reserves has the potential to increase site utilization by migratory and nesting birds and increase the related eco-tourism.
- 17.5 Potential increases in the density and biodiversity of species in the prohibited areas could positively contribute towards the health of the marine environment. Additionally, protection of habitats defined as 'blue carbon habitats' could contribute to offsetting climate change.

18 South Marine Plan

- 18.1 As per paragraph 58(3) of the MaCAA, Southern IFCA must have regard to the South Marine Plan⁸ when undertaking any decision which is not an authorisation or enforcement decision. As per paragraph 58(4), a byelaw would fall under the definition of 'authorisation or enforcement decision'.
- 18.2 That said, the proposed measures ensure compatibility with the following objectives and policies of the South Marine Plan:
- **Objective 3:** To support the diversification of a sustainable fishing industry **S-FISH-1**
 - **Objective 10:** To support marine protected area objectives and a well-managed ecologically coherent network with enhanced resilience and capability to adapt to change **S-MPA-1, S-MPA-4**
 - **Objective 12:** To safeguard space for, and improve the quality of, the natural marine environment, including to enable continued provision of ecosystem goods and services, particularly in relation to coastal and seabed habitats, fisheries and cumulative impacts on highly mobile species **S-BIO-3, S-BIO-4, S-DIST-1, S-FISH-4,**

19 Monitoring and Evaluation

- 19.1 The Authority is able to review the suitability of the Byelaw in accordance with any changes in evidence, to include any statutory evidence provided by Natural England or other such bodies, organisations or persons as the Authority deems fit. At the time that any such evidence is available, prior to any review taking place, consideration will be given to the evidence provided in conjunction

⁸ <https://www.gov.uk/government/collections/south-marine-plans>

with the IFCA's priority workstreams, balancing any identified need for a review with resource capacity.

19.2 Monitoring of compliance with the Byelaw will be carried out through the Authority's compliance and enforcement framework⁹.

⁹ [Compliance-and-Enforcement-Framework-2023.pdf \(toolkitfiles.co.uk\)](#)