

Title: Bass Fishery Management Plan Date: 22/06/2023 BRU No: <i>Provided by the BRU on sign-off</i> Lead department or agency: Defra		De-Minimis Assessment (DMA)	
		Stage: Consultation	
		Source of intervention: Domestic	
		Type of measure: Other	
Summary: Rationale and Options		Contact for enquiries: phil.mcbryde@defra.gov.uk	
Total Net Present Value £0.00m	Business Net Present Value £0.00m	Net cost to business per year £0.00m	

Rationale for intervention and intended outcomes

The Fisheries Act 2020¹ sets out the legal framework to achieve “a more competitive, profitable and sustainable fishing industry across the whole of the UK” and places an expectation on the UK’s Fisheries Policy Authorities to publish Fisheries Management Plans (FMPs). The Joint Fisheries Statement (JFS)¹, published in November 2022 sets this out in practice and lists 43 proposed FMPs. The Bass FMP sets out the road map to manage stocks in English waters and protect the wider environment. Once published, the policies and measures in the FMP will be implemented separately through appropriate mechanisms such as statutory instruments, licensing conditions or voluntary measures.

Fish are a common good - they are non-excludable, yet rivalrous. These characteristics mean government intervention is often needed to avoid fisheries being overexploited and overconsumed. Government intervention is also required to protect the marine environment, as a healthy marine environment has positive externalities. Market agents have minimal incentive to protect the marine environment, as actions will not be beneficial in the short run and there may be free riding. As such, government intervention is required to protect fish stocks and protect the marine environment.

While bass is currently fished within sustainable limits, the Bass FMP seeks to build on this foundation and review current bass management in England and Wales to set the future direction to ensure bass stocks are sufficiently protected and the benefits of bass fishing can be realised by the communities that depend on them. By reviewing existing measures and identifying some areas for improved management, this will ensure the bass stock is sufficiently protected and benefits to coastal communities from bass fishing can be maximised. Enhanced stakeholder input into management decisions will be key to achieving these aims and creating a more sustainable fishery as well as identifying and addressing gaps in existing stock data and evidence. ²

Describe the policy options considered

Option 0: Do Nothing - No FMP or related management measures developed

- Lack of strengthened/ new, evidence-based management would increase the likelihood of stocks being overexploited with insufficient protection for the wider marine environment and be legally non-compliant.

Option 1: Self- Regulation – No formal Government FMP but industry introduces voluntary management measures

- The introduction of non-regulatory measures, such as voluntary measures developed and introduced by industry, would unlikely go far enough to ensure stocks are being fished sustainably and the wider marine environment is protected. This is because financial incentives would not align as illustrated in the rationale.
- Voluntary measures are unenforceable so there’s no guarantee they provide increased protection to stocks.

Option 2 (preferred option): Bass FMP

- Sets out the policies designed to restore stocks to, or maintain them at, sustainable levels.

Rationale for DMA rating

A DMA has been produced because the FMP itself will have no direct monetised impacts and as such fall below the £5m threshold necessary for an IA. When individual measures are specifically implemented, the statutory or non-statutory mechanism through which these will be implemented will have their own impact assessment.

Will the policy be reviewed? Yes		If applicable, set review date:		
Are these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes

Senior Policy Sign-off: **Phil McBryde** Date: 20/06/2023

Peer Review Sign-off: **Bypassed** Date: N/A

Better Regulation Unit Sign-off: **Nadia Tiwana** Date: 22/06/2023

¹ [Joint Fisheries Statement \(JFS\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/jfs-statement.pdf)

² [Fisheries Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/12/section/1)

1.0 Policy Rationale

Policy background

1. The Fisheries Act 2020 provides the framework to manage our fisheries as an independent coastal state outside of the EU Common Fisheries Policy. The Act requires the UK fisheries policy authorities (Defra, and the devolved administrations in Northern Ireland, Scotland and Wales) to prepare and publish fisheries management plans (FMPs) to help deliver our ambition for sustainable fisheries. The Joint Fisheries Statement (JFS), published in November 2022 sets out how the ambition of the Fisheries Act 2020 will be achieved in practice and lists 43 proposed FMPs to be published, one of which is the bass FMP in English and Welsh waters. The fisheries policy authorities have a statutory obligation to prepare and publish any FMP on that list in accordance with the timescales set out in the JFS.
2. FMPs set out the policies designed to restore one or more stocks of sea fish to, or maintain them at, sustainable levels. Each plan will specify the stock(s), type of fishing and the geographic area covered. Each FMP will also identify the measures that will be used to deliver its policies. Such measures may include both existing or new regulations, statutory instruments, technical measures, or non-statutory routes such as research plans, voluntary agreements, or codes of conduct. The precise mechanisms used will depend on the policies set out in the plan and, where appropriate, will be enforced by the relevant national fisheries authority.

Problem under consideration

3. The International Council for the Exploration of the Sea (ICES) currently recognise 4 bass stock units within the Atlantic, with this FMP solely relating to the Northern stock (central and southern North Sea, Irish Sea, English Channel, Bristol Channel and Celtic Sea; ICES divisions 4.b-c, 7.a and 7.d-h). Bass are distributed across the northeast Atlantic and around all UK waters, but abundance varies between areas and seasons. Most bass caught within UK waters are from within ICES area 7e (western English Channel), followed by ICES area 7d (eastern English Channel) predominantly in coastal areas. Non-quota species (NQS) fisheries, including bass, are of significant interest to both UK and EU vessels. Bass fisheries contribute culturally, socially, and economically to coastal communities through, for example, employment and recreational fishing interests.
4. A combination of overfishing and poor juvenile year class stock recruitment saw a sharp decline in bass stock levels from 2010.³⁴⁵ Since 2015, UK/EU measures have been in place to manage fishing pressure on the northern bass stock⁶⁷. These agreed measures include:

³ <https://ec.europa.eu/newsroom/mare/items/20186/en>

⁴ https://oceans-and-fisheries.ec.europa.eu/system/files/2016-09/2015-seabass-facts_en.pdf

⁵ https://ices-library.figshare.com/articles/report/Sea_bass_Dicentrarchus_labrax_in_divisions_4_b_c_7_a_and_7_d_h_central_and_southern_North_Sea_Irish_Sea_English_Channel_Bristol_Channel_and_Celtic_Sea/19447796

⁶ [https://www.gov.uk/government/publications/bass-industry-guidance-2023/bass-fishing-guidance-2023#:~:text=The%20Sea%20Fisheries%20\(Amendment\)%20Regulations%202023%20sets%20an%20unavoidable%20by,by%20vessels%20using%20ring%20nets.](https://www.gov.uk/government/publications/bass-industry-guidance-2023/bass-fishing-guidance-2023#:~:text=The%20Sea%20Fisheries%20(Amendment)%20Regulations%202023%20sets%20an%20unavoidable%20by,by%20vessels%20using%20ring%20nets.)

⁷ <https://www.legislation.gov.uk/uksi/2023/273/introduction/made>

- Minimum Conservation Reference Size (MCRS) of 42cm
 - February/March closed season for both commercial and recreational fishers
 - Annual catch limits per vessel for three gear types - trawls/seines (3.8 tonnes), fixed nets (1.6 tonnes) and hook and line (6.2 tonnes). All other metiers are prohibited from landing bass.
 - For those fishing with trawls/seines and fixed nets, only bass bycatch may be landed, which is capped at a 5% per trip for trawls/seines.
 - A track record for UK/EU vessels landing bass during the reference period of 1 July 2015 to 30 September 2016 is required for authorisation to use nets and hook and line gears.
 - Recreational bag limits are capped at 2 fish per day
5. In addition to the national framework, regional byelaws are in place in England and Wales provide inshore (<6nm) management, while a network of nursery areas in England and Wales also provide protection for juvenile bass.
 6. A combination of the above measures has successfully reduced bass fishing mortality to within the sustainable limits recommended by ICES, but annual bass reproduction remains below long-term average levels, and the stock still needs time to recover.
 7. Bass are distributed across the northeast Atlantic and around all UK waters, but abundance varies between areas and seasons. Most bass caught within UK waters are from within ICES area 7e (western English Channel), followed by ICES area 7d (eastern English Channel) predominantly in coastal areas.
 8. Most commercial bass landings (in weight) within the FMP area, are caught by English, under 10m vessels predominantly using hook and line (handline) fishing gears, followed by bycatch from fixed nets and demersal trawls. Reported landings since 2012 show a peak in landings during 2014, followed by a steep decline to a low between 2017-2019. Landings have increased again in recent years⁸. Bass are also an important target species for recreational fisheries, with recreational removals for all countries exploiting the Northern stock were estimated to be in the region of 27% of total removals⁹.
 9. This FMP seeks to build on this foundation by reviewing existing measures and identifying some areas for improved management to ensure the bass stock is sufficiently protected and benefits to coastal communities from bass fishing can be maximised. Enhanced stakeholder input into management decisions will be key to achieving these aims and creating a more sustainable fishery as well as identifying and addressing gaps in existing stock data and evidence.

⁸ ¹ [UK sea fisheries annual statistics report 2021 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

⁹ [Hyder, K., Scougal, C., Couce, E., Waugh, A., Brown, M., Paltriguera, L., Readdy, L., Townhill, B. & Armstrong, M. \(2018\) Presence of European sea bass \(*Dicentrarchus labrax*\) and other species in proposed bass nursery areas. Cefas report, April 2018](#)

Rationale for intervention

10. Bass was prioritised for early development as a Fisheries Management Plan because it met the following criteria:
 - High economic value contributing to coastal communities.
 - Wider social and economic importance of the stock and its associated fisheries, considering factors such as employment levels, local income, recreational fishing interest, contribution to coastal communities, and legal or governance and institutional structures.
 - Ecosystem significance of the stock, including factors such as its fisheries' impact on the ecosystem and interactions with non-target species including protected species.

11. The bass FMP sets out the policy framework for managing stocks in English and Welsh waters and includes the complete portfolio of existing management measures in inshore and offshore waters in addition to all available science and evidence. The FMP also highlights where gaps exist and what is required to fill those gaps and provide the necessary protection for stocks now and in the long term.

12. The FMP will also consider evidence of the wider impacts the fishery has on the marine environment and will set out a long-term plan to improve data that will inform mitigation and management actions. The ecosystem management measures will ensure the fishery operates harmoniously within the wider marine environment.

13. Government intervention is required as fish stocks, including bass, are a common pool resource. That is, that they are non-excludable, yet rivalrous. Rivalrous here means anyone can catch a fish but once a fish is caught and retained it cannot be caught again. They are non-excludable because it is not possible for one actor to exclude another from catching fish. These characteristics would lead to the classic economic problem of 'the tragedy of the commons', were the government not to intervene. This is because market agents would only consider the benefits of catching. They would not weigh it against the impact it will have on the stock health, overall, leading to overexploitation of the stock. Government intervention would prevent this overexploitation of fish stocks, and this FMP provides the framework through which government intervention would work.

14. Furthermore, a thriving marine environment has positive externalities to society which would not be captured by the market mechanism. For example, a healthy marine environment can capture carbon emissions, helping reduce the impact of climate change for all individuals, which would provide social benefit far greater than the private benefit of an individual taking actions to protect the marine environment. Industry alone would not be able to provide adequate protection of the marine environment as this requires coordination and enforcement that is not possible within markets. Government intervention is therefore required to ensure that this optimal social benefit is achieved.

Policy objective

15. The objective of this policy, in accordance with the Fisheries Act 2020¹⁰, the Joint Fisheries Statement¹¹ and the 25 Year Environmental Plan¹², is to contribute to the health and abundance of key commercial species and promote healthy seas and economic stability.
16. Management of bass stocks in English and Welsh waters aims to contribute to environmental, social and economic sustainability, benefitting coastal communities and wider society. A key priority of the FMP is to ensure that bass stocks in English and Welsh waters are being fished sustainably by ensuring fishing effort is responsive to stock status and does not exceed the ability of the stocks to regenerate. Ensuring effective, adaptable, evidence-based fishery management measures are in place is crucial to protecting the long-term sustainability of bass stocks.
17. Inclusive stakeholder engagement structures to inform management of the bass fishery. The FMP reviews current bass management in England and Wales and sets the future direction to ensure bass stocks are sufficiently protected and the benefits of bass fishing can be realised by the communities that depend on them. It will also improve data collection on discarding, recreational catch and bass stock structure and recruitment to feed into improving stock assessment estimates. Improving the evidence base on the cultural and social importance of bass fishing, as well as the impacts of fishing on the wider environment, will also support progress towards more sustainable bass fisheries management.
18. To achieve the vision of the FMP this plan hinges around nine goals focusing primarily on domestic management priorities. Each goal is set out with a rationale, evidence, and stakeholder views, alongside short and medium-long term actions needed to deliver the goals, and performance indicators proposed to monitor delivery. The nine goals outlined in this FMP are:
 - Minimise discarding of bass bycatch where survival rates are low.
 - Inclusive stakeholder engagement structures to inform management of the bass fishery.
 - Encourage and facilitate full compliance with bass regulations.
 - Equitable access to the bass fishery, while prioritising stock sustainability.
 - Maximise the benefits of bass fishing for local coastal communities in England and Wales.
 - Sustainable harvesting of the bass stock in line with scientific advice.
 - Protecting juvenile and spawning bass.
 - Minimise the impact of bass fishing on the wider marine ecosystem.
 - Mitigate against and adapt to the impact of climate change on bass fishing.

¹⁰ Fisheries Act 2020 (legislation.gov.uk)

¹¹ Joint_Fisheries_Statement_JFS_2022_Final.pdf (publishing.service.gov.uk)

¹² 25 Year Environment Plan - GOV.UK (www.gov.uk)

19. While there are multiple complex interactions, synergies and tensions between these goals, the overarching aim of the FMP is to benefit a diverse range of environmental, commercial, recreational, and social interests - whilst ensuring stocks remain sustainable.

Options considered

Option 0: Do Nothing - No FMP or related management measures developed

20. The Government would fail to meet commitments under the Fisheries Act 2020 and Joint Fisheries Statement (JFS) to publish FMPs, increasing risk of legal challenge.

21. Lack of strengthened/ new, evidence-based management would increase the likelihood of stocks being overexploited with insufficient protection for the wider marine environment.

Option 1: Self- Regulation – No formal Government FMP but industry introduces voluntary management measures

22. There would be no legally recognised FMP in place which would result in the commitments as highlighted above not being met. With associated legal risks surrounding Government's failure to meet these commitments.

23. The introduction of non-regulatory measures, such as voluntary measures developed and introduced by industry, would unlikely go far enough to ensure stocks are being fished sustainably and the wider marine environment is protected. This is because it relies too heavily on the industry's desire to commit to and put resources to applying and observing voluntary measures. As voluntary measures are unenforceable, there is no guarantee they will be consistently adhered to and provide a high enough level of protection to stocks.

Option 2 (preferred option): Bass FMP

24. Meets the above commitments under the Fisheries Act and JFS sets out the legal framework to achieve "a more competitive, profitable and sustainable fishing industry across the whole of the UK" and complies with the statutory obligation in the Fisheries Act to prepare and publish the bass FMP (the FMP having been included in the JFS which was published in November 2022).

25. Sets out the policies designed to restore stocks to, or maintain them at, sustainable levels, by bringing together information on existing measures and available evidence, mapping where there are gaps and opportunities to fill them, setting a clear pathway to developing and introducing improved, evidence-based management (both regulatory and non-regulatory) in collaboration with industry/ stakeholders.

2.0 Rationale for De Minimis Rating

26. The purpose of this de-minimis assessment is to:

- Assess the impact of the bass FMP as a new policy according to the better regulation framework
- Demonstrate that, at this stage, there are no monetary impacts to business
- Allow Defra to formally consult on and publish the bass FMP
- Begin to assess proposed approaches and measures as set out in the draft FMP (specific measures will be assessed separately as and when they are developed and implemented)

27. Whilst the bass FMP includes a variety of proposed approaches and measures that will be used to deliver its policies, these actions will not be implemented immediately when the plan is published. Instead, specific measures must be developed through the appropriate processes before being implemented; such development may require further evidence and/or stakeholder, legal and policy input. The appropriate process will depend on whether the measures being introduced are statutory or non-statutory.

28. The bass FMP does not result in direct measurable impacts at this stage because the FMP does not result in new regulation upon publication. Therefore, this document is a narrative assessment and does not include monetised costs to business. It is also a de-minimis assessment rather than a full impact assessment because the impact is less than £5m.

29. As specific measures are implemented, further impact assessments or de-minimis assessments will be completed that include the monetised costs to business of that measure.

3.0 Costs and Benefits

30. Whilst the Bass FMP identifies measures that could be introduced post-consultation, these proposed measures will be developed further and do not currently have sufficient detail for any economic analysis to be done. The proposed measures could be regulatory or deregulatory, and positive or negative to business, hence it is not possible to estimate impacts. As detailed costs and benefits cannot be provided in this DMA, background figures to understand the potential scale of impact and scope have been provided. When individual measures are specifically implemented, the statutory or non-statutory mechanism through which these will be implemented will have their own impacts assessed in the appropriate manner.

31. The Bass FMP applies to bass only in the Northern Stock that occur in English and Welsh waters (central and southern North Sea, Irish Sea, English Channel, Bristol Channel and Celtic Sea; ICES divisions 4.b-c, 7.a and 7.d-h). The landings value of bass by UK vessels in these waters in 2021 was £5.9 million and catching live weight was approximately 600 tonnes.

Small and Micro Business Assessment

32. Most of these bass landings are done by vessels under 10 metres, accounting for 93% of landings¹³. As such any policy changes will have significant impact on smaller businesses which will need to be considered when regulation is changed. It is unlikely that regulatory changes can be made that exempt smaller businesses as that would significantly reduce the efficacy.

4.0 Post implementation review

33. The bass FMP is a joint plan with the Welsh Government. Fisheries management is devolved, and the implementation of specific measures will be taken forward by respective national fisheries authorities as appropriate. Any assessment of impacts for specific measures will also be completed by the relevant national fisheries authority, in line with each authority's individual assessment processes. Requirements for Wales and England are set out below.

5.0 Post implementation review

Wales

34. The Well-being of Future Generations (Wales) Act 2015¹⁴ provides a framework for Welsh Governments approach to impact assessments within the seven Well-being Goals and five ways of working.

35. Welsh Government will carry out any necessary impact assessments before any measures are implemented. An Integrated Impact Assessment (IIA) will be developed to help Welsh Government undertake a comprehensive assessment of the impact of a proposed action, with a view to maximising economic, social, cultural and environmental well-being, not just now, but for the long term. The Environment (Wales) Act 2016 also sets out national priorities which must be considered as part of the IIA process when setting new policy.

36. If new measures result in the introduction of subordinate legislation, Welsh Government will ensure compliance with requirements of the Welsh Ministers' Regulatory Impact Assessment Code for Subordinate Legislation¹⁵ when they are implemented.

England

37. When producing policy and determining the need for regulatory impact assessments, the Better Regulation Framework guidance and the better regulation principles of robust evidence, transparency and proportionality are taken into consideration. Where policies require legislation, a regulatory impact assessment is undertaken and submitted to the

¹³ UK sea fisheries annual statistics report 2021 - [GOV.UK \(www.gov.uk\)](http://GOV.UK (www.gov.uk))

¹⁴ Well-being of Future Generations (Wales) Act 2015 (legislation.gov.uk)

¹⁵ Welsh Ministers' regulatory impact assessment code for subordinate legislation | GOV.WALES

Regulatory Policy Committee (RPC) for independent scrutiny. Such scrutiny will be in advance of introducing any secondary legislation for all measures that are above the £5 million per annum threshold for net costs to business. Analysis to support these changes is produced in line with HMT Green Book methodology and includes consideration of the impact on small and micro businesses. This analysis is not required for measures below the £5 million equivalent annual net direct costs to business (EANDCB) threshold. For measures below this threshold Defra will, if appropriate, produce de-minimis assessments.

38. When new bass measures are introduced and result in new or changed regulation, Defra will complete a monetised impact, or de-minimis assessment for the specific measures, depending on the monetised cost to business.

FMP review

39. The Fisheries Act requires the effectiveness of the FMP is regularly assessed. The FMP must be reviewed at least every six years or sooner if relevant evidence, international obligations, or wider events require a change in the policies set out in the FMP.

40. The results from the individual FMP assessments will contribute to the formal report on the Joint Fisheries Statement (JFS) that will be published every three years. The JFS reports will be laid before the UK’s legislatures. The report will set out the extent to which the policies contained in FMPs have been implemented and have affected stock levels in the UK.

1. **Review status:** Please classify with an ‘x’ and provide any explanations below.

<input type="checkbox"/>	Sunset clause	<input checked="" type="checkbox"/>	Other review clause	<input type="checkbox"/>	Political commitment	<input type="checkbox"/>	Other reason	<input type="checkbox"/>	No plan to review
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The Fisheries Act 2020 requires the bass FMP to be reviewed at least every 6 years to assess the extent to which the policies in the plan have been implemented and how the stock has been affected.

2. **Expected review date** (month and year, xx/xx):

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	Five years from when the Regulations come into force
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Before the end of the period of 6 years beginning with the day on which the FMP is published

3. Rationale for PIR approach:

Formal review:

- The Fisheries Act 2020 requires the bass FMP to be reviewed at least every 6 years to assess the extent to which the policies in the plan have been implemented and how the stock has been affected.
- Depending upon the outcome of the review, the FMP could be revoked, amended, replaced or remain the same.
- This formal review is independent of the post implementation review process.

Independent evaluation:

- A 3-year independent process, impact and value for money evaluation of the FMP programme and individual FMPs is underway currently due to run to March 2025. The evaluation will:
- Generate key learning to support adaptive management and provide an independent and objective assessment of the FMP programme objectives.
- Capture lessons learnt by the FMP to inform the design and implementation of future FMPs.
- Contribute to monitoring and evaluation plans to generate the evidence needed to assess performance to support the 6-yearly reviews of FMPs.

Implementing measures:

- The FMP sets out the policies and measures needed to achieve its stated objectives. It does not implement those measures upon publication. When proposed new measures are implemented, they will require separate impact assessments, monitoring regimes and post implementation reviews.
- The FMP will have an associated action plan that will set out the actions, timelines and milestones for effective implementation. Progress against this action plan will be routinely monitored and reported through Defra's normal corporate reporting functions.
- The FMPs are listed in the Environmental Improvement Plan 2023 as key measures to achieve the headline targets. FMPs will be part of the EIP23 reporting process.

FMP post implementation review:

- A post implementation review for the bass FMP will coincide with the formal review to assess the wider impacts of the FMP and its associated measures. This review will include wider impacts to business and unintended consequences.
- This review will also collate the impacts of individual measures where they have been implemented and provide a holistic assessment of the impact of the FMP.

Monitoring:

- The FMP must set out the indicators and specific the monitoring required to assess its effectiveness.
- Stock status will be monitored using available stock assessment data.
- Compliance with harvesting rates will use the data on fish landings collected by the MMO.
- Information will be drawn from on-going data collection by the MMO and Seafish to assess progress against social and economic objectives in the FMP.

- The ongoing monitoring of the wider environment through the UK Marine Strategy and MPA programmes will provide information to assess the impact of the FMP' policies to mitigate the impact of the fishery on the wider environment.

Stakeholder Views

- It is anticipated that the FMP will also be reviewed and updated more regularly in collaboration with the bass management group.
- Stakeholder views will also be sought through the independent FMP Evaluation Programme
- Stakeholder views will be sought through any public consultation on specific management measures in the FMP and through and through public consultation during the formal review process if the FMP is amended, revoked or replaced.