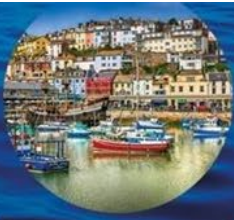




Marine
Management
Organisation

MMO De Minimis Assessment: Allonby Bay Highly Protected Marine Area Anchoring Byelaw 2025

March 2025



...ambitious for our seas and coasts

Title: Allonby Bay Highly Protected Marine Area Anchoring Byelaw 2025 (draft) Date: 11 March 2025 BRU No: N/A Lead department or agency: Marine Management Organisation (MMO) Other departments or agencies: Department for the Environment Food and Rural Affairs (DEFRA)		De-Minimis Assessment (DMA)	
		Stage: Consultation	
		Source of intervention: Domestic	
		Type of measure: Secondary	
Summary: Rationale and Options		Contact for enquiries: conservation@marinemanagement.org.uk	
Total Net Present Value £0.00m	Business Net Present Value £0.00m	Net cost to business per year <small>(EANDCB in 2019 prices)</small> £0.00m	

<p>Rationale for intervention and intended outcomes</p> <p>Anchoring has the potential to hinder the conservation objective of Allonby Bay Highly Protected Marine Area (HPMA).</p> <p>The MMO HPMA marine non-licensable activity (mNLA) assessment¹ concluded that anchoring is not compatible with the conservation objective of Allonby Bay HPMA. The byelaw is intended to ensure the conservation objective of Allonby Bay HPMA is furthered, conserving marine fauna and habitats by prohibiting anchoring activity within the specified area.</p> <p>Anchoring within the HPMA will create negative externalities, as any damage done to the HPMA by the activity will not be paid for by the responsible party but would instead be borne by society through degradation to the HPMA.</p> <p>The Allonby Bay HPMA Anchoring byelaw represents the first MMO anchoring prohibition byelaw in English waters. HPMA's and associated byelaws use the same legislation as existing Marine Conservation Zones (the Marine and Coastal Access Act 2009). HPMA's attract significant stakeholder interest and strong views from environmental Non-Government Organisation (NGOs) and others.</p>
--

¹ MMO Allonby Bay Highly Protected Marine Area marine non-licensable activity assessment 2025: https://consult.defra.gov.uk/mmo/allonby-bay-hpma-anchoring-formal-consultation/supporting_documents/Allonby%20Bay%20HPMA%20marine%20nonlicensable%20activity%20assessment.pdf (Last accessed on: 10 March 2025).

Describe the policy options considered

The following options were considered as part of this DMA:

- **Option 0:** Do nothing.
- **Option 1:** No statutory restrictions. Introduce a voluntary agreement.
- **Option 2:** Removal of pressures from specified areas of site via prohibition of anchoring activity.
- **Option 3:** Removal of pressures via a whole site prohibition of anchoring activity across the site.

Option 3 is the preferred option.

Rationale for DMA rating

The de-minimis assessment route is appropriate as this regulation falls under the 'low cost' criteria - EANDCB is under £10m, as detailed in the initial assessment of impact on business above.

Will the policy be reviewed? No		If applicable, set review date:		
Are these organisations in scope?	Micro No	Small No	Medium No	Large No

Senior Policy Sign-off:	✓	Date:	07/02/2025
Peer Review Sign-off:	✓	Date:	13/02/2025
Better Regulation Unit Sign-off:	✓	Date:	13/03/2025

Marine Management Organisation (MMO) De Minimis Assessment: Allonby Bay Highly Protected Marine Area Anchoring Byelaw 2025

Contents

1	Supporting evidence	5
1.1	Policy issue	5
1.2	Rationale for intervention and intended effects	7
1.3	Marine Plan Assessment	8
1.4	UK Marine Strategy and the biodiversity duty	8
2	Policy objectives and intended effects	9
3	Policy options considered, including alternatives to regulation	9
4	Rationale for De Minimis Rating	10
5	Costs and Benefits	10
5.1	Costs	11
5.1.1	Small and micro business assessment	11
5.1.2	Familiarisation costs	11
5.1.3	Total monetised costs	12
5.1.4	Non-monetised costs	12
5.2	Benefits	13
5.2.1	Non-monetised benefits	13
6	Wider Impacts	14
6.1	Public Sector Equality Duty	14
7	Recommended management options	14
8	Monitoring and evaluation	14
9	Annex	16

1 Supporting evidence

1.1 Policy issue

MMO has duties to further the conservation objectives of marine protected areas (MPAs)². For which, MMO has powers to manage anchoring and marine non-licensable activities (mNLA), in order to conserve marine flora, fauna and habitats³.

MMO has undertaken an assessment of the impact of anchoring and mNLA in Allonby Bay HPMA¹. This assessment determined that impacts associated with anchoring represent a significant risk of hindering the achievement of the conservation objectives of the HPMA. The byelaw will therefore prohibit anchoring within the specified area which includes the whole site.

Table 1 details the designated feature of Allonby Bay HPMA that the byelaw is intended to protect. **Figure 1** displays the location of the HPMA.

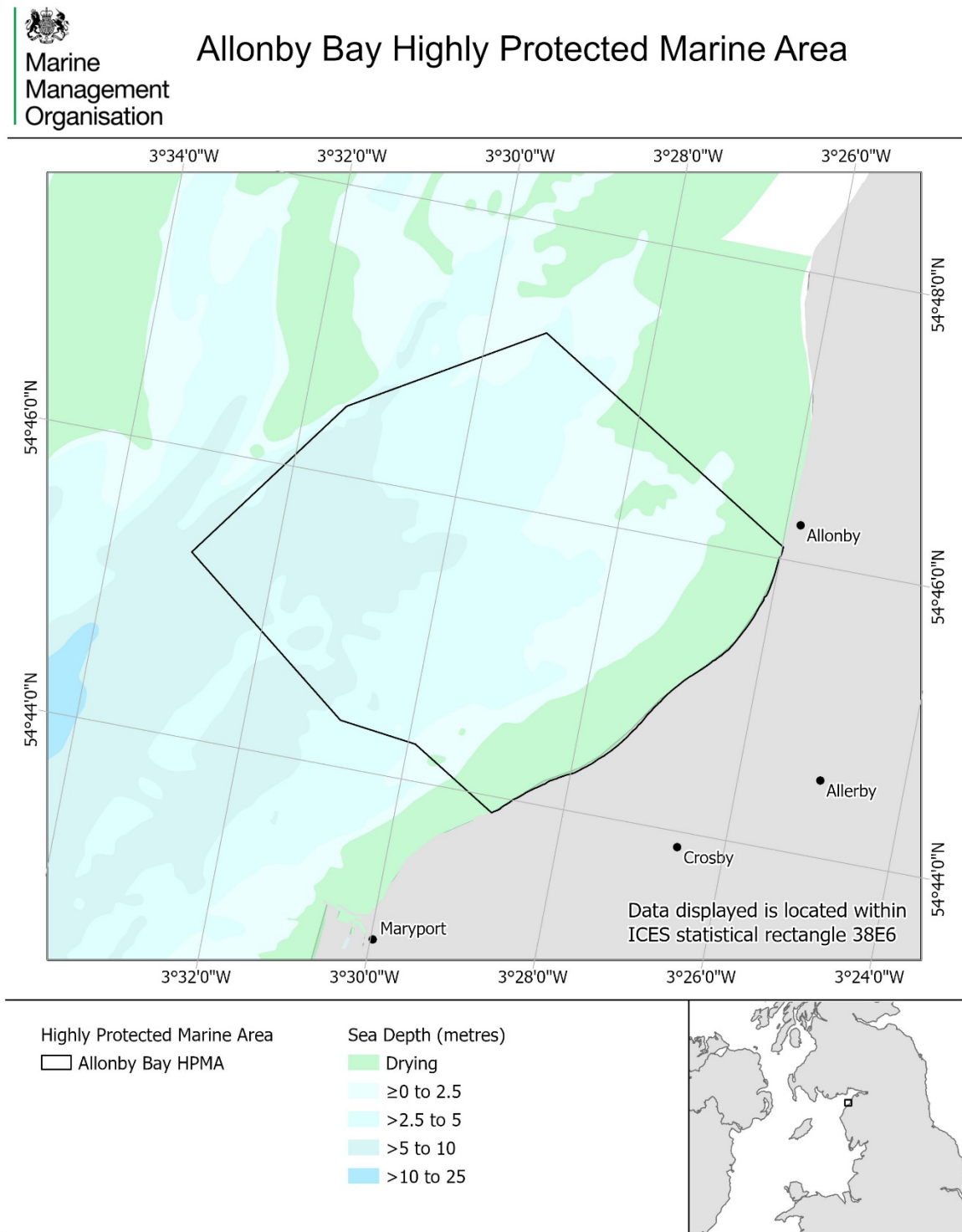
Table 1: Allonby Bay HPMA and designated feature protected by the byelaw.

HPMA	Designated Feature
Allonby Bay	The marine ecosystem of the area, which means all marine flora and fauna, all marine habitats and all geological or geomorphological interests, including all abiotic elements and all supporting ecosystem functions and processes, in or on the seabed, water column and the surface of the sea.

² For more information see: www.legislation.gov.uk/ukpga/2009/23/section/125.

³ For more information see: www.legislation.gov.uk/ukpga/2009/23/section/129.

Figure 1: Allonby Bay HPMa



Date of Publication: 05/12/2024
 Coordinate System: ETRS 1989 LAEA
 Projection: Lambert Azimuthal Equal Area
 MMO Reference: 10737

Not to be used for navigation
 Contains Collins Bartholomew, MMO, UKHO, and Natural England data
 © Collins Bartholomew, MMO, and Natural England copyright and database right 2024,
 © Crown copyright and database rights, 2024, OS AC0000849883, © British Crown
 Copyright, 2024. All rights reserved. Permission Number Defra012018.005. This
 product has been derived in part from material obtained from the UKHO with the
 permission of the UKHO, The Keeper of Public Records. Contains public sector
 information licensed under the Open Government Licence v3.0

1.2 Rationale for intervention and intended effects

The conservation objective of Allonby Bay HPMA is to achieve full recovery of the protected feature (**Table 1**), including its structure and functions, features, its qualities and the composition of its characteristic biological communities present within the HPMA and prevent further degradation and damage to the protected feature, subject to natural change.

The [MMO HPMA marine non-licensable activity \(mNLA\) assessment](#)¹ concluded that anchoring has the potential to hinder the conservation objective of Allonby Bay HPMA.

The byelaw is intended to ensure the conservation objective of Allonby Bay HPMA is furthered, conserving marine fauna and habitats by prohibiting anchoring activity within the specified area.

Unregulated anchoring activity within the HPMA has the potential to cause negative outcomes for society as a result of 'market failures'.

These failures can be described as negative externalities:

Negative externalities

Negative externalities are present when an activity creates a cost to wider society which is not paid by the participant in the activity. Anchoring can cause damage to fragile habitats which can reduce biodiversity and productivity and take time to recover⁴. When anchoring damages the marine environment the cost is not fully borne by those causing that damage. Instead, that cost is faced by all of society, including through the reduction in ecosystem services that the marine environment provides. As those who undertake the anchoring activity and inflict the damage to the marine environment do not directly face the cost of their damage, they may not consider these costs when determining where to anchor their vessels. Government intervention is needed through the creation of marine protected areas with relevant activity prohibitions to reduce damage to the marine environment, and therefore, protect the ecosystem service benefits that can be provided. HPMA's are a new type of MPA with higher levels of protection afforded to them. More stringent measures are therefore required to allow the designated feature within Allonby Bay HPMA to fully recover including future proofing to prevent increases in activities at a later date. As a result of this, government intervention is needed.

⁴ Natural England Allonby Bay Highly Protected Marine Area MCZ Advice on achieving the conservation objective of the HPMA: <https://designatedsites.naturalengland.org.uk> (Last accessed on: 28 November 2024).

1.3 Marine Plan Assessment

The development of MMO byelaws to manage activities for the protection of MPAs requires consideration of the marine plans, in line with section 58 of the Marine and Coastal Access Act 2009. The marine plan assessment is detailed below for Allonby Bay HPMAs.

Allonby Bay HPMAs lies within the North West Marine Plan Area. [The North West Marine Plan](#)⁵ was adopted in 2021. The decision to implement management for this site has been made in accordance with the North West Marine Plan. In particular, the following marine plan policies in the North West Marine Plan are relevant:

- Access
 - NW-ACC-1
- Fisheries
 - NW-FISH-3
- Employment
 - NW-EMP-1
- Climate change
 - NW-CC-1, NW-CC-2
- Water quality
 - NW-WQ-1
- Tourism and recreation
 - NW-TR-1
- Social benefits
 - NW-SOC-1
- Marine protected areas
 - NW-MPA-1, NW-MPA-2
- Biodiversity
 - NW-BIO-1, NW-BIO-2, NW-BIO-3

1.4 UK Marine Strategy and the biodiversity duty

In proposing the management options for the HPMAs, MMO has considered the UK Marine Strategy, as required by regulation 9 of the Marine Strategy Regulations

⁵ The North West Marine Plan Documents: www.gov.uk/government/publications/the-north-west-marine-plans-documents (Last accessed on: 26 November 2024).

2010⁶. MMO has also considered its biodiversity duty⁷ in regard to the Environmental Principles Policy Statement⁸ under the Environment Act 2021⁹.

MMO has a duty under section 125 the Marine and Coastal Access Act 2009² to exercise its functions to further the conservation objectives of the MPAs. MMO is complying with this duty by proposing a byelaw to prohibit anchoring with Allonby Bay HPMA. Some people with protected characteristics may be more impacted by the byelaw but MMO considers these impacts are justified and minimal. MMO has had due regard to the public sector equality duty and conducted an equality impact assessment as detailed in **Section 6.1**.

2 Policy objectives and intended effects

The policy objective of the byelaw is to further the conservation objective of Allonby Bay HPMA. This will be achieved by prohibiting anchoring activity throughout the site. Anchors will also be required to be fully stowed and secured to the vessel within the HPMA as defined in the byelaw.

The social and economic impacts of management intervention are expected to be negligible but will be further minimised where possible.

3 Policy options considered, including alternatives to regulation

Option 0: Do nothing.

This option is the current status quo however it is not a viable option to recover the marine ecosystem and further the conservation objective of Allonby Bay HPMA. All other options are compared to Option 0.

Option 1: No statutory restrictions. Introduce a voluntary agreement.

This option would involve the development of voluntary agreements or codes of practice to protect the designated feature. MMO has considered this option in light of The Better Regulation Framework, which requires that new regulation is introduced only as a last resort. However, statutory regulation is more appropriate given the high level of protection afforded to HPMA's. This is because the introduction of a

⁶ For more information see: www.legislation.gov.uk/ukxi/2010/1627/regulation/9.

⁷ Defra guidance - Complying with the biodiversity duty: www.gov.uk/guidance/complying-with-the-biodiversity-duty (last accessed 5 December 2024).

⁸ Defra policy paper - Environmental principles policy statement: www.gov.uk/government/publications/environmental-principles-policy-statement (last accessed 5 December 2024).

⁹ For more information see: www.legislation.gov.uk/ukpga/2021/30/contents

voluntary measure would not provide assurance that sufficient protection would be achieved.

Option 2: Removal of pressures from specified areas of the site via prohibition of anchoring activity.

Prohibiting anchoring activity within specified management areas of the site containing particularly sensitive habitats will protect these habitats from the impacts of anchoring. This option will conserve the particularly sensitive marine habitats and their fauna, whilst allowing anchoring to take place in other areas of the site. However, HPMA takes a whole site approach, protecting one feature, the whole marine ecosystem within the site boundary, with an aim to achieve full recovery to a natural state, including its structure and functions, its qualities and the composition of its characteristic biological communities present. As such, prohibiting anchoring activity only in specified areas would not be in keeping with this approach nor will it sufficiently further the Allonby Bay HPMA conservation objective.

Option 3: Removal of pressures via a whole site prohibition of anchoring activity across all of the site.

This option would remove the impact of anchoring activity from all areas of the site. This will help to achieve the conservation objective of Allonby Bay HPMA and give the best possible chance of achieving full natural recovery of the structure and functions of the whole HPMA ecosystem.

Option 3 is the preferred option. As such, this is reflected in the costs and benefits analysis.

4 Rationale for De Minimis Rating

The fast-track appraisal route is appropriate as this regulation falls under the 'low cost' criteria - EANDCB is under £10m, as detailed in the initial assessment of impact on business above.

5 Costs and Benefits

All costs analysed are compared to Option 0. As reflected above, Option 3 is the chosen option, therefore MMO has used this as the basis for comparison. A 30-year appraisal period has been used, rather than the typical 10 years, as benefits associated with HPMA management measures will be diffused over a wide population and timescale. Some benefits related to habitat recovery are unlikely to be fully realised until over 25 years from management implementation. This assumption is in line with HM Treasury Green Book guidance (HM Treasury, 2022).

Prohibition of the use of anchoring in the Allonby Bay HPMA management area is not expected to result in any costs to business:

Summary of monetised impacts:

- Estimated Net Present Value: £0
- Estimated Business Net Present value: £0
- Estimated Equivalent Annualised Net Direct Costs to Business: £0
- Appraisal period: thirty years.

5.1 Costs

5.1.1 Small and micro business assessment

MMO did not identify any known businesses likely to be directly or indirectly impacted by the prohibition of anchoring activity in Allonby Bay HPMA. The [Allonby Bay HPMA anchoring and mNLA assessment](#)¹ indicated low to no occurrence of anchoring taking place in Allonby Bay HPMA, therefore the potential of any impact to businesses associated with anchoring activity or benefitting indirectly from anchoring activity taking place is expected to be negligible or none.

5.1.2 Familiarisation costs

No known businesses were identified by MMO as being directly impacted by the prohibition of anchoring activities in the site therefore there are no known familiarisation costs to business associated with the byelaw. Should a business be required to familiarise itself with the byelaw in future, MMO have estimated that it would take approximately 14 minutes to read the byelaw (704 words). Using the median gross weekly earnings for full-time employees (38 hours per week) in Cumberland¹⁰ the cost to a business is £4.79. A 22 % uplift has been added for UK non-wage labour hourly costs, such as employers' National Insurance contributions¹¹. These costs need to be included to ensure that the full cost to the employer of an employee's time is accounted for. After considering the uplift, a total familiarisation cost of implementing the byelaw will be £5.84 per business. There is a possibility that the familiarisation costs figures are an overestimate as the most precautionary figures (median hourly rate, and lower limit of reading technical text per minute) were used.

¹⁰ Office for National Statistics (2024) *Employee earnings in the UK: 2024 Measures of employee earnings, using data from the Annual Survey for Hours and Earnings (ASHE). Figure 6*. Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2024>

¹¹ Regulatory Policy Committee (2019) *RPC short guidance note - implementation costs, August 2019*. Available at: <https://www.gov.uk/government/publications/rpc-short-guidance-note-implementation-costs-august-2019>

5.1.3 Total monetised costs

No businesses have been identified as being impacted by the management of the area, so the total monetised costs are estimated to be none (£0). The estimated equivalent annual direct cost to business (EANDCB) and the business net present value (NPV) are therefore also none (£0).

5.1.4 Non-monetised costs

MMO are implementing the management measure for Allonby Bay HPMA however monitoring compliance with this byelaw will be supported by the North Western Inshore Fisheries and Conservation Authorities (NWIFCA) due to geographical location. It has not been possible to monetise monitoring and enforcement costs at this stage. MMO compliance action is intelligence-led and risk-based in accordance with the National Intelligence Model¹². Where intelligence suggests non-compliance or a risk of non-compliance with the byelaw, compliance resources will be deployed accordingly. This may include MMO fisheries patrol vessel presence or joint operations with other agencies (for example the Royal Navy, Border Force, the Environment Agency or NWIFCA). Joint operations are requested on an ad hoc basis and costs can vary. MMO will coordinate any joint operations. The principles by which MMO will regulate MPAs are set out by the Legislative and Regulatory Reform Act 2006¹³ and the Regulators' Code¹⁴ and aim to ensure that MMO is proportionate, accountable, consistent, transparent and targeted in any compliance action it takes.

MPA and byelaw inspection costs are likely absorbed by existing compliance systems such as MMO MPA inspections (MPASums,) which take place under a standard operating procedure, so have also not been monetised here. However, enforcement of management measures for anchoring activities in Allonby Bay HPMA is a new scenario for MMO to monitor and enforce so will reduce resources available elsewhere and if significant compliance issues occur there could be a considerable monetary cost required to address these incursions.

The management measures could lead to displacement of anchoring activity to habitats outside of Allonby Bay HPMA, increasing pressure on fauna and habitats in

¹² National Centre for Policing Excellence - National Intelligence Model (2005): <https://library.college.police.uk/docs/npia/NIM-Code-of-Practice.pdf> (last accessed 28 November 2024).

¹³ For more information see: <https://www.legislation.gov.uk/ukpga/2006/51/contents>

¹⁴ BEIS – Regulators' code: <https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf> (last accessed 28 November 2024).

these areas. Additionally, the management measures could lead to displacement of anchoring of recreational boating activities with potential social impacts including, but not limited to, reduction in wellbeing and mental health.

It is difficult to accurately predict the location and therefore the environmental and social cost of displaced anchoring activity. However, it has been identified that the occurrence of anchoring activity in the site is currently low to none, therefore displacement and potential social impacts are likely to be negligible to none.

Also, the potential impacts of displacement to areas outside of HPMA does not remove the requirement to ensure that anchoring is managed to further the conservation objectives of the HPMA.

As mentioned previously, while monitoring of compliance with the HPMA management measures does not represent a considerable cost, this will reduce resources available elsewhere (for example: for other MPAs) and if significant compliance risks occur there could be a considerable monetary cost required to address these incursions.

5.2 Benefits

5.2.1 Non-monetised benefits

The key benefit of HPMA management measures is the environmental benefit both inside and outside of the HPMA. The HPMA aims to protect the designated feature of the HPMA and allow the marine ecosystem to fully recover to a natural state. Habitats and species in Allonby Bay HPMA provide a range of ecosystem services. Allonby Bay HPMA contains 'blue carbon' habitats which capture and store carbon, so provide carbon benefits; and honeycomb reefs and blue mussel beds provide water purification and coastal erosion protection.

Due to the limited amount of anchoring activity currently occurring there are no monetised benefits estimated. The anchoring prohibition will however prevent potential future increases in anchoring activity from damaging the site and together with other HPMA management measures provide expected benefits by preventing damage to, and promoting recovery of, the designated feature and the provision of ecosystem services it provides.

6 Wider Impacts

6.1 Public Sector Equality Duty

In proposing this byelaw, MMO has conducted an equality impact assessment and has had due regard to the public sector equality duty under section 149 of the Equality Act 2010¹⁵.

MMO has a duty under section 125 the Marine and Coastal Access Act 2009² to exercise its functions to further the conservation objectives of the MPAs. MMO is complying with this duty by proposing a byelaw to prohibit anchoring within Allonby Bay HPMA. Some people with protected characteristics may be more impacted by the byelaw but MMO considers these impacts are justified and minimal.

7 Recommended management options

Following the above assessment, the recommended management option is Option 3: Removal of pressures from the specified management area via prohibition of anchoring activity.

This will be achieved through implementation of the [Allonby Bay Highly Protected Marine Area Anchoring Byelaw 2025](#)¹⁶

8 Monitoring and evaluation

This management measure results from Defra's designation of Allonby Bay HPMA in support of the government's ambition to improve the health of our seas, enable their recovery and protect them into the future as set out in the 25 Year Environment Plan¹⁷. Defra work with MMO to monitor and evaluate policies such as HPMA designations and the MPA network, for example. Similarly, MMO will work alongside Defra to develop bespoke evaluations pertinent to the effectiveness of MPA management measures.

This may include the potential review and/ or development of detailed comprehensive evaluations using socio-economic information as it emerges and guidance from HMT Green and Magenta Books. Any review or evaluation undertaken, will consider new relevant socio-economic information including updated

¹⁵ For more information see: www.legislation.gov.uk/ukpga/2010/15/section/149

¹⁶ MMO Allonby Bay Highly Protected Marine Area Anchoring Byelaw 2025: https://consult.defra.gov.uk/mmo/allonby-bay-hpma-anchoring-formal-consultation/supporting_documents/Draft%20Allonby%20Bay%20HPMA%20Anchoring%20Byelaw%202025.pdf (Last accessed on: 10 March 2025).

¹⁷ For more information see: <https://www.gov.uk/government/publications/25-year-environment-plan>

mNLA data and evidence on the impacts of HPMA's on mNLA management and compliance and vice versa.

The policy will be reviewed internally by MMO. This review will take place after 5 years or sooner if significant new information becomes available. Such information could include:

- updated conservation advice
- updated advice on the condition of the site's feature
- significant increase in activity levels
- changes in types of activities taking place in the HPMA

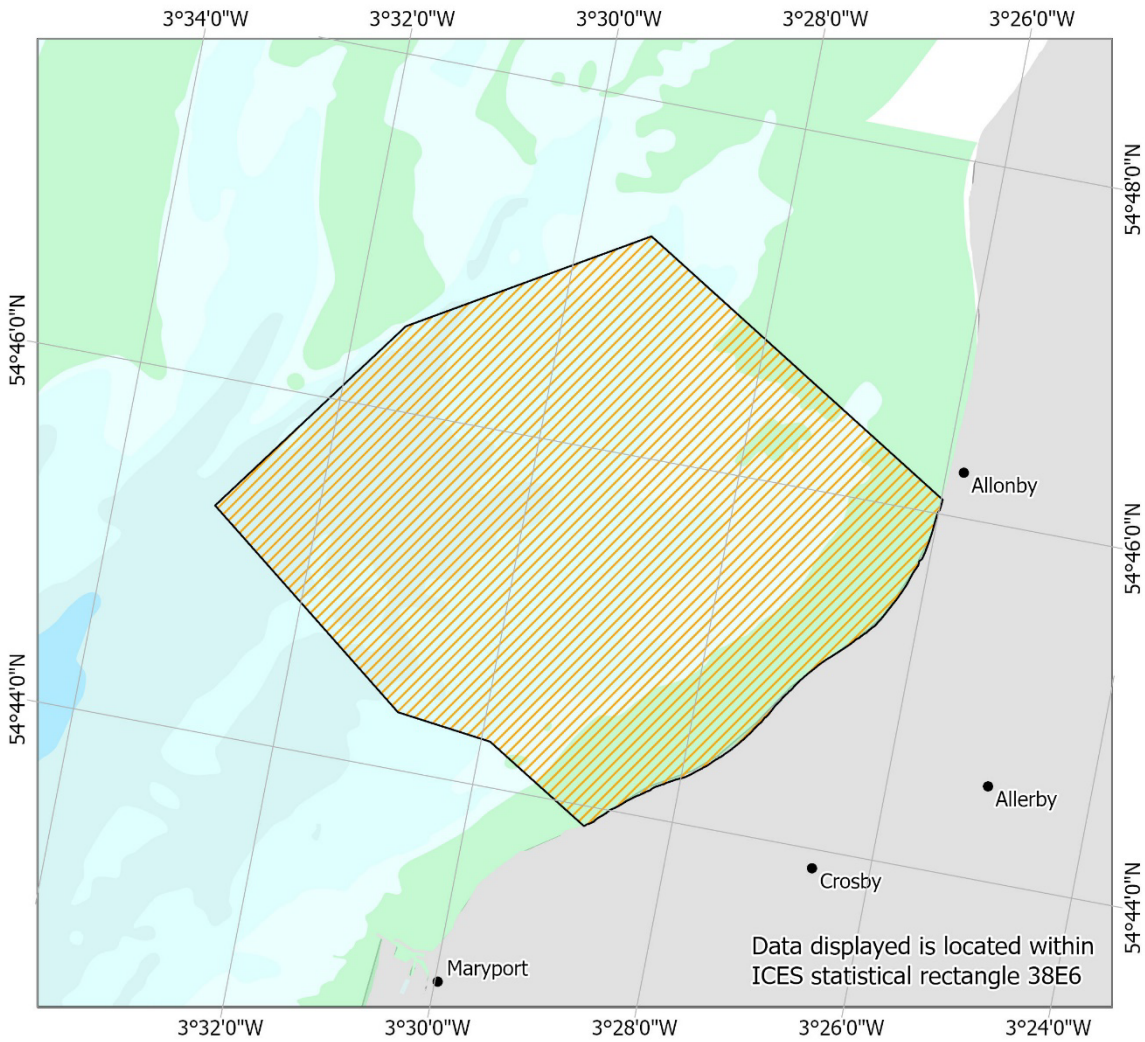
To coordinate the collection and analysis of information regarding activity levels, and to ensure that any required management is implemented in a timely manner, a monitoring and control plan will be implemented for this site. This plan will be developed in line with MMO's Monitoring and Control Plan framework.

9 Annex

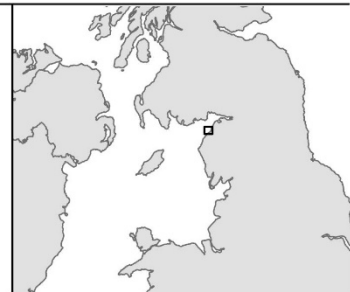


Marine Management Organisation

Allonby Bay specified area MMO Prohibition of Anchoring



- | | |
|--|--------------------|
| Highly Protected Marine Area | Sea Depth (metres) |
| □ Allonby Bay HPMA | ● Drying |
| ▨ MMO Highly Protected Marine Area Anchoring Byelaw 2025 | ● ≥0 to 2.5 |
| | ● >2.5 to 5 |
| | ● >5 to 10 |
| | ● >10 to 25 |



Date of Publication: 04/12/2024
 Coordinate System: ETRS 1989 LAEA
 Projection: Lambert Azimuthal Equal Area
 MMO Reference: 10844

Not to be used for navigation
 Contains Collins Bartholomew, MMO, UKHO, and Natural England data
 © Collins Bartholomew, MMO, and Natural England copyright and database right 2024,
 © Crown copyright and database rights, 2024, OS AC0000849883, © British Crown
 Copyright, 2024. All rights reserved. Permission Number Defra012018.005. This
 product has been derived in part from material obtained from the UKHO with the
 permission of the UKHO, The Keeper of Public Records. Contains public sector
 information licensed under the Open Government Licence v3.0