

# Fisheries in European Sites Likely Significant Effect audit for **Amber** and **Green** risk categories

## NWIFCA-SF-EMS-001A

Date completed: 03/06/2015

Completed by: A. Leadbeater

**Site: Solway Firth**

European Designated Sites: UK0013025 Solway Firth Special Area of Conservation (SAC)  
UK9005012 Upper Solway Flats and Marshes Special  
Protection Area (SPA)  
UK11079 Upper Solway Flats and Marshes Ramsar

**European Marine Site: Solway Firth**

**Only features within the English part of the EMS are assessed by NWIFCA.**

### **Qualifying Feature(s):**

#### **SAC and Ramsar**

H1110. Sandbanks which are slightly covered by sea water all the time  
H1130. Estuaries  
H1140. Mudflats and sandflats not covered by seawater at low tide  
H1170. Reefs  
H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves (NON MARINE)  
H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand  
H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*); Atlantic salt meadows  
H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland (NON MARINE)  
S1095. *Petromyzon marinus*; Sea lamprey  
S1099. *Lampetra fluviatilis*; River lamprey  
Natterjack toad (NON MARINE)

#### **SPA and Ramsar**

A037 *Cygnus columbianus bewickii*; Bewick's swan (non-breeding) †  
A038 *Cygnus cygnus*; Whooper swan (non-breeding)  
A040 *Anser brachyrhynchus*; Pink-footed goose (non-breeding)  
A045b *Branta leucopsis*; Barnacle goose (non-breeding)  
A130 *Haematopus ostralegus*; Eurasian oystercatcher (non-breeding)  
A140 *Pluvialis apricaria*; European golden plover  
A143 *Calidris canutus*; Red knot (non-breeding)  
A144 *Calidris alba*; Sanderling (non-breeding)  
A156 *Limosa limosa islandica*; Black-tailed godwit (Breeding) †  
A160 *Numenius arquata*; Eurasian curlew (non-breeding)  
A162 *Tringa totanus*; Common redshank (non-breeding)  
A193 *Sterna hirundo*; Common tern (Breeding) †  
A 194 *Sterna paradisaea*; Arctic tern (Breeding) †  
A 054 *Anas acuta*; Northern Pintail (non-breeding)  
A137 *Charadris hiaticula*; Ringed plover (non-breeding)  
A149 *Caladris alpina alpina*; Dunlin (non-breeding)  
A 157 *Limosa lapponica*; Bar-tailed godwit (non-breeding)  
Waterbird Assemblage

† under discussion with SNH and NE and maybe removed.

## **Site sub-feature/Notable communities(s):**

### **SAC and Ramsar**

**Estuaries:** Rocky scar communities; Subtidal sandbanks; Intertidal mudflats and sandflats; Pioneer saltmarsh; Saltmarsh; Sea Lamprey; River Lamprey; Reefs

**Subtidal sandbanks:** Infralittoral gravel and sand communities

**Mud and sand Flats not covered by seawater at low tide-** Muddy sand communities; Sandy mud communities; Gravel and clean sand communities

**Salicornia and other annuals colonising mud and sand (Pioneer saltmarsh)** Annual *Salicornia* spp. communities

**Atlantic salt meadows:** Low marsh communities; Mid marsh communities; Upper marsh communities

**River Lamprey**

**Sea Lamprey**

**Reefs:** *Sabellaria alveolata* reefs, Biogenic reefs

**Supporting habitat** Natterjack toad- coastal sand dunes

### **SPA and Ramsar**

Intertidal mudflat and sandflat communities, intertidal and subtidal boulder and cobble skear communities, saltmarsh communities, coastal lagoon communities, Shingle areas

### **Generic sub-feature(s):**

Subtidal gravel & sand; Intertidal mud & sand; Intertidal gravel & sand; Saltmarsh spp., Sea lamprey; River lamprey; Subtidal boulder & cobble reef; Intertidal boulder & cobble reef; *Sabellaria* spp. Reef; Estuarine Birds; Benthic feeding Seabirds.

## **High Level Conservation Objectives:**

### **Solway Firth SAC**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed above), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### **Upper Solway Flats & Marshes SPA**

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified and the Ramsar Site and the wetland habitats and/or species for which the site has been listed (the 'Qualifying Features' listed above), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive and ensure that the site contributes to achieving the wise use of wetlands across the UK, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

## **Fishing activities assessed:**

### **Gear type(s):**

#### **Seine nets and other**

- **Beach seines/ring nets**
- **Shrimp push-nets**

# 1. Introduction

## 1.1 Need for a Likely Significant Effect assessment

In 2012, the Department for Environment, Food and Rural Affairs (Defra) announced a revised approach to the management of commercial fisheries in European Marine Sites (EMS). The objective of this revised approach is to ensure that all existing and potential commercial fishing activities are managed in accordance with Article 6 of the Habitats Directive.

This approach is being implemented using an evidence based, risk-prioritised, and phased basis. Risk prioritisation is informed by using a matrix of the generic sensitivity of the sub-features of EMS to a suite of fishing activities as a decision making tool. These sub-feature-activity combinations have been categorised according to specific definitions, as red, amber, green or blue.

Activity/feature interactions identified within the matrix as red risk have the highest priority for implementation of management measures by the end of 2013 in order to avoid the deterioration of Annex I features in line with obligations under Article 6(2) of the Habitats Directive.

Activity/feature interactions identified within the matrix as amber risk require a site-level assessment to determine whether management of an activity is required to conserve site features. Activity/feature interactions identified within the matrix as green also require a site level assessment if there are potential “in combination effects” with other plans or projects.

Some European Sites within the NWIFCA District consist of features that are not fully marine (eg. sand dunes) and therefore fall outwith of the EMS Review process. They have not been included in the original risk matrix. Due to the nature of some of the fisheries in the District, particularly intertidal fisheries, the NWIFCA has adopted the approach of carrying out full HRA on all the features (including non-marine) within European Sites to ensure that any potential risk from fishing activity has been identified and assessed.

Site level assessments are being carried out in a manner that is consistent with the provisions of Article 6(3) of the Habitats Directive, that is to determine that fishing activities are not having an adverse effect on the integrity of the site, to inform a judgement on whether or not appropriate steps are required to avoid the deterioration of natural habitats and the habitats of species as well as disturbances of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this directive.

**Fishing activity / feature interactions that have been classified as “Blue” in the Matrix (i.e. no possibility of interaction) are not considered in this assessment.**

Fishing activities included in this assessment have not recently occurred in the European Site. Certain fishing activities may have occurred historically in the past, but have since ceased to operate. More details can be found in the relevant “Fishing activity information from local IFCOs” spreadsheet (Jan 2014). As with activities that have never occurred, the NWIFCA continues to monitor fishing activity in the district and will assess any new fishing activity if and when it occurs.

## 2. Test for Likely Significant Effect (LSE)

Qualifying Feature	Sub-feature	Gear type	Potential for Likely Significant Effect?	Justification and evidence
H1110. Sandbanks which are slightly covered by sea water all the time	Infralittoral gravel and sand communities	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
H1130. Estuaries	Rocky scar communities; Subtidal sandbanks; Intertidal mudflats and sandflats; Pioneer saltmarsh; Saltmarsh; Sea Lamprey; River Lamprey; Reefs	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
H1140. Mudflats and sandflats not covered by seawater at low tide	Muddy sand communities; Sandy mud communities; Gravel and clean sand communities	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
H1170. Reefs	<i>Sabellaria alveolata</i> reefs	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves (NON MARINE)		Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
H1310. <i>Salicornia</i> and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand	Annual <i>Salicornia</i> spp. communities	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).

H1330. Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> ); Atlantic salt meadows	Low marsh communities; Mid marsh communities; Upper marsh communities	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland (NON MARINE)		Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
S1095. <i>Petromyzon marinus</i> ; Sea lamprey  S1099. <i>Lampetra fluviatilis</i> ; River lamprey		Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
Natterjack toad (NON MARINE)	Coastal sand dunes	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
A037 <i>Cygnus columbianus bewickii</i> ; Bewick's swan (non-breeding)	Saltmarsh; Intertidal mudflats and sandflats; Intertidal rocky scar ground	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).
A038 <i>Cygnus cygnus</i> ; Whooper swan (non-breeding)				
A040 <i>Anser brachyrhynchus</i> ; Pink-footed goose (non-breeding)				
A045b <i>Branta leucopsis</i> ; Barnacle goose (non-breeding)				
A130 <i>Haematopus ostralegus</i> ; Eurasian oystercatcher (non-breeding)				
A140 <i>Pluvialis apricaria</i> ; European golden plover (non-breeding)				

A143 <i>Calidris canutus</i> ; Red knot (non-breeding)				
A144 <i>Calidris alba</i> ; Sanderling (non-breeding)				
A156 <i>Limosa limosa islandica</i> ; Black-tailed godwit (breeding)				
A160 <i>Numenius arquata</i> ; Eurasian curlew(non-breeding)				
A162 <i>Tringa totanus</i> ; Common redshank (non-breeding)				
A193 <i>Sterna hirundo</i> ; Common tern (breeding)				
A 194 <i>Sterna paradisaea</i> ; Arctic tern (breeding)				
A 054 <i>Anas acuta</i> ; Northern Pintail (non-breeding)				
A137 <i>Charadrius hiaticula</i> ; Ringed plover (non-breeding)				
A149 <i>Calidris alpina alpina</i> ; Ringed plover (non-breeding)				
A 157 <i>Limosa lapponica</i> Bar-tailed godwit (non-breeding)				
Waterbird Assemblage	Saltmarsh; Intertidal mudflats and sandflats; Intertidal rocky scar ground	Beach seines/ring nets Shrimp push-nets	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (J Sparks, May 2015)).

### 3. Conclusion

**Is the proposal likely to have a significant effect 'alone or in combination' on Solway Firth European Site? NO**

## 4. Additional evidence documents

Jason Sparks, NWIFCA (May 2015) [..\..\Activity information\Site specific information from IFCOs\RE Fishing Activity in Solway Firth EMS\\_shrimppush\\_beachseine.msg](..\..\Activity information\Site specific information from IFCOs\RE Fishing Activity in Solway Firth EMS_shrimppush_beachseine.msg)

Updated fishing activity information from local IFCOs May 2015- [..\..\Activity information\Up to date IFCO spreadsheets\EMS\\_FishingActivity\\_Cumbria \(3\) - updated 29.05.15.xls](..\..\Activity information\Up to date IFCO spreadsheets\EMS_FishingActivity_Cumbria (3) - updated 29.05.15.xls)

*The original “Fishing activity information from local IFCOs” documents were completed at the beginning of the Review of fisheries in European Marine Sites process. For this area in particular, IFCOs assigned “yes, occurring” to fishing activities where they did not have sufficient knowledge to rule this out. Since these first documents were compiled, IFCOs are now able to assign these additional activities as non-occurring.*

Erik Thinnesen & Hugh Thinnesen, NWIFCA (Jan 2014) **Fishing activity information from local IFCOs – Cumbria**. Available on request.

[..\..\Activity information\Jan 2014-original versions from IFCOs\EMS\\_FishingActivity\\_Cumbria \(3\) - updated.xls](..\..\Activity information\Jan 2014-original versions from IFCOs\EMS_FishingActivity_Cumbria (3) - updated.xls)

NWIFCA (Jan 2014) **Solway Firth EMS Matrix with activities not occurring blanked out (3<sup>rd</sup> edit)** (produced in conjunction with local IFCOs and agreed with Natural England). Available on request.

[S:\Science\Fisheries\\_Management\MPA\\_DEFRAN\NWIFCA\3rd\\_EDIT\\_UP\\_TO\\_DATE\\_EMS\\_site\\_specific\\_matrices \(Jan 15th 2014\)\NWIFCA\\_EMS\\_SITES\\_Cumbria blanked out.xlsx](S:\Science\Fisheries_Management\MPA_DEFRAN\NWIFCA\3rd_EDIT_UP_TO_DATE_EMS_site_specific_matrices (Jan 15th 2014)\NWIFCA_EMS_SITES_Cumbria blanked out.xlsx)

Natural England European Site Conservation Objectives for Solway Firth SAC (published 30<sup>th</sup> June 2014). Available at:

<http://publications.naturalengland.org.uk/publication/6556237919420416?category=4582026845880320>

Natural England European Site Conservation Objectives for Upper Solway Flats and Marshes SPA (published 30<sup>th</sup> June 2014). Available at: <http://publications.naturalengland.org.uk/publication/5377753788448768?category=4582026845880320>

## Annex 2: Natural England's consultation advice

Date: 01 July 2015  
Our ref: 156315  
Your ref: Assessment of Fisheries Not Occuring



North Western Inshore Fisheries and Conservation Authority (NWIFCA)  
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**BY EMAIL ONLY**

T 0300 080 3900

Dear Sarah,

### **Consultation: Formal Advice to North Western IFCA. Light Touch Assessments for North Western District Sites**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In 2012, the Department for Environment, Food and Rural Affairs (Defra) announced a revised approach to the management of commercial fisheries in European Marine Sites (EMS)<sup>1</sup>. The objective of this revised approach is to ensure that all existing and potential commercial fishing activities are managed in accordance with Article 6 of the Habitats Directive. This document states that for 'amber' risk activities a site level assessment will be required to assess whether management of an activity is required to conserve site features. The Department's strong preference is that site level assessments be carried out in a manner that is consistent with the provisions of Article 6(3) of the Habitats Directive. Appropriate management measures should be put in place to ensure that the fishing activity or activities either 1) have no likely significant effect on a site in view of its conservation objectives or b) following assessment, can be concluded to have no adverse effect on the integrity of the site.

Natural England has considered the 12 Habitat Regulations Assessments (HRA) prepared by NW IFCA for the purposes of making an assessment consistent with the provisions of Article 6(3). Please accept this letter as Natural England's formal advice on those assessments including the conclusions reached in those assessments. Assessments have been made of the effects of activities not occurring within the following the listed sites or EMS's:

- NWIFCA-DE-EMS-001 – Dee Estuary EMS
- NWIFCA-DE-EMS-001A – Dee Estuary EMS
- NWIFCA-LD-SAC-001 – Shell Flat and Lune Deep SCI
- NWIFCA-LB-SPA-001 – Liverpool Bay/Bae Lerpwl SPA
- NWIFCA-DC-SAC-001 – Drigg Coast SAC
- NWIFCA-SF-EMS-001 – Solway Firth EMS
- NWIFCA-SF-EMS-001A – Solway Firth EMS

<sup>1</sup> Defra revised approach:

<https://www.gov.uk/government/publications/revised-approach-to-the-management-of-commercial-fisheries-in-european-marine-sites-overarching-policy-and-delivery>



- NWIFCA-RA-SPA-001 – Ribble and Alt SPA
- NWIFCA-MN-SPA-00 – Mersey Narrows and North Wirral Foreshore SPA
- NWIFCA-ME-SPA-001 – Mersey Estuary SPA
- NWIFCA-MB-EMS-001 – Morecambe Bay EMS
- NWIFCA-MB-EMS-001A – Morecambe Bay EMS

We are content that the best available and most up to date evidence has been used to carry out the HRAs by NWIFCA officers, to determine whether management of an activity is required to conserve site features, and thus to ensure the protection of the features, from direct and indirect impacts from the collection of marine fisheries resources.

It is Natural England's view that through their 12 HRAs, North Western IFCA officers appear to have appropriately identified those activities that are not likely to have a significant effect in view of the site's conservation objectives.

It is Natural England's view that any foreseeable risk, or harm to the site has been appropriately assessed; and that there is a mechanism in place to allow assessments of fisheries if they are found to occur and to allow management to be implemented if needed.

Please do not hesitate to contact me if you have any questions or require further information.

Yours sincerely,



Helen Ake

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