

Fisheries in EMS Habitats Regulations Assessment for Amber and Green risk categories

NWIFCA-DC-SAC-003

Date completed: 02/12/2015

Completed by: J.Haines

Site: Drigg Coast

European Designated Sites: UK0013031 Drigg Coast Special Area of Conservation (SAC)
Morecambe Bay and Duddon Estuary pSPA overlaps with this site – assessed separately in NWIFCA-MB-EMS-009
Cumbria Coast MCZ (Site part overlaps the the Drigg Coast SAC) – assessed separately

European Marine Site: Drigg Coast

Qualifying Feature(s):

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

H2110. Embryonic shifting dunes (NON MARINE)

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram (NON MARINE)

H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland (NON MARINE)

H2150. Atlantic decalcified fixed dunes (*Calluno-Ulicetea*); Coastal dune heathland (NON MARINE)

H2170. Dunes with *Salix repens ssp. argentea* (*Salicion arenariae*); Dunes with creeping willow (NON MARINE)

H2190. Humid dune slacks (NON MARINE)

Site sub-feature(s)/Notable Communities:

Estuaries – Littoral mud and sand, Atlantic salt meadows, *Salicornia* and other annuals colonising mud and sand (Pioneer saltmarsh), Sublittoral mixed sediments (boulder and cobble scars with mussel beds).

Mudflats and sandflats not covered by seawater at low tide – Littoral mud, littoral sand and muddy sand

Generic sub-feature(s):

Intertidal mud and sand, intertidal boulder and cobble reef, saltmarsh spp.

High Level Conservation Objectives:

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.

Fishing activities assessed:

Gear type(s): Pots / Creels

Crustacea / Gastropods

1. Introduction

1.1 Need for an HRA 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 “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.

If measures are required, the revised approach requires these to be implemented by 2016.

The purpose of this site specific assessment document is to assess whether or not in the view of NWIFCA the fishing activity of ‘Pots / Creels’ has a likely significant effect on the qualifying features of the Drigg Coast Special Area of Conservation and on the basis of this assessment whether or not it can be concluded that ‘Pots / Creels’ will not have an adverse effect on the integrity of this Special Area of Conservation.

1.2 Documents reviewed to inform this assessment

- Natural England's risk assessment Matrix of fishing activities and European habitat features and protected species¹
- Reference list² (Annex 1)
- Natural England's consultation advice (Annex 2)
- Site map(s) – sub-feature/feature location and extent (Annex 3)
- Fishing activity data (map(s), etc) (Annex 4)

2. Information about the EMS

(See cover pages).

3. Interest feature(s) of the EMS categorised as 'Red' risk and overview of management measure(s) (if applicable)

No interest features of the EMS categorised as 'Red' risk.

4. Information about the fishing activities within the site

NWIFCA IFCOs regularly patrol the Drigg Coast SAC and report that nearly all of the potting occurs outside of the site, indicated as the main fishing area in Annex 4. This is due to the site mainly being intertidal, apart from the estuary channels where potting does not occur. There are four boats that have been known to fish in the area, of which two boats fished using pots in 2015. Typically they have their pots in the water between March and November and each work between 50 and 100 pots in fleets of 15 to 30 pots. Pots have only been witnessed on a few occasions within the site on a low water spring tide, indicated in Annex 4. The maximum amount of pots seen within the site at one time is 10 pots. Mapping potting activity on the Broadscale Habitat Map shows it only interacts with intertidal mixed sediment.

The fishing of pots from a boat in the intertidal is an operation which is not often practiced by operators as the pots can only be recovered at the mid to high tide state and the pots would be exposed at low water, leaving the catch vulnerable to mortality from air exposure, damage from predators, as well as the risk of theft to the pots and catch. Potting close to the shore mainly occurs in the summer months when the lobster move inshore, further reducing the time period when pots are able to interact with the site.

[Cumbria SFC Byelaw 25](#) regulates fishing of pots, creels and traps. The byelaw states no person shall use or cause to be used for the purpose of fishing for sea fish or crustacea any pot, creel or trap constructed of whatever material unless:-

- (a) it has at least one unobstructed escape gap located in the lowest part of the pot, creel or trap or in the case of a parlour pot the parlour area; and
- (b) is so designed and constructed that each escape gap is of sufficient size that there may be easily passed through the escape gap and completely passed into the pot, creel or trap, a rigid

¹ See Fisheries in EMS matrix:

http://www.marinemangement.org.uk/protecting/conservation/documents/ems_fisheries/populated_matrix3.xls

² Reference list will include literature cited in the assessment (peer, grey and site specific evidence e.g. research, data on natural disturbance/energy levels etc)

boxed shaped gauge which shall be a gauge 74 millimetres wide, 44 millimetres high and 100 millimetres long.

5. Test for Likely Significant Effect (LSE)

The Habitats Regulations assessment (HRA) is a step-wise process and is first subject to a coarse test of whether a plan or project will cause a likely significant effect on an EMS³.

Is the activity/activities directly connected with or necessary to the management of the site for nature conservation? NO

5.1 Table 1: Assessment of LSE

All qualifying features and sub-features of the SAC have been screened out other than 'Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram due to the possibility of the fishing activity interacting with the coastal processes and sand supply to the dune features.

Qualifying Feature	Sub-feature	Potential pressure(s)	Sensitivity	Potential for Likely Significant Effect?	Justification and evidence
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes"); Shifting dunes with marram (NON MARINE)	Intertidal sand for sand supply by coastal processes to the shifting dune feature	Change to coastal processes – interruption of sand supply to shifting sand dune.	Sensitive	No	Due to the nature and scale of the activity it is very unlikely that the fishing activity will affect the sand supply to the shifting sand dunes it is therefore unlikely to have a significant on the extent, distribution, structure or function of the qualifying features.

Is the potential scale or magnitude of any effect likely to be significant?⁴	<p>Alone</p> <p>No</p> <p>Comments :</p> <p>Small scale activity with very limited impacts</p>	<p>OR In-combination⁵</p> <p>Uncertain</p> <p>Comments :</p> <p>These activities also occur at the site:</p> <ul style="list-style-type: none"> • Static- fixed nets • Intertidal hand work (winkles) <p>In combination effects will be assessed when all initial TLSEs for a site are completed.</p>
Have NE been consulted on this LSE test? If yes, what was NE's advice?	Yes	

³ Managing Natura 2000 sites: http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

⁴ Yes or uncertain: completion of AA required. If no: LSE required only.

⁵ If conclusion of LSE alone an in-combination assessment is not required.

6. Conclusion⁶

Taking into account the information detailed in the fishing activity and the Test of Likely Significant Effect, it can be concluded that at the current activity levels, fishing using pots/creels, has no likely significant effect on the Drigg Coast SAC interest features.

7. In-combination assessment¹⁴

In combination effects will be assessed in a separate document when all initial TLSEs for a site are completed.

8. Summary of consultation with Natural England

See attached advice from Natural England (Annex 2).

9. Integrity test

As this assessment has concluded no likely significant effect on the interest features of the Drigg Coast SAC in the NWIFCA district, there is no need to conduct an integrity test for this activity.

Annex 1: Reference list

Natural England Marine Conservation Advice for Special Area of Conservation: Drigg Coast (UK0013031), published June 2015, including Advice on Operations. Available at: <https://www.gov.uk/government/publications/marine-conservation-advice-for-special-area-of-conservation-drigg-coast-uk0013031>

Personal communication from North Western IFCA fisheries officer – 10th November 2015

⁶ If conclusion of adverse affect alone an in-combination assessment is not required.

Annex 2: Natural England's consultation advice

Date: 29 February 2016
Our ref: 178318
Your ref: Formal Sign Off – Drigg Coast SAC



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Dear Jon

Formal Advice to NWIFCA. Review of Fisheries in Marine Protected Areas. Assessments for Drigg Coast Special Area of Conservation (SAC)

Thank you for your consultation on the above which was received by Natural England on 08 February 2015.

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 EMSs¹. 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 'green' risk activities a site level assessment will be required if there are 'in combination effects' with other plans or projects. 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 2) following assessment, can be concluded to have no adverse effect on the integrity of the site.

Natural England has considered the four Habitat Regulations Assessments (HRAs) prepared by North Western Inshore Fisheries and Conservation Authority (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 the assessment and the conclusions it makes. The assessments consider the effects of the following fishing activities in the Drigg Coast Special Area of Conservation (SAC), Morecambe Bay and Duddon Estuary potential Special Area of Protection :

- NWIFCA-DC-SAC 002 Intertidal Handwork – Winkles;
- NWIFCA-DC-SAC-003 Pots and Creels;
- NWIFCA-DC-SAC-004 – Gillnets and Trammel Nets;
- NWIFCA-DC-SAC-005 - Longlines (Demersal).

¹ 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>

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We are content that the best available and most up to date evidence of the fishing activities has been used to carry out the HRAs by North Western IFCA 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.

We note that in combination effects will be assessed in a separate document when all initial Tests of Likely Significant Effects (tLSEs) for a site are completed.

Subject to the outcomes of the in combination assessments, it is Natural England's view that through their two HRAs, North Western IFCA officers appear to have appropriately identified those activities that are likely to have a significant effect in view of the site's conservation objectives, and whether management measures are required in order to ensure that the assessed fishing activity or activities will have no adverse effect on the integrity of the EMS.

We advise that Drigg Coast SAC overlaps with the Cumbria Coast Marine Conservation Zone (MCZ). In our published Conservation Advice for Drigg Coast SAC we identify the geographic extent of the Estuary SAC feature and the Intertidal mud and sand flat SAC feature, which is bounded within the Estuary SAC feature. These SAC features extend to the boundary of the MCZ but do not overlap with it. This should be taken into account when assessing the exposure of these SAC features to the fishing activities being considered. Taking account of the spatial separation of the fishing activities from the SAC features, we advise that no Likely Significant Effect (LSE) can be concluded.

We advise that fishing activities should be assessed against the Drigg Coast SAC Embryonic sand dune and Shifting dunes along the shoreline with *Ammophila arenaria* features ie whether there is potential for the fishing activities to affect the coastal processes and sand supply to these sand dune features. In view of the nature and location of these fishing activities we advise that no LSE can be concluded.

Subject to the above considerations, it is Natural England's view that any foreseeable risk, or harm to the site has been appropriately assessed; and a robust mechanism for re-assessing that risk is in place. This view is based on our current knowledge of the impacts of these fishing activities on the designated features.

We advise that in due course, under the Revised approach to fisheries management in MPAs, these fishing activities should be assessed against the conservation objectives of the Cumbria Coast MCZ.

If you require any further comments or have any queries regarding the above please contact me to discuss them further.

Yours sincerely



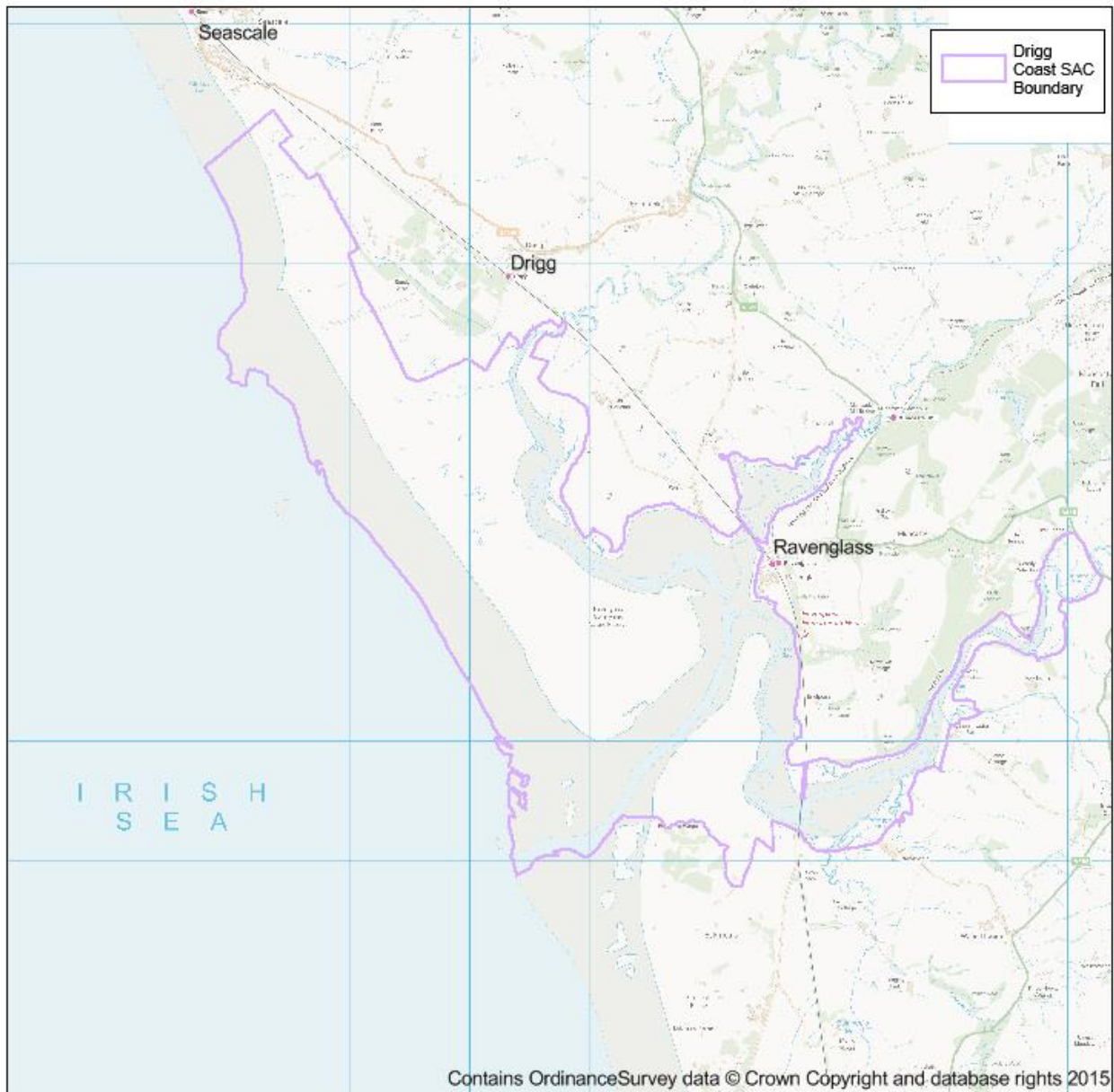
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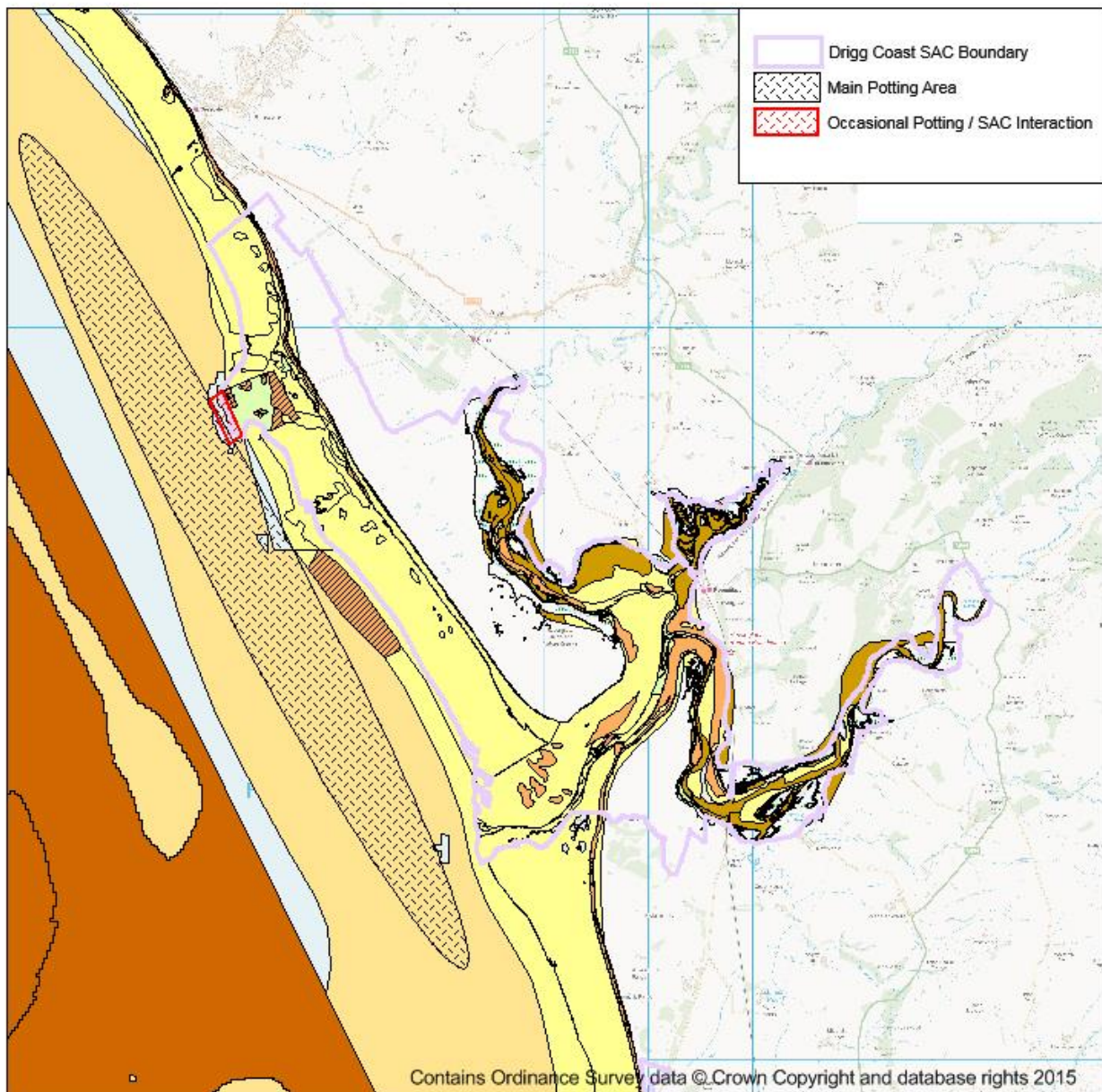
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Annex 3: Site Map



Annex 4: Fishing activity maps



Broad scale habitat data from Natural England November 2015 release

Broad Scale Habitats

Eunis Code	EMS Subfeature Common Name	Eunis Code	EMS Subfeature Common Name
A1	Intertidal rock	A3	Infralittoral rock
A2.1	Intertidal coarse sediment	A4	Circalittoral rock
A2.2	Intertidal sand and muddy sand	A5.1	Subtidal coarse sediment
A2.3	Intertidal mud	A5.2	Subtidal sand
A2.4	Intertidal mixed sediments	A5.3	Subtidal mud
A2.5	Saltmarsh	A5.4	Subtidal mixed sediments
A2.61	Intertidal seagrass beds	SF_SH_5	Intertidal biogenic reef: mussel beds
A2.71	Intertidal biogenic reef: Sabellaria spp.	SF_SH_6	Subtidal biogenic reef: mussel beds