

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

NWIFCA-DC-SAC-004

Date completed: 26/01/2016

Completed by: J.Haines

## Site: Drigg Coast

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

European Marine Site: Drigg Coast

## Qualifying Feature(s):

### Drigg Coast SAC

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)

### Morecambe Bay and Duddon Estuary pSPA extension

A026 *Egretta garzetta*; Little egret (non-breeding)

A038 *Cygnus Cygnus*; Whooper swan (non-breeding)

A040 *Anser brachyrhynchus*; Pink-footed goose (non-breeding)

A048 *Tadorna tadorna*; Common shelduck (non-breeding)

A054 *Anas acuta*; Northern pintail (non-breeding)

A130 *Haematopus ostralegus*; Eurasian oystercatcher (non-breeding)

A137 *Charadrius hiaticula*; Ringed plover (non-breeding)

A140 *Pluvialis apricaria*; European golden plover (non-breeding)

A141 *Pluvialis squatarola*; Grey plover (non-breeding)

A143 *Calidris canutus*; Red knot (non-breeding)

A144 *Calidris alba*; Sanderling (non-breeding)

A149 *Calidris alpina alpina*; Dunlin (non-breeding)

A151 *Calidris pugnax*; Ruff (non-breeding)

A156 *Limosa limosa*; Black-tailed godwit (non-breeding)

A157 *Limosa lapponica*; Bar-tailed godwit (non-breeding)

A160 *Numenius arquata*; Eurasian curlew (non-breeding)

A162 *Tringa totanus*; Common redshank (non-breeding)

A169 *Arenaria interpres*; Ruddy turnstone (non-breeding)

A176 *Larus melancephalus*; Mediterranean gull (non-breeding)

A183 *Larus fuscus*; Lesser black-backed gull (non-breeding, breeding)

A184 *Larus argentatus*; Herring gull (Breeding)

A191 *Sterna sandvicensis*; Sandwich tern (Breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Seabird assemblage

Waterbird assemblage

**Site sub-feature(s)/Notable Communities:**

**Drigg Coast SAC**

**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

**Morecambe Bay and Duddon Estuary pSPA extension**

Annual vegetation of drift lines, Atlantic salt meadows (*Glauco-puccinellietalia maritima*), coastal lagoons, freshwater and coastal grazing marsh, intertidal biogenic reef: mussel beds, intertidal coarse sediment, intertidal mud, intertidal rock, intertidal sand and muddy sand, intertidal seagrass beds, intertidal stony reef, *Salicornia* and other annuals colonising mud and sand, water column.

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

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

**High Level Conservation Objectives:**

With regard to the sites 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):**

**Static Fixed Nets – Gill Nets  
Trammels  
Entangling**

# 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 ‘Static Fixed Nets – Gill Nets, Trammels and Entangling’ 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 ‘Static Fixed Nets – Gill Nets, Trammels and Entangling’ 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 species<sup>1</sup>
- Reference list<sup>2</sup> (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

NWIFCA have included within the assessment the features of the proposed Morecambe Bay and Duddon Estuary SPA extension (See cover pages). From this point on the Drigg Coast SAC and the features from the proposed Morecambe Bay and Duddon Estuary SPA will be referred to as "Drigg Coast combined European Site".

## 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 in recent years netting has occurred at low levels. Netting is regulated in Cumbria by the Cumbria SFC Byelaw 10. Netting is prohibited in the site between 1<sup>st</sup> June and 30<sup>th</sup> November and is further prohibited within the prohibited box area in Annex 4 between 1<sup>st</sup> April and 30<sup>th</sup> November. In recent years there have been no more than 3 nets observed at one time. The areas where nets have been observed are indicated in Annex 4. Net lengths range between 100m and 240m, with 240m being the maximum permitted. The main targeted species are bass, cod and thornback rays; the mesh sizes of the net will depend on the target species (Article 11 of EC Council Regulation 850/98(as amended)) and the time of year. The nets are set by hand at low tide and checked and cleared every tide until the nets are removed. Nets will be removed in rough weather to avoid loss of gear and when catch rates are low, meaning the numbers of days which are fished will vary each year but will be at low levels. Mapping netting activity on the Broadscale Habitat Map shows it only interacts with intertidal mixed sediment. The access is from the Drigg Longing car park on established footpaths.

[Cumbria SFC Byelaw 10](#) regulates fishing of fixed engine. Only sections relevant to the Drigg Coast SAC have been included, the full byelaw is provided in the link above. The byelaw states the placing and use of fixed engines for taking sea fisheries resources is prohibited in the District except in the following areas and during the periods and according to the conditions given:

**Area 4** - The Rivers Irt, Mite and Esk, Ravenglass The sea area within a radius of 2 nautical miles drawn from the centre of the bridge at Ravenglass carrying the Carlisle to Barrow-in-Furness railway line over the River Mite position Latitude 54° 21'.45N Longitude 003° 24'.68W from 1st December to 31st March inclusive.

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<sup>1</sup> See Fisheries in EMS matrix:

[http://www.marinemanagement.org.uk/protecting/conservation/documents/ems\\_fisheries/populated\\_matrix3.xls](http://www.marinemanagement.org.uk/protecting/conservation/documents/ems_fisheries/populated_matrix3.xls)

<sup>2</sup> 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)

### **Deep Water Fishing**

Anywhere in the District, excluding the box areas defined in above, at all times of the year provided that there is at least 3 metres of water above the instrument at all states of the tide.

### **Shallow Water Fishing**

The sea area adjacent to the coastline from Grune Point to the southernmost boundary of Cumbria Sea Fisheries District, excluding the box areas defined above from 1st December to 31st May inclusive.

### **General Conditions**

- a) A fixed engine shall not be used for taking or facilitating the taking of salmon or sea trout.
- b) A fixed engine must be fished regularly whilst it is set, that is to say the engine shall be visited and, cleared of fish at least once every other tide, unless adverse weather conditions prevent this operation being carried out.
- c) Any salmon or sea trout taken by a fixed engine shall be returned to the sea immediately upon the first emptying of the fixed engine following such taking and whether such salmon or sea trout be alive or dead.
- d) A fixed engine shall not exceed 240 metres in length.
- e) No portion of any net shall at any time encroach into any channel less than 300 metres wide which exists at low water of the tide during which the net is used for fishing.

## **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 EMS<sup>3</sup>.

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

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<sup>3</sup> Managing Natura 2000 sites: [http://ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)

## 5.1 Table 1: Assessment of LSE

The fishing activity fall outwith of the proposed Morecambe Bay and Duddon Estuary SPA so all SPA features have been screened out. 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.

<b>Is the potential scale or magnitude of any effect likely to be significant?<sup>4</sup></b>	<p><b>Alone</b></p> <p>No</p> <p><b>Comments :</b></p> <p>Small scale activity with very limited impacts</p>	<p><b>OR In-combination<sup>5</sup></b></p> <p>Uncertain</p> <p><b>Comments :</b></p> <p>These activities also occur at the site:</p> <ul style="list-style-type: none"> <li>• Hand gathering - Winkles</li> <li>• Pots / creels</li> </ul> <p>In combination effects will be assessed when all initial TLSEs for a site are completed.</p>
<b>Have NE been consulted on this LSE test? If yes, what was NE's advice?</b>	Yes	

<sup>4</sup> Yes or uncertain: completion of AA required. If no: LSE required only.

<sup>5</sup> If conclusion of LSE alone an in-combination assessment is not required.

## 6. Conclusion<sup>6</sup>

Taking into account the information detailed in the fishing activity and the Test of Likely Significant Effect, it can be concluded at the current activity levels, that fishing with static fixed nets (gill nets, trammels and entangling) has no likely significant effect on the Drigg Coast combined European Site interest features.

## 7. In-combination assessment<sup>14</sup>

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>

**Natural England Marine Conservation Advice for Special Protection Area (UK9005081), UK9005081\_Morecambe\_Bay\_SPA\_Advice\_on\_Operations**

*Personal communication from North Western IFCA fisheries officer – 10<sup>th</sup> November 2015*

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<sup>6</sup> 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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**BY EMAIL ONLY**

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 EMSs<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 '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).

<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>

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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



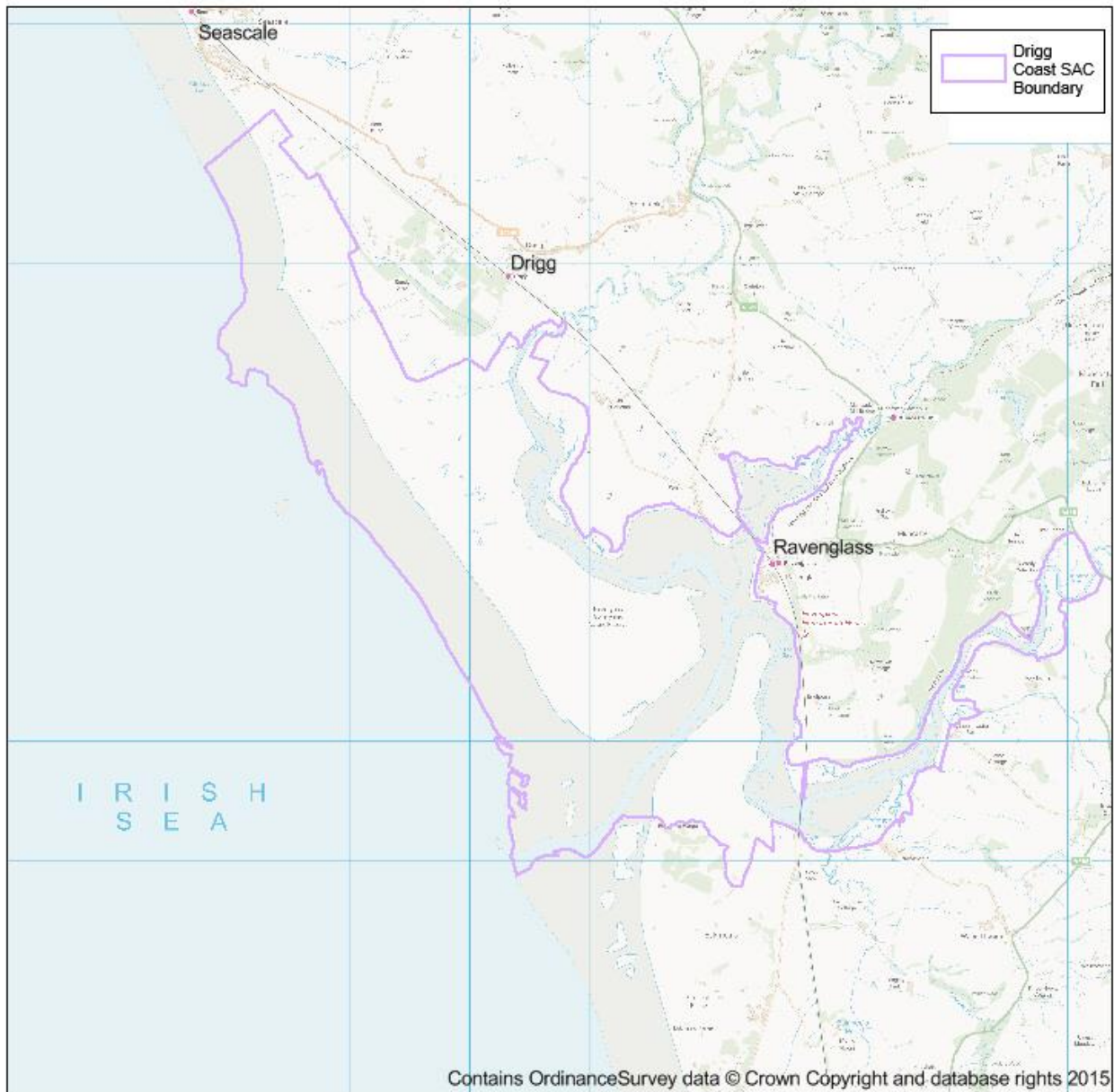
Helen Ake  
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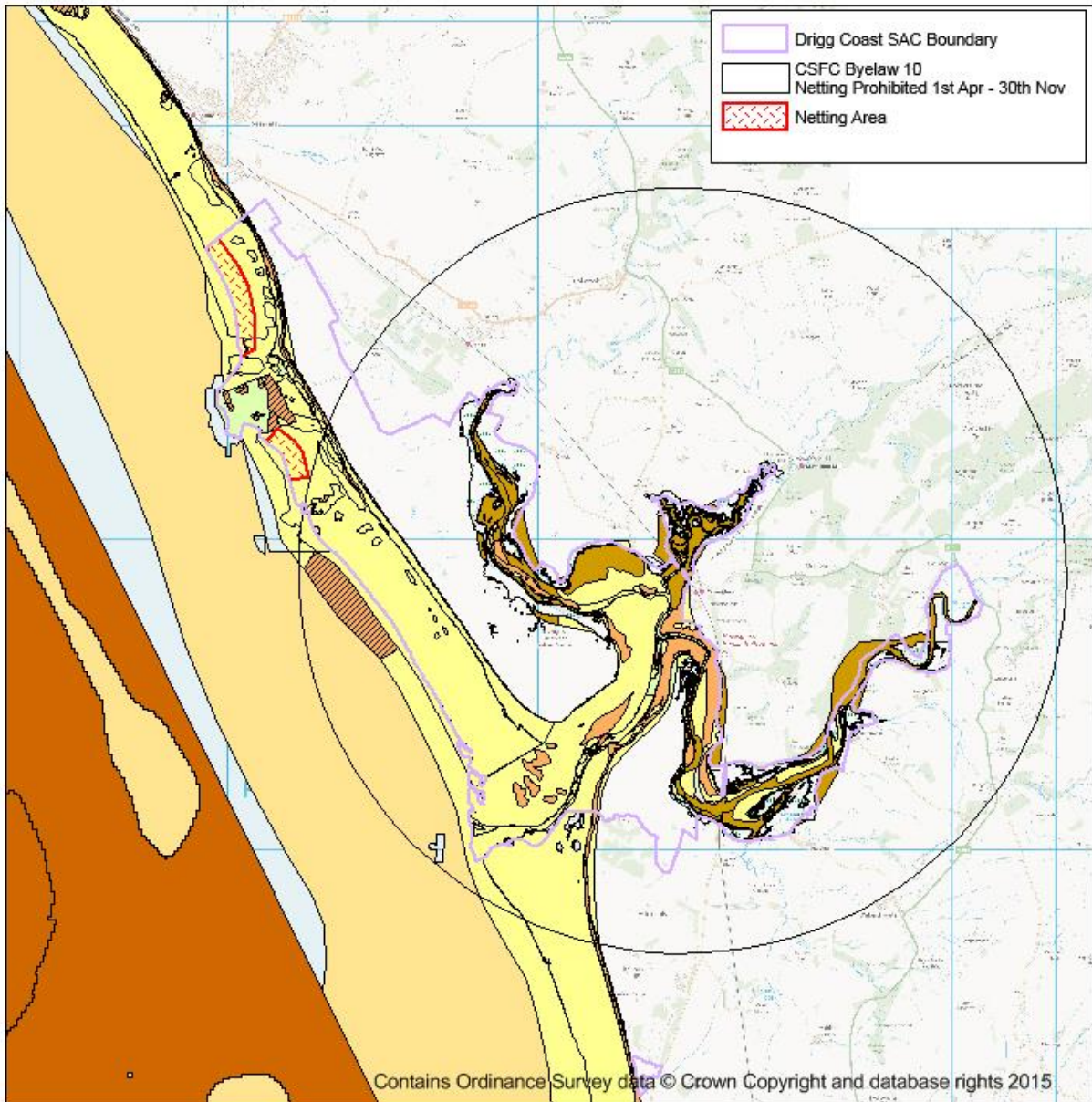
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# Annex 3: Site Map



# 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