

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

NWIFCA-LB-SPA-001

Date completed: 29/05/2015

Completed by: S. Temple & A. Leadbeater

European Marine Site: Liverpool Bay/Bae Lerpwl SPA

European Designated Sites: UK9020294 Liverpool Bay/Bae Lerpwl SPA
(UK0030376 Shell Flat and Lune Deep Site of
Community Importance also within site – assessed in
NWIFCA-LD-SAC-001)

**Only activities within 0-6 nm of site assessed by NWIFCA. MMO will assess
activities in 6-12 nm.**

Qualifying Feature(s):

A001 *Gavia stellate* Red-throated diver (non-breeding)

A065 *Melanitta nigra* Common scoter (non-breeding)

Waterbird assemblage

Site sub-feature(s):

Sublitoral sand and mud, Water column

Generic sub-feature(s):

Pursuit and plunge diving birds, Benthic feeding seabirds, Sub-tidal muddy sand.

High Level Conservation Objectives:

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (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, 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):

Towed (demersal)-	Multi-rig trawl, Pair trawl, Anchor seine, Scottish/fly seine,
Towed (pelagic/ demersal)	
Towed (pelagic)-	Mid-water trawl (single), Mid-water trawl (pair), Industrial trawls,
Dredges (towed)-	Dredge (scallop), Dredge (mussel/clam/oyster), Dredge (pump scoop),
Dredges (other)-	Dredge (tractor), Dredge (suction),
Intertidal handwork-	Hand work (access from vessel), Hand work (access from land),
Static (pots/traps)-	Cuttle pots, Fish traps,
Lines-	Longline (demersal), Longlines (pelagic),
Seine nets and other-	Purse seine, Beach seines/ ring nets, Shrimp push nets, Fyke and stake nets,
Miscellaneous-	Commercial diving, Bait dragging, Crab tiling,
Bait collection-	Digging with forks, Crab collection, Other bait collection.

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.

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
<p>A001 <i>Gavia stellate</i> Red-throated diver (non-breeding)</p>	<p>Sub-tidal muddy sand, water column</p>	<p>Multi-rig trawl, Pair trawl, Anchor seine, Scottish/fly seine, Towed (pelagic/demersal), Mid-water trawl (single), Mid-water trawl (pair), Industrial trawls, Dredge (scallop), Dredge (mussel/clam/oyster), Dredge (pump scoop), Dredge (tractor), Dredge (suction), Hand work (access from vessel), Hand work (access from land), Cuttle pots, Fish traps, Longline (demersal), Longlines (pelagic), Purse seine, Beach seines/ ring nets, Shrimp push nets, Fyke and stake nets, Commercial diving, Bait dragging, Crab tiling, Digging with forks, Crab collection, Other bait collection</p>	<p>NO</p>	<p>Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (S. Brown, Jan 2014)).</p> <p>Anchor seine, Scottish/Fly seine prohibited by NWSFC Byelaw 3.</p> <p>Bottom towed gear is prohibited in Lune Deep SAC by NWIFCA Byelaw 6.</p> <p>Intertidal activity does not occur as the site is wholly subtidal.</p>

<p>A065 <i>Melanitta nigra</i> Common scoter (non-breeding)</p>	<p>Sub-tidal muddy sand, water column</p>	<p>Multi-rig trawl, Pair trawl, Anchor seine, Scottish/fly seine, Towed (pelagic/ demersal), Mid-water trawl (single), Mid- water trawl (pair), Industrial trawls, Dredge (scallop), Dredge (mussel/ clam/oyster), Dredge (pump scoop), Dredge (tractor), Dredge (suction), Hand work (access from vessel), Hand work (access from land), Cuttle pots, Fish traps, Longline (demersal), Longlines (pelagic), Purse seine, Beach seines/ ring nets, Shrimp push nets, Fyke and stake nets, Commercial diving, Bait dragging, Crab tiling, Digging with forks, Crab collection, Other bait collection</p>	<p>NO</p>	<p>Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (S. Brown, Jan 2014)).</p> <p>Anchor seine, Scottish/Fly seine prohibited by NWSFC Byelaw 3.</p> <p>Bottom towed gear is prohibited in Lune Deep SAC by NWIFCA Byelaw 6.</p> <p>Intertidal activity does not occur as the site is wholly subtidal.</p>
<p>Waterbird assemblage</p>	<p>Sub-tidal muddy sand, water column</p>	<p>Multi-rig trawl, Pair trawl, Anchor seine, Scottish/fly seine, Towed (pelagic/ demersal), Mid-water trawl (single), Mid- water trawl (pair), Industrial trawls, Dredge (scallop), Dredge (mussel/ clam/oyster), Dredge (pump scoop), Dredge (tractor), Dredge (suction), Hand work (access from vessel) Hand work (access from land), Cuttle pots, Fish traps, Longline (demersal), Longlines (pelagic), Purse seine, Beach seines/ ring nets, Shrimp push nets, Fyke and stake nets, Commercial diving, Bait dragging, Crab tiling, Digging with forks, Crab collection, Other bait collection</p>	<p>NO</p>	<p>Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (S. Brown, Jan 2014)).</p> <p>Anchor seine, Scottish/Fly seine prohibited by NWSFC Byelaw 3.</p> <p>Bottom towed gear is prohibited in Lune Deep SAC by NWIFCA Byelaw 6.</p> <p>Intertidal activity does not occur as the site is wholly subtidal.</p>

3. Conclusion

Is the proposal likely to have a significant effect 'alone or in combination' on Liverpool Bay SPA? NO

4. Additional evidence documents

Steve Brown, NWIFCA (Jan 2014) **Fishing activity information from local IFCOs – Central District.** *Available on request.*

..\..\Activity information\Jan 2014-original versions from IFCOs\EMS_FishingActivity_SBrown.xlsx

Updated May 2015- ..\..\Activity information\Up to date IFCO spreadsheets\EMS_FishingActivity_SBrown updated 29.05.15.xlsx

NWIFCA (Jan 2014) **Liverpool Bay SPA Matrix with activities not occurring blanked out (3rd edit)** (produced in conjunction with local IFCOs and agreed by Natural England). *Available on request.*

S:\Science\Fisheries Management\MPA DEFRA\NWIFCA\3rd EDIT UP TO DATE EMS site specific matrices (Jan 15th 2014)\NWIFCA_EMS_SITES_Mersey blanked out Jan 15th 2014.xlsx

Natural England Conservation Objectives for Liverpool Bay SPA: personal communication H.Ake, Dec 2014 (not published at time of assessment).

Annex 2: Natural England's consultation advice

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



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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)¹. 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

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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- 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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Page 2 of 2



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