

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

NWIFCA-DE-EMS-001A

Date completed: 13/07/2015

Completed by: S. Temple & A. Leadbeater

Site: Dee Estuary

European Designated Sites: UK0030131 Dee Estuary/Aber Dyfrdwy Special Area of Conservation (SAC)
UK9013011 The Dee Estuary Special Protection Area (SPA)
UK11082 The Dee Estuary Ramsar Site

European Marine Site: Dee Estuary

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

Qualifying Feature(s):

SAC and Ramsar

H1130. Estuaries

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

H1210. Annual vegetation of drift lines (NON MARINE)

H1230. Vegetated sea cliffs of the Atlantic and Baltic coasts; Vegetated sea cliffs (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

H2110. Embryonic shifting dunes; 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)

H2190. Humid dune slacks (NON MARINE)

S1095 *Petromyzon marinus* Sea lamprey

S1099 *Lampetra fluviatilis* River lamprey

S1395 *Petalophyllum ralfsii* Petalwort (NON MARINE)

Natterjack toad (NON MARINE)

SPA and Ramsar

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

A052 *Anas crecca*; Eurasian teal (Non-breeding)

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

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

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

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

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

A156 *Limosa limosa islandica*; 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)

A191 *Sterna sandvicensis*; Sandwich tern (Non-breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Waterbird assemblage

Site sub-feature(s)/Notable Communities:

SAC and Ramsar

Estuaries: Sub-tidal sediment communities, Intertidal hard substrate communities, Intertidal mudflats and sandflats communities, *Salicornia* and other annuals, *Sabellaria* sp. reef, Atlantic salt meadow, Annual vegetation of drift lines.

Intertidal mudflats and sandflats: Intertidal gravel and clean sand communities, Intertidal muddy sand communities, Intertidal mud communities.

Pioneer saltmarsh: Pioneer low marsh communities, ephemeral saltmarsh vegetation

Atlantic salt meadows: Low to mid marsh communities, mid to upper marsh communities, transitional communities

Annual vegetation of drift lines

River lamprey

Sea lamprey

Supporting habitat: *Natterjack toad* – coastal sand dunes

SPA and Ramsar

Estuary channels (subtidal sediment communities and the water column), Intertidal mudflats and sandflats, Saltmarsh communities, Shingle banks/ridges, Rockyshore communities

Generic sub-feature(s):

Intertidal gravel and sand; Intertidal mud; Saltmarsh spp.; Intertidal mud and sand; annual vegetation of drift lines; river lamprey; sea lamprey; *Sabellaria* sp. reef, Estuarine fish community; Intertidal bedrock reef; Intertidal boulder and cobble reef; Estuarine birds; Surface feeding birds; Benthic feeding seabirds.

High Level Conservation Objectives:

Dee Estuary 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.

Dee Estuary 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):

Lines- Longlines (demersal),

Seine nets and other- Stake nets,

Static pots/ traps- Pots/ creels (crustacea/ gastropods)

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 document “Fisheries Activity Info Dee AB & PC” (Jan 2015). 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
H1130. Estuaries	Sub-tidal sediment communities, intertidal hard substrate communities, intertidal mudflats and sandflats communities, <i>Salicornia</i> and other annuals, <i>Sabellaria</i> sp. reef, Atlantic salt meadow, annual vegetation of drift lines	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats	Intertidal gravel and clean sand communities, intertidal muddy sand communities, intertidal mud communities	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H1210. Annual vegetation of drift lines (NON MARINE)		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H1230. Vegetated sea cliffs of the Atlantic and Baltic coasts; Vegetated sea cliffs (NON MARINE)		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H1310. <i>Salicornia</i> and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand	Pioneer low marsh communities, ephemeral saltmarsh vegetation	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H1330. Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>); Atlantic salt meadows	Low to mid marsh communities, mid to upper marsh communities, transitional communities	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).

H2110. Embryonic shifting dunes; Shifting dunes (NON MARINE)		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H2120. Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes"); Shifting dunes with marram (NON MARINE)		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland (NON MARINE)		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
H2190 Humid dune slacks		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
S1095 <i>Petromyzon marinus</i> Sea lamprey S1099 <i>Lampetra fluviatilis</i> River lamprey		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
S1395 <i>Petalophyllum ralfsii</i> Petalwort (NON MARINE)		Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
A048 <i>Tadorna tadorna</i> ; Common shelduck (Non-breeding)	Estuary channels (subtidal sediment communities and the water column) Intertidal mudflats and sandflats Saltmarsh communities Shingle banks/ridges Rockyshore	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
A052 <i>Anas crecca</i> ; Eurasian teal (Non-breeding)				

A054 <i>Anas acuta</i> ; Northern pintail (Non-breeding)	communities			
A130 <i>Haematopus ostralegus</i> ; Eurasian oystercatcher (Non-breeding)				
A141 <i>Pluvialis squatarola</i> ; Grey plover (Non-breeding)				
A143 <i>Calidris canutus</i> ; Red knot (Non-breeding)				
A149 <i>Calidris alpina alpina</i> ; Dunlin (Non-breeding)				
A156 <i>Limosa limosa islandica</i> ; Black-tailed godwit (Non-breeding)				
A157 <i>Limosa lapponica</i> ; Bar-tailed godwit (Non-breeding)				
A160 <i>Numenius arquata</i> ; Eurasian curlew (Non-breeding)				
A162 <i>Tringa totanus</i> ; Common redshank (Non-breeding)				
A191 <i>Sterna sandvicensis</i> ; Sandwich tern (Non-breeding)				
A193 <i>Sterna hirundo</i> ; Common tern (Breeding)				
A195 <i>Sterna albifrons</i> ; Little tern (Breeding)				
Waterbird assemblage	Estuary channels (subtidal sediment communities and the water column) Intertidal mudflats and sandflats Saltmarsh communities Shingle banks/ridges Rockyshore communities	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).

Natterjack toad (NON MARINE)	Coastal sand dunes	Longlines (demersal), Stake nets, Pots/ creels.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2015 & pers. com. April 2015)).
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3. Conclusion

Is the proposal likely to have a significant effect 'alone or in combination' on Dee Estuary marine site? NO

4. Additional evidence documents

Natural England European Site Conservation Objectives for Dee Estuary SAC (Published 30th June 2014). Available at: <http://publications.naturalengland.org.uk/publication/6124489284780032?category=4582026845880320>

Natural England European Site Conservation Objectives for Dee Estuary SPA (Published 30th June 2014). Available at: <http://publications.naturalengland.org.uk/publication/6557770283220992?category=4582026845880320>

Andrew Brownrigg and Philip Capper NWIFCA (Jan 2015) **Fisheries Activity Info Dee AB & PC 19.01.15**. Available on request. <..\..\Activity information\Site specific information from IFCOs\Fisheries Activity Info Dee AB & PC 19.01.15.docx>

Updated fishing activity information from local IFCOs -May 2015- <..\..\Activity information\Up to date IFCO spreadsheets\Fishing Activity for the Southern Area updated 29.05.15.xls>

Andrew Brownrigg and Philip Capper NWIFCA (April 2015). Personal communication.

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 have patrolled the Dee more regularly and are now able to assign these additional activities as non-occurring.

[Original documents:

Andrew Brownrigg and Philip Capper NWIFCA (Jan 2014) **Fishing activity information from local IFCOs – Southern District**. Available on request. <..\..\Activity information\Jan 2014-original versions from IFCOs\Fishing Activity for the Southern Area.xls>

NWIFCA (Jan 2014) **Dee Estuary EMS 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_Deer blanked out.xlsx]

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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BY EMAIL ONLY

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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>



- 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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