

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

NWIFCA-MB-EMS-001A

Date completed: 03/06/2015

Completed by: S. Temple

Site: Morecambe Bay and Duddon Estuary

European Designated Sites: UK0013027 Morecambe Bay Special Area of Conservation (SAC)

UK 9005031 Morecambe Bay Special Protection Area (SPA)

UK11045 Morecambe Bay Ramsar

UK9005031 Duddon Estuary Special Protection Area (SPA)

UK11022 Duddon Estuary Ramsar

European Marine Site: Morecambe Bay and Duddon Estuary

Qualifying Feature(s):

SAC and Ramsar

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks

H1130. Estuaries

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

H1150. Coastal lagoons

H1160. Large shallow inlets and bays

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; Pioneer saltmarsh

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

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)

S1166. *Triturus cristatus*; Great crested newt (NON MARINE)

Natterjack Toad (NON MARINE)

SPA and Ramsar

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

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

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

A063 *Somateria mollissima*; Common eider (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)

A149 *Calidris alpina alpina*; Dunlin (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)

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

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

Seabird assemblage

Waterbird assemblage

Site sub-feature(s)/Notable Communities:

SAC and Ramsar

Large shallow inlets and bays- intertidal boulder and cobble skewer communities, subtidal boulder and cobble skewer communities, brittlestar bed communities, intertidal boulder clay communities, coastal lagoon communities, sublittoral mixed sediment, intertidal mudflat and sandflat communities, pioneer saltmarsh communities, saltmarsh communities

Intertidal mudflats and sandflats- sand communities, mud communities, eelgrass bed communities

Pioneer saltmarsh- Glasswort *Salicornia* spp. communities

Saltmarsh- low marsh communities, mid marsh communities, high marsh communities, transitional high marsh communities

Sandbanks which are slightly covered by sea water all the time (subtidal sandbanks)

Estuaries

Coastal lagoons

Reefs – Biogenic reefs: mussel beds, sublittoral stony reef

Perennial vegetation of stony banks

Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) (referred to as Saltmarsh)

Embryonic shifting dunes

Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Fixed dunes with herbaceous vegetation (“grey dunes”)

Atlantic decalcified fixed dunes (*Calluno-Ulicetea*)

Dunes with *Salix repens* spp. *Argentea* (*Salicion arenariae*)

Humid dune slacks

Great crested newt (*Triturus cristatus*)

Supporting habitat: Great crested newt (NON MARINE) – coastal sand dunes
Natterjack Toad (NON MARINE)- coastal sand dunes

SPA and Ramsar

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

Generic sub-feature(s):

Intertidal mud and sand, Intertidal mud, Seagrass, Saltmarsh spp., Brittlestar beds, Subtidal muddy sand, Intertidal boulder and cobble reef, Subtidal boulder and cobble reef, *Sabellaria* spp. reef, Intertidal boulder and cobble reef, Surface feeding birds, Estuarine birds, Intertidal mud and sand, Intertidal boulder and cobble reef, Saltmarsh spp., Coastal lagoons.

High Level Conservation Objectives:

Morecambe Bay 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.

Morecambe Bay 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.

Duddon 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):

Static fixed nets-

Entangling

Seine nets and
other-

Beach seine/ ring 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 document “Fisheries Activity Info M Bay Ian Dixon 23.01.15”. 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; Subtidal sandbanks		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1130. Estuaries		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats	Sand communities, mud communities, eelgrass bed communities	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1150. Coastal lagoons		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1160. Large shallow inlets and bays	Intertidal boulder and cobble skear communities, subtidal boulder and cobble skear communities, brittlestar bed communities, intertidal boulder clay communities, coastal lagoon communities, sublittoral mixed sediment, intertidal mudflat and sandflat communities, pioneer saltmarsh communities, saltmarsh communities	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1170. Reefs	Biogenic reefs: mussel beds, sublittoral stony reef	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).

H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1310. <i>Salicornia</i> and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand	Glasswort <i>Salicornia</i> spp. communities	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H1330. Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)	Low marsh communities, mid marsh communities, high marsh communities, transitional high marsh communities	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H2110. Embryonic shifting dunes (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H2120. Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes"); Shifting dunes with marram (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H2150. Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>); Coastal dune heathland (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).

H2170. Dunes with <i>Salix repens ssp. argentea</i> (<i>Salicion arenariae</i>); Dunes with creeping willow (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
H2190. Humid dune slacks (NON MARINE)		Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
S1166. <i>Triturus cristatus</i> ; Great crested newt (NON MARINE)	Coastal sand dunes	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
Natterjack Toad (NON MARINE)	Coastal sand dunes	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
A040 <i>Anser brachyrhynchus</i> ; Pink-footed goose	Intertidal mudflat and sandflat communities, intertidal and subtidal boulder and cobble skear communities, saltmarsh communities, coastal lagoon communities, Shingle areas	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
A048 <i>Tadorna tadorna</i> ; Common shelduck				
A054 <i>Anas acuta</i> ; Northern pintail				
A063 <i>Somateria mollissima</i> ; Common eider (Breeding)				
A130 <i>Haematopus ostralegus</i> ; Eurasian oystercatcher				
A137 <i>Charadrius hiaticula</i> ; Ringed plover				
A140 <i>Pluvialis apricaria</i> ; European golden plover				
A141 <i>Pluvialis squatarola</i> ; Grey plover				
A143 <i>Calidris canutus</i> ; Red knot				

A149 <i>Calidris alpina alpina</i> ; Dunlin				
A157 <i>Limosa lapponica</i> ; Bar-tailed godwit				
A160 <i>Numenius arquata</i> ; Eurasian curlew				
A162 <i>Tringa totanus</i> ; Common redshank				
A169 <i>Arenaria interpres</i> ; Ruddy turnstone				
A183 <i>Larus fuscus</i> ; Lesser black-backed gull (Breeding)				
A184 <i>Larus argentatus</i> ; Herring gull (Breeding)				
A191 <i>Sterna sandvicensis</i> ; Sandwich tern (Breeding)				
A193 <i>Sterna hirundo</i> ; Common tern (Breeding)				
A195 <i>Sterna albifrons</i> ; Little tern (Breeding)				
A144 <i>Calidris alba</i> ; Sanderling				
Seabird assemblage	Intertidal mudflat and sandflat communities, intertidal and subtidal boulder and cobble skear communities, saltmarsh communities, coastal lagoon communities	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).
Waterbird assemblage	Intertidal mudflat and sandflat communities, intertidal and subtidal boulder and cobble skear communities, saltmarsh communities, coastal lagoon communities.	Entangling, Beach seine/ ring nets.	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (I. Dixon, Jan 2015)).

3. Conclusion

Is the proposal likely to have a significant effect 'alone or in combination' on Morecambe Bay European Site? NO

4. Additional evidence documents

Ian Dixon, NWIFCA (Jan 2015) **Fisheries Activity Info M Bay I Dixon 23.01.15**. Available on request.
<..\..\Activity information\Site specific information from IFCOs\Fisheries Activity Info M Bay Ian Dixon 23.01.15.docx>

Updated fishing activity information from local IFCOs May 2015- <..\..\Activity information\Up to date IFCO spreadsheets\EMS FishingActivity IDixon Updated to reflect new information 29.05.15.xlsx>

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.

[Original documents:

Steve Brown & Ian Dixon, NWIFCA (Jan 2014) *Fishing activity information from local IFCOs – Morecambe Bay Area*. Available on request.

<..\..\Activity information\Jan 2014-original versions from IFCOs\EMS FishingActivity IDixon.xlsx>

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

Natural England European Site Conservation Objectives for Morecambe Bay SAC (published 30th June 2014). Available at: <http://publications.naturalengland.org.uk/publication/5314736417669120?category=4582026845880320>

Natural England European Site Conservation Objectives for Morecambe Bay SPA (published 30th June 2014). Available at: <http://publications.naturalengland.org.uk/publication/6242841537806336?category=4582026845880320>

Natural England European Site Conservation Objectives for Duddon Estuary SPA (published 30th June 2014). Available at: <http://publications.naturalengland.org.uk/publication/5646893619085312?category=4582026845880320>

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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