

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

NWIFCA-ME-SPA-001

Date completed: 02/06/2015

Completed by: S. Temple & A. Leadbeater

Site: Mersey Estuary

European Designated sites: UK9005131 Mersey Estuary Special Protection Area
UK11041 Mersey Estuary Ramsar

European Marine Site Mersey Estuary

Qualifying Feature(s):

SPA and Ramsar

A048 *Tadorna tadorna*; Common shelduck (Non-breeding)
A052 *Anas crecca*; Eurasian teal (Non-breeding)
A054 *Anas acuta*; Northern pintail (Non-breeding)
A140 *Pluvialis apricaria*; European golden plover (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
A162 *Tringa totanus*; Common redshank (Non-breeding)
Waterbird assemblage

Site sub-feature(s):

SPA and Ramsar

Supporting Habitats:

- intertidal rock
- intertidal biogenic reef – mussel beds
- intertidal sand and muddy sand
- intertidal mud
- intertidal mixed sediment
- saltmarsh (Atlantic salt meadows and *Salicornia* and other annuals)

Generic sub-feature(s):

Estuarine birds, Intertidal mud and sand, Intertidal boulder and cobble reef, Saltmarsh spp.

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 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):

Towed (demersal)- Beam trawl (white fish),
Beam trawl (shrimp),
Beam trawl (pulse/ wing),
Heavy otter trawl,
Anchor seine,
Scottish/fly seine,

Towed (pelagic/ demersal)

Dredges (towed)- Dredge (scallop),
Dredge (mussel/clam/oyster),
Dredge (pump scoop),

Dredges (other)- Dredge (tractor),
Dredge (suction),

Intertidal handwork- Hand work (access from vessel),

Static (pots/traps)- Pots/ creels (crustacea/ gastropods),
Cuttle pots,
Fish traps,

Seine nets and
other- Purse seine
Fyke nets

Miscellaneous- Commercial diving,
Bait dragging

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 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
A048 <i>Tadorna tadorna</i> ; Common shelduck (Non-breeding)	Intertidal rock, intertidal biogenic reef – mussel beds, intertidal sand and muddy sand, intertidal mud, intertidal mixed sediment, saltmarsh (Atlantic salt meadows and <i>Salicornia</i> and other annuals)	Beam trawl (white fish), Beam trawl (shrimp), Beam trawl (pulse/wing), Heavy otter trawl, Anchor seine, Scottish/fly seine Towed (pelagic/demersal), Dredge (scallop), Dredge (mussel/clam/oyster), Dredge (pump scoop), Dredge (tractor), Dredge (suction), Handwork (access from vessel), Pots/creels (crustacea/gastropods), Cuttle pots, Fish traps, Purse seine, Fyke nets, Commercial diving, Bait dragging	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2014)).
A052 <i>Anas crecca</i> ; Eurasian teal (Non-breeding)				
A054 <i>Anas acuta</i> ; Northern pintail (Non-breeding)				
A140 <i>Pluvialis apricaria</i> ; European golden plover (Non-breeding)				
A149 <i>Calidris alpina alpina</i> ; Dunlin (Non-breeding)				
A156 <i>Limosa limosa islandica</i> ; Black-tailed godwit (Non-breeding)				
A162 <i>Tringa totanus</i> ; Common redshank (Non-breeding)				

Waterbird assemblage	Intertidal rock, intertidal biogenic reef – mussel beds, intertidal sand and muddy sand, intertidal mud, intertidal mixed sediment, saltmarsh (Atlantic salt meadows and Salicornia and other annuals)	Beam trawl (white fish), Beam trawl (shrimp), Beam trawl (pulse/wing), Heavy otter trawl, Anchor seine, Scottish/fly seine Towed (pelagic/demersal), Dredge (scallop), Dredge (mussel/clam/oyster), Dredge (pump scoop), Dredge (tractor), Dredge (suction), Handwork (access from vessel), Pots/creels (crustacea/gastropods), Cuttle pots, Fish traps, Purse seine, Fyke nets, Commercial diving, Bait dragging	NO	Activity does not currently occur and has not recently occurred in European Site (IFCO local knowledge (A. Brownrigg & P. Capper, Jan 2014)).
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3. Conclusion

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

4. Additional evidence documents

Andrew Brownrigg & 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>

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

NWIFCA (Jan 2014) **Mersey Estuary 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](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 European Site Conservation Objectives for Mersey Estuary SPA (Published 30th June 2014). Available at: <http://publications.naturalengland.org.uk/publication/5790848037945344?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>



- 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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