

Date: 09/04/2019  
Our ref: 278679  
Your ref: Devon and Severn IFCA – HRA Exe Estuary SPA  
EMS Digging with forks vs intertidal sediments



Sarah Clark  
Devon and Severn Inshore Fisheries and Conservation Authority  
Brixham Laboratory  
Freshwater Quarry  
Brixham  
Devon, TQ5 8BA

Ruth Porter  
Natural England  
Ground Floor  
Sterling House  
Dix's Field  
Exeter  
EX1 1QA

**BY EMAIL ONLY**

Tel. 02080267546

Dear Sarah,

Re: Fisheries in EMS Habitats Regulations Assessment: Assessment for European Marine Site: Exe Estuary SPA UK9010081

Fishing Activities: Digging with forks

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 \(EMS\)](https://www.gov.uk/government/publications/revised-approach-to-the-management-of-commercial-fisheries-in-european-marine-sites).<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 'amber/green' 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 Habitat Regulations Assessment (HRA) prepared by D&S 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 including the conclusions reached in the assessment. Assessment has been made of the effects of digging with forks on intertidal sediments in the Exe Estuary SPA - European Marine Site (EMS) qualifying features (**Appendix 2: gear feature interactions**).

Natural England does have a minor comment relating to the Exe Estuary SPA HRA, but this does not alter our views on the validity of the conclusions drawn (**Appendix 1: Minor comments on HRA**).

We are content that the best available and most up to date evidence has been used to carry out the HRAs by D&S 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.

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(1) <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>

**It is Natural England's view that through the HRA, D&S 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 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.**

Please do not hesitate to contact me if you have any questions or require further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Porter', is positioned above the printed name.

Ruth Porter

Marine Lead Adviser  
Natural England

Tel. 020802675

## **Appendix 1: Minor comments on HRA in relation to the Exe Estuary SPA**

1. Natural England supports the IFCA's intentions to create a permitting byelaw for hand gathering / estuarine activities to allow for future monitoring of activities and create a mechanism to bring in mitigation measures in the future if required. Despite the voluntary code of conduct being in place, it appears that a proportion of bait diggers are not backfilling holes within the Exe Estuary SPA, therefore a permitting byelaw might be necessary to introduce management measures.
2. Bird disturbance is a concern and once the results are reported from the Wildlife Refuge Zones the management of bait digging in relation to bird disturbance should be reviewed. Natural England supports the intention to create a permitting byelaw to bring in management where required.

## Appendix 2: List of gear feature interaction for which TLSE have been undertaken

D&S IFCA Interaction ID	Fishing Activity	Feature(s)	Supporting habitat
HRA_UK9010081_AR40	Bait Digging	<ul style="list-style-type: none"> <li>• Non-breeding Avocet</li> <li>• Non-breeding Black-tailed godwit</li> <li>• Non-breeding Dark-bellied Brent goose</li> <li>• Non-breeding Dunlin</li> <li>• Non-breeding Grey plover</li> <li>• Non-breeding Oystercatcher</li> <li>• Non-breeding Slavonian grebe</li> <li>• Waterbird assemblage</li> </ul>	Intertidal coarse sediment
HRA_UK9010081_P40			Intertidal mixed sediments
HRA_UK9010081_K40			Intertidal mud
HRA_UK9010081_L40			Intertidal sand & muddy sand