

Date: 03/04/2019
Our ref:
Your ref: Devon and Severn IFCA – HRA Severn Estuary EMS
Digging with forks



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

Natural England
Somerset, Avon and
Wiltshire team Horizon
House
Deanery Road,
BS1 5AH, Bristol

T 02080 260219

BY EMAIL ONLY

Dear Sarah,

Re: Fisheries in EMS Habitats Regulations Assessment: Assessment for European Marine Site:
Severn Estuary SAC UK0013030
Severn Estuary SPA UK9015022

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 \(EMS\)](#).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/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 the Severn Estuary SAC and SPA qualifying features (**Appendix 2**: gear feature interactions).

Natural England does have some minor comments relating to the Severn Estuary SAC and SPA HRAs, 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.

(1) 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>

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 'L Williams', written in a cursive style.

Leonore Williams
Marine Lead Adviser, Severn Estuary Team
E-mail: Leonore.williams@naturalengland.org.uk

Appendix 1: Minor comments on HRA in relation to the Severn Estuary SAC and 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. Whilst we understand the Severn Estuary is a dynamic environment resulting in trenches being backfilled after one tidal cycle, we support the IFCA's views on the introduction of management measures to reduce any potential impacts on the intertidal sediment's physical and ecological parameters by requiring to back fill holes and trenches.
2. Natural England agrees with the conclusion of no Likely Significant Effect from digging with forks on SPA intertidal rock and SAC Sabellaria reefs, on the basis that the ASERA code of conduct includes guidance to protect reefs and other sensitive habitats. However we would like to highlight for future monitoring that there is a potential impact pathway at Hinkley Point where Sabellaria was recorded in the lower shore during Hinkley monitoring programme. Natural England note that digging for king ragworm occurs in the coarse sediments and boulders at this location, which could have the potential to interact with the sensitive reef formation. In addition, we note that the survey effort at Hinkley Point was lower than in other survey locations, which might explain the absence of results in 2014-2015. Therefore we support IFCA's continued monitoring of the bait digging activity occurring in this location, aimed at introducing habitat-specific management measures if the activity was reported to increase and/or occur in the lower parts of the intertidal where Sabellaria reef has been recorded.
3. Bird disturbance is a concern in the Severn Estuary SPA, particularly occurring from a range of currently occurring activities and potential increased disturbance from future activities as specified in the in-combination assessment of the SPA bird HRA. We agree with the activities identified by the IFCA as potentially introducing cumulative disturbance impacts to the SPA birds, and agree with the conclusion that the bait digging activity will not result in an adverse effect on the integrity of the site. However, we take this opportunity to highlight Natural England have been working with local authorities and stakeholders in the Severn Estuary to implement voluntary high tide restrictions (2 hours before and after high tide), in order to reduce disturbance to SPA birds whilst they have reduced space to roost/feed. We note the bait digging activity occurs predominantly in the upper shore area and mainly around low tide. However, due to the extreme tidal range of the Severn Estuary, it can be predicted that bait digging might occur on upper shores whilst the tide is relatively high which can increase the disturbance potential. We would welcome D&S IFCA to consider high tide restrictions when introducing a Severn Estuary bait digging bylaw, in order to reduce the currently occurring disturbance levels experienced by SPA birds in the area, and consequently reduce the disturbance baseline.

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

Severn Estuary SPA UK9015022

D&S IFCA Interaction ID	Fishing activity	Feature(s)	Supporting Habitat
HRA_UK9015022_H40	Digging with forks	<ul style="list-style-type: none"> • Non-breeding Bewick's Swan • Non-breeding European White-Fronted Goose • Non-breeding Redshank • Non-breeding Dunlin • Non-breeding Shelduck • Non-breeding Gadwall • Waterbird assemblage 	Intertidal rock
HRA_UK9015022_AG40			Coastal reedbeds
HRA_UK9015022_AW40			Freshwater and coastal grazing marsh
HRA_UK9015022_AE40			Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)
HRA_UK9015022_K40			Intertidal mud
HRA_UK9015022_L40			Intertidal sand and muddy sand
HRA_UK9015022_P40			Intertidal mixed sediments
HRA_UK9015022_AV40			<ul style="list-style-type: none"> • Non-breeding Bewick's Swan • Non-breeding European White-Fronted Goose • Non-breeding Redshank • Non-breeding Dunlin • Non-breeding Shelduck • Non-breeding Gadwall
HRA_UK9015022_AO40	<ul style="list-style-type: none"> • Waterbird assemblage 		

Severn Estuary SAC UK0013030

D&S IFCA Interaction ID	Fishing Activity	Feature(s)	Sub-features
HRA_ UK0013030_AE40	Digging with forks	Atlantic salt meadows	
HRA_ UK0013030_Z40		Estuaries; Reefs	Circalittoral rock
HRA_ UK0013030_W40			Infralittoral rock
HRA_ UK0013030_H40			Intertidal rock
HRA_ UK0013030_AA40			Intertidal biogenic reef: <i>Sabellaria</i> spp.
HRA_ UK0013030_AA40			Subtidal biogenic reef: <i>Sabellaria</i> spp.
HRA_ UK0013030_AR40			Estuaries; Mudflats and sandflats not covered by seawater at low tide
HRA_ UK0013030_P40		Intertidal mixed sediments	
HRA_ UK0013030_K40		Intertidal mud	
HRA_ UK0013030_L40		Intertidal sand and muddy sand	
HRA_ UK0013030_AO40		Estuaries	Estuarine bird community