

Date: 30/10/2018  
Our ref: 260844  
Your ref: Devon and Severn IFCA – HRA Exe Estuary SPA  
EMS Handworking vs intertidal sediments



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## BY EMAIL ONLY

Dear Sarah,

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

Fishing Activities: Handworking

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-overarching-policy-and-delivery).<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 handworking on Exe Estuary SPA - European Marine Site (EMS) qualifying features (**Appendix 2**: gear feature interactions).

Natural England does have minor comments 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', written in a cursive style.

Ruth Porter

Marine Lead Adviser  
Natural England

Tel. 020802675

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

1. The level of commercial hand gathering of shellfish within the estuary would appear to consist of only one or two people at any given time. Given this low level of activity, the manner in which the activity is undertaken and the known locations that it is occurring, Natural England agree that it is not occurring at a high enough intensity to have an adverse effect on the integrity of the site.
2. Natural England supports the IFCA's intentions to create a permitting bylaw 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.
3. However, Natural England disagrees with the line of argument within the HRA appears to imply that current levels of disturbance are not considered to be a problem on the estuary. We disagree that there is no convincing scientific case to require mitigation for the effects of new housing developments on the shorebirds of the Exe estuary SPA (as set out in Salge 2014<sup>1</sup>) and do not think this should be used as justification that fishing activities within the site are at levels that are necessarily acceptable. We think there is clear evidence of disturbance of bird features on the Exe Estuary (Liley *et al* 2014<sup>2</sup>) and have produced Conservation Advice<sup>3</sup> that recommends a reduction in the frequency, duration and/or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.
4. We also disagree with the position stated within Goss-Custard 2016<sup>4</sup>. Reasons are given below:
  - 4.1. We do not think this adequately considers the high level conservation objective to maintain or restore the *distribution* of qualifying features within the site, in addition to the populations of qualifying features. Distribution will be affected by the extent and distribution of supporting habitat, food availability, and disturbance caused by human activity.
  - 4.2. An explanation of why we think this is important and what significant disturbance is considered to be is given in our Conservation Advice package for the Exe Estuary.
  - 4.3. Any decisions about LSE / AEOI should consider the question of whether disturbance is 'significant' enough to be 'likely' to cause impacts to the features on the site, through changing their distribution on a non-temporary basis. The assessment is therefore not focused solely on numbers of birds using the site (though that is important too), but how distribution changes in response to the intensity, duration and frequency of disturbance events. The key thing is there is a clear distinction between 'trivial' and 'non-trivial' disturbance.

<sup>1</sup> Salge, P. (2004) Exe Estuary Recreational Framework

<sup>2</sup> Liley, D. *et al* (2011) Exe Estuary Disturbance Study. Footprint Ecology

<sup>3</sup> Available at <https://www.gov.uk/government/publications/marine-conservation-advice-for-special-protection-area-exe-estuary-uk9010081>

<sup>4</sup> Goss-Custard, J.D. (2016) Mud, Birds and Poppycock. In press: Bulletin of the British Ecological Society.

## 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_AR19	Handworking (access from vessel)	<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> </ul>	Intertidal coarse sediment
HRA_UK9010081_P19			Intertidal mixed sediments
HRA_UK9010081_K19			Intertidal mud
HRA_UK9010081_L19			Intertidal sand and muddy sand
HRA_UK9010081_AR20	Handworking (access from land)	<ul style="list-style-type: none"> <li>• Non-breeding Oystercatcher</li> <li>• Non-breeding Slavonian grebe</li> <li>• Waterbird assemblage</li> </ul>	Intertidal coarse sediment
HRA_UK9010081_P20			Intertidal mixed sediments
HRA_UK9010081_K20			Intertidal mud
HRA_UK9010081_L20			Intertidal sand & muddy sand