

Date:25/11/16

Our ref: 198877

Your ref: D&S IFCA Interaction IDs (Appendix 2)



Natural England
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Tel 02080267363

BY EMAIL ONLY

Dear Sarah,

**Re: Fisheries in EMS Habitats Regulations Assessment for Amber Activities European Marine Site:
Exe Estuary SPA
Fishing Activity: Intertidal Hand Working**

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 does have some comments relating to the content of the HRA, but this does not alter our views on the validity of the conclusions drawn (**Appendix 1: Comments on HRA**). It does, however, suggest that a detailed combination assessment covering the impact of bait collection is put on hold until the assessments on these activities have been completed.

We are content that the best available and most up to date evidence has been used to carry out the HRA 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 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 their 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 'Andrew Knights', written in a cursive style.

Andrew Knights
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Appendix 1 – Comments on the HRAs

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 in isolation.
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 2014¹) 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* 2014²) and have produced Conservation Advice³ 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 2016⁴. 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.
 - 4.4. Natural England are responding to Goss-Custard (2016) in an article that will be published shortly.

¹ Salge, P. (2004) Exe Estuary Recreational Framework

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

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

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

5. We do not think that the IFCA are in the position to adequately conclude that the activity being assessed (commercial hand gathering) will not have a significant impact in combination with other intertidal fishing activities (crab tiling and bait digging) before these activities are assessed in their own right. This would require pre-judging the outcome of these assessments which are not yet completed. Given the low occurrence of commercial hand gathering, it may well be that the contribution it makes to disturbance within the estuary is minimal. We think a pragmatic approach is justifiable that puts a detailed in combination assessment of commercial hand gathering on hold until all the information is available from the other intertidal fishing activities.

Appendix 2 - D&S IFCA Interaction IDs

D&S IFCA Interaction ID	Fishing Activity	Feature(s)	Supporting habitat
HRA_UK9010081_AR19	Hand working (access from vessel)	<ul style="list-style-type: none">• Non-breeding Avocet• Non-breeding Black-tailed godwit• Non-breeding Dark-bellied Brent goose• Non-breeding Dunlin• Non-breeding Grey plover• Non-breeding Oystercatcher• Non-breeding Slavonian grebe• Waterbird assemblage	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	Hand working (access from land)		Intertidal coarse sediment
HRA_UK9010081_P20			Intertidal mixed sediments
HRA_UK9010081_K20			Intertidal mud
HRA_UK9010081_L20			Intertidal sand & muddy sand
D&S IFCA Interaction ID	Fishing Activity	Feature(s)	Supporting habitat
HRA_UK9010081_O19	Hand working (access from vessel)	<ul style="list-style-type: none">• Non-breeding Avocet• Non-breeding Black-tailed godwit• Non-breeding Dark-bellied Brent goose• Non-breeding Dunlin• Non-breeding Grey plover• Non-breeding Oystercatcher• Non-breeding Slavonian grebe• Waterbird assemblage	Intertidal biogenic reef: mussel beds
HRA_UK9010081_O20	Hand working (access from land)		Intertidal biogenic reef: mussel beds

D&S IFCA Interaction ID	Fishing Activity	Feature(s)	Supporting habitat
HRA_UK9010081_H19	Hand working (access from vessel)	<ul style="list-style-type: none">• Non-breeding Avocet• Non-breeding Black-tailed godwit• Non-breeding Dark-bellied Brent goose• Non-breeding Dunlin• Non-breeding Grey plover• Non-breeding Oystercatcher• Non-breeding Slavonian grebe• Waterbird assemblage	Intertidal rock
HRA_UK9010081_Z19			Intertidal stony reef
HRA_UK9010081_H20	Hand working (access from land)		Intertidal rock
HRA_UK9010081_Z20			Intertidal stony reef
D&S IFCA Interaction	Fishing Activity	Feature(s)	Supporting habitat
HRA_UK9010081_AT19	Hand working (access from vessel)	<ul style="list-style-type: none">• Non-breeding Avocet• Non-breeding Black-tailed godwit• Non-breeding Dark- bellied Brent goose• Non-breeding Dunlin• Non-breeding Grey plover• Non-breeding Oystercatcher• Non-breeding Slavonian grebe• Waterbird assemblage	Freshwater & coastal grazing marsh
HRA_UK9010081_AE19			Saltmarsh
HRA_UK9010081_AT20	Hand working (access from land)		Freshwater & coastal grazing marsh
HRA_UK9010081_AE20			Saltmarsh
D&S IFCA Interaction	Fishing Activity	Feature(s)	Supporting habitat

HRA_UK9010081_E19	Hand working (access from vessel)	<ul style="list-style-type: none"> • Non-breeding Avocet • Non-breeding Black-tailed godwit • Non-breeding Dark- bellied Brent goose • Non-breeding Dunlin • Non-breeding Grey plover • Non-breeding Oystercatcher 	Intertidal Seagrass Beds
HRA_UK9010081_E20	Hand working (access from land)	<ul style="list-style-type: none"> • Non-breeding Slavonian grebe • Waterbird assemblage 	Intertidal Seagrass Beds