

Date: 21/02/2018  
Our ref: 234974  
Your ref: D&S IFCA – Formal Notice Plymouth Sound & Estuaries EMS



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## BY EMAIL ONLY

Dear Sarah,

**Re: Fisheries in EMS Habitats Regulations Assessment for Amber Activities:  
Assessment for European Marine Site: Plymouth Sound & Estuaries UK0013111 and  
Tamar Estuaries Complex SPA UK9010141  
Fishing Activities: Fish Traps (Wrasse)**

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 five Habitat Regulations Assessments (HRAs) 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 those assessments including the conclusions reached in those assessments. Assessments have been made of the effects of fish traps (wrasse) on Plymouth Sound and Estuaries European Marine Site (EMS) qualifying features.

Natural England does have some comments relating to the content of the HRAs, but this does not alter our views on the validity of the conclusions drawn (**Appendix 1: 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 five HRAs, 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 dark ink, appearing to read 'Andrew Knights', written in a cursive style.

Andrew Knights

Marine Senior Adviser  
Natural England

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## **Appendix 1 – Comments on HRAs**

### **1. Fishtraps vs Rock HRA**

- 1.1. NE agrees that it is very important to continue to monitor the fishery closely and adapt management accordingly. However, the HRA could have set out more clearly how managing wrasse stocks sustainably within the site ensures that adverse impact is avoided. It is acknowledged that there is a gap in understanding of the ecological role wrasse species have within reef habitats around the UK. The current knowledge has been very well researched by D&S IFCA.
- 1.2. Given this context, it is our understanding that an assumption has been made within the assessment that as long as wrasse stocks are maintained within the SAC, then whatever ecological function they do perform will continue to be carried out. Doing this will ensure important attributes such as species composition of the SAC reef communities (and therefore the Conservation Objectives of the site) will be maintained. The assumption that maintaining wrasse stocks within the SAC is important, despite the current lack of evidence base that wrasse are essential to maintaining a healthy reef ecosystem, appears to be a suitably precautionary approach to take when managing this fishery.
- 1.3. It is important to specifically make the link between what is required in order to conclude no adverse impact on the SAC (in this case ensuring wrasse continue to be present on the reefs) and the proposed management that aims to achieve this. This also clearly sets the context within which the effectiveness of management needs to be measured.
- 1.4. The assessment lists a number of triggers that are likely to initiate a further review of management. This is important to include however the use of the word 'likely' suggests that a final decision has not yet been reached? We would advise this is decided as soon as possible, especially as some of the triggers listed appear critical to ensuring the stocks are managed effectively (and therefore the conservation objectives of site are met).
- 1.5. Continuing to closely monitor CPUE / LPUE and size distribution and then promptly feeding this information back to inform management decisions would appear to be an essential part of managing this fishery in a way that avoids adverse impact. In the absence of threshold values that will trigger a review of management, it is important to commit to another end of season review in October / November 2018 following the 2018 season of data collection. This will give confidence that should there be any indication that the current level of exploitation is not sustainable, changes in management can be brought in before wrasse stocks within the SAC are threatened. It is also well noted within your literature review that other wrasse fisheries have seen declines in CPUE within 2 years. This gives further reason to schedule a second review in October / November 2018.
- 1.6. Two of the proposed triggers that would initiate further review (failure to meet permit conditions and failure to adhere to voluntary closures) would appear to have already occurred. It would be good it understand how these have been dealt with. It may be that these occurred during the early part of the season before new management came on line. However, should failure continue, it is important to set out what the management response will be.
- 1.7. Within the HRA and associated reports the current closed season is given as between 1<sup>st</sup> of April and 30<sup>th</sup> June. Following the collection of spawning data from 2017, it is suggested that a shift in the closed season to between May and mid-July would protect more spawning fish. However, in section 4.3 it is admitted that for ballan, corkwing and cuckoo wrasse there is limited data to

determine if the closed season is appropriate. NE agree that extending the closed season into mid-July looks justifiable given the data collected. However, we would urge caution when considering reducing the level of protection (for instance pushing back the start of the closed season from April to May) on the basis of one season of data collection that is admittedly limited for some species and has a significant gap between late April and the end of May. Having said that, the control mechanisms D&S IFCA have in place through the permitting byelaw process lend themselves particularly well to small changes to management conditions on the basis of good evidence. We would encourage continued monitoring to increase the robustness of decisions around closed seasons to protect spawning periods in the future.

## 2. Fishtraps vs Seagrass HRA.

- 2.1. We note within your HRAs that some of the seagrass within the site is within areas you have proposed as voluntary closed areas, for instance around the mouth of the Yealm. As seagrass beds are particularly sensitive to abrasion, avoiding potting on them could be seen as a good precautionary step to ensure their protection. NE advise consideration is given to including all areas known to have seagrass within voluntary closed areas.

## 3. Fishtraps vs Shad HRA

- 3.1. We agree with your HRA that concludes no likely significant effect on shad due to the selectivity of pots. However, in the unlikely event that any shad were caught, it would be important to record the occurrence (after returning the fish to the water immediately as you have stated). As this is admittedly unlikely, we do not anticipate a formal recording procedure will be justifiable. But given your staff are meeting with the fishermen regularly, informally reminding fishermen about shad and the importance of any catch data may be beneficial.