

NORTH WESTERN IFCA INTERTIDAL FISHERIES COLD WEATHER PROTOCOL

April 2023

1. Purpose of this protocol

During periods of severe cold weather (as defined in section 2), the NWIFCA must assess whether fishing activities taking place within a Special Protection Area (SPA) pose a risk to the designated bird species. This requirement arises from the legal obligation upon the NWIFCA to carry out a Habitats Regulation Assessment (HRA) for activities it regulates and to implement any mitigation measures identified as necessary. The purpose of this protocol is to set out the criteria that must be met, the risks that must be considered, and the steps that NWIFCA will follow when such an event occurs. This protocol has been reviewed and agreed with Natural England.

1.1 Background

Intertidal fisheries in the NWIFCA District that operate within a European Marine Site (EMS) must undergo a HRA in accordance with Article 6 of the Habitats Directive. The purpose of this assessment is to ensure the proposed fishing activities do not hinder the conservation objectives of the protected features. The sensitivity of designated features to fishing activity is detailed in Natural England's Conservation Advice Packages: <https://designatedsites.naturalengland.org.uk/>.

Certain bird species are vulnerable to pressures from disturbance and removal of food resources from fishing activities. A HRA of a fishery may determine that during periods of severe cold, when birds require additional energy to maintain condition, there is the risk that fishery related pressures could result in an adverse effect on bird populations. The NWIFCA must therefore have a protocol to ensure these impacts are mitigated for and that there is no adverse effect on the integrity of the site.

1.2 Legal framework

The following legislation underpins NWIFCA's duty to protect designated features within the Northwest District under both UK (relevant to Marine Conservation Zones) and retained EU (relevant to European Marine Sites) law.

The Conservation of Habitats and Species Regulations (2017)

24 Control of potentially damaging operations – Assessment of implications for European sites

(1) Where it appears to the appropriate nature conservation body that a notice of a proposal under section 28E(1)(a) of the WCA 1981 relates to an operation which is or forms part of a plan or project which—

(a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

it must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

(2) In the light of the conclusions of the assessment, it may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.

Further information regarding the UK Government's guidance to carrying out a HRA can be found here: <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

2. Protocol

A suspension of fishing within an SPA should be triggered during severe cold conditions, defined as:

*A period during which temperatures are **at or below 0 degrees Celsius for 60 hours total out of 120 consecutive hours (5 days).***

Temperatures will be monitored from agreed weather stations for each shellfishery within a SPA. Temperatures will be monitored in real-time.

Once the 60 hour trigger is reached, fishing will be suspended for five consecutive days (inclusive of weekends). Temperatures will continue to be monitored while fishing is suspended. The suspension will be lifted once a period of sustained warming (over 60 hours total within a 120 hour period, from the start of the suspension) is reached.

Predictive or forecasted temperatures will not be used to initiate a closure, however, they can be used to notify industry of the potential for a closure (see section 3.2 and 3.3).

2.1 Temperature stations

The weather stations from which to monitor temperature readings for the respective fisheries have been agreed with Natural England as of April 2023. Stations will be reviewed yearly. Stations will also be reviewed for any fishery at the time when this protocol is applied and agreed with Natural England.

2.2 Additional considerations

In addition to the temperature, NWIFCA will review other factors which may influence the level of impact on birds during severe cold. These will include (but will not be limited to):

- The intensity of fishing (frequency, number of operators, timings etc.)
- The potential for displacement of fishers into other fisheries

3. Communication procedure

3.1 Communication with Natural England

NWIFCA will notify Natural England when there is a risk of severe temperatures and provide regular updates during cold weather.

NWIFCA will consult with Natural England regarding the relative conditions of the relevant SPA and the potential for a suspension.

3.2 Communication with Industry members

If a forecast has indicated severe cold weather, NWIFCA will notify industry members via the website and by text message of the potential for a cold weather suspension as soon as possible.

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NWIFCA will notify industry members via text and website updates as soon as temperature monitoring has begun.

If it looks likely that the minimum requirements of 60 hours will be reached, NWIFCA will notify fishers via text and website updates of this possibility.

Once 60 hours of severe cold is reached NWIFCA will notify fishers that the fishery will be closed within 24 hours.

3.3 Communication with Authority members

If a forecast has indicated severe cold weather, NWIFCA will notify members of the Technical Science and Byelaw Subcommittee (TSB) via email of the potential for a cold weather suspension as soon as possible.

NWIFCA will notify TSB members via email as soon as temperature monitoring has begun and notify members of suspension of the fishing, should the cold weather conditions (specified in 2. Protocol) be met.

Date of next review	Completed by	NE Sign off
October 2023		