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Dear Sirs

### **Neart na Gaoithe FFMS**

The Scottish Fishermen's Federation (SFF) are happy to comment on this paper on behalf of the fishing vessels in membership of its constituent associations; the Anglo Scottish Fishermen's Association, Five Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association. Combined, these associations represent over 400 hundred vessels and the majority of the Scottish Catching effort.

Starting on page 3, referring to the plan audience, the SFF would also expect to be monitoring compliance with the FMMS and have a right to appeal to MS-LOT when breach of conditions is suspected. Over on page 4 the SFF would expect FIR's to also keep copies of the FMMS with an obligation to report any breach of consent conditions.

The list of Acronyms and Abbreviations is flawed, firstly by including the DFA, which no longer exists; the IFG is not correctly described; the SCFF rep has retired and the SEIFA has cease to be.

Moving on to the Introduction, and the SFF would contend that the development is ignoring many of the details in both the Section 36 and the Marine Licence Consent Conditions: specifically S36/25/5.2 which speaks of the CFWG consulting on the FMMS to define and finalise it; S36/25/5 speaks of mitigation for each commercial fishery that is affected. Marine License @ 3.2.2.20 reiterates both of these conditions.

The SFF has long believed that developers are misconstruing the term "mitigation" throughout their documents and this is evident on page 13 @ 1.3 Linkages with other consent plans. The description and Table 1.2 are really straight forward Health and Safety measures which have very little to do with "mitigation of effects on commercial fisheries," disingenuous to say the least.

Chapter 4, para 16, does not mention how the information required will deal with the vessels, particularly inshore, which do not currently have AIS. Para 18 is not sufficient for the FMMS to indicate how commercial fish species will be monitored.

Chapter 5, para 3.1 should include some recognition of the responsibility on NnGOWL to implement the FMMS to the benefit of affected fishers.

Chapter 5, para 5.3.2.24, needs to be clearer on the dropped objects point, especially regarding notice timing

The SFF takes exception to the wording of para 28 on page 22, which seems to give the developer carte blanche to bypass the CFWG mechanism, to divide and conquer. It would be more helpful to have a form of words to strongly encourage consensus working.

The third bullet point in para 30, on page 22, is misleading, the only person legally allowed to move fishing gear is the owner or his rep.

Page 22, table 5.2, first bullet point should include industry bodies such as SFF in the distribution. And in the same table on page 23, the third bullet omits to mention Kingfisher, which it should.

Chapter 6 starts by listing the developers' view of the Principles of Mitigation, without any attempt to demonstrate the delivery of mitigation.

Table 6.1, in the first line, on CFMS, accepts that each commercial needs to be considered, and claims that this document is doing just that. The SFF can't see anything in this document on how each fishery is to be mitigated so the condition has not been met.

The fourth line in the table on the CFWG says a lot, but does not actually reference the licence conditions' definition of the purpose of the CFWG. This must be addressed clearly.

Moving on to para 34, 6.2 on page 26, Co-existence Strategy, makes the claim that both NnGOWL and Fishing activity will continue as usual. The fishing industry remains to be convinced of this, as all experience to date shows how things change negatively post-construction, and there must be a description of how this scenario will be mitigated.

Further, 6.2.1 makes the same assumption, which the SFF would object to, and would expect to see some genuine mitigation measures in place in case Turbine towers or cables interfere with fishing.

Para 6.2.2 again assumes successful co-existence, the SFF would expect the FMMS to recognise that this may not be the case and define mitigation for that scenario.

To summarise the last 3 paras, it is clear that the developer believes in co-existence, but it is not clear what it is they believe or why they do, other than a simple need to say the right thing? If it is not clear what is meant how can we assess it? And how can we/ anyone decide if it has been a success. This raises the question of responsibility for monitoring compliance, which the SFF believe needs strengthening.

Paras 6.2.3/4 are not mitigation measures, simply Health and Safety to protect the windfarm, and only describe a summary of the Fishing Gear Transit Plan, which is not what the consent condition says.

Para 6.3 does go some way to defining what happens when co-existence is not achievable. But it does not provide any specifics, which would be the case if it had been agreed at the CFWG as per the licence

condition. The SFF has many times tried to engage developers in discussing their mitigation proposals, to no avail. So on this para alone we can rest our case that the licence condition on the FMMS, and lack of consulting the CFWG, has not been met.

Para 58 on page 29 is a poor statement to make, was there such a rush to present this paper that there is no definition of what the process entails.

Finally, the draft FMMS as it stands does not consider any aspect of Community Benefit to the fishing community, which is disappointing as the SFF has regularly recommended what they view as best practice, developed south of the border, the mechanism known as the West of Morecambe Fisheries Fund,

Best regards.  
Malcolm Morrison