

**Moray Offshore Windfarm (West) Limited  
Fisheries Management and Mitigation Strategy**



8460005-DBHA14-MWW-PLN-000001

**MORAY OFFSHORE WINDFARM (WEST) LIMITED**

# **Fisheries Management and Mitigation Strategy**

**Document Name: 8460005-DBHA14-MWW-000001**

**Revision: 5**

**Status: Final**

**Date: 24/11/2022**

**Moray Offshore Windfarm (West) Limited**  
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Version Control				
Revision	Date	Status	Revision Description	Distribution List
0	04/07/2018	Draft	CFMS, submitted as part of the EIA Report	
1	07/03/2022	Draft	Submission to Moray West for review	Moray West
2	19/04/2022	Draft	Submission to SFF for early consultation	SFF
3	26/05/2022	Final	Submission to MS-LOT	MS-LOT
4	27/09/2022	Final	Updated version following consultation feedback	MS-LOT
5	24/11/2022	Final	Updated version following consultation feedback	MS-LOT

Document Approval				
Prepared by:	ECoW Review:	Legal Review:	Approved by:	Approved by:
Moray West, Brown & May Marine Ltd.				

## **Plan Overview**

### **Purpose and Objectives of the Plan**

This Fisheries Management and Mitigation Strategy (FMMS) has been prepared by Brown and May Marine Ltd on behalf of Moray Offshore Windfarm (West) Limited ('Moray West') to address specific conditions attached to the Section 36 (S36) consent and Marine Licences (collectively referred to as 'offshore consent conditions') issued to Moray West.

The overall objective of the FMMS is to provide details on Moray West's approach to fisheries liaison and mitigation, including proposed measures to facilitate co-existence between Moray West and commercial fishing and to minimise potential disruption during the construction and operational phase of the Moray West Offshore Wind Farm (OWF) and Offshore Transmission Infrastructure (OfTI) (collectively referred to as 'the Development'). This FMMS takes into consideration the Marine Scotland Draft Guidance on Preparing a Fisheries Management Mitigation Strategy (Marine Scotland, 2020).

All Moray West contractors (including their sub-contractors) involved in the construction and operation of the Development are required to comply with this FMMS.

### **Scope of the Plan**

The FMMS provides information on the following:

- Overview of the commercial fisheries operating within and around the Development;
- The roles and responsibilities of key project personnel, including Company Fisheries Liaison Officer (CFLO) regarding liaison with commercial fisheries;
- Management and mitigation procedures to be applied throughout the construction and operation of the Development to facilitate co-existence with commercial fisheries; and
- Means for compliance with the relevant offshore consent conditions.

### **Plan Audience**

This FMMS will be submitted for approval to the Scottish Ministers/Licensing Authority. Following submission to Marine Scotland Licensing and Operations Team (MS-LOT), consultation will be carried out by MS-LOT with stakeholders as described in the offshore consent conditions listed in Table 1.1.

The FMMS is intended to be referred to by personnel involved in the construction and operation of the Development, including Moray West personnel and Contractors. Compliance with this FMMS will be monitored by Moray West Development Team, Operation and Maintenance (O&M) Team, Moray West's Environmental Clerk of Works (ECow), and MS-LOT.

## **Plan Locations**

The latest version of this FMMS can be obtained from Moray West's document management system, Viewpoint for Projects and from the Marine Scotland website<sup>1</sup>. In addition, copies of this FMMS are to be made available in the following locations:

- Moray West's main project office in Edinburgh;
- With the Moray West Marine Coordinator (MC);
- With the ECoW(s);
- With the CFLO.

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<sup>1</sup> <https://marine.gov.scot/ml/moray-west-offshore-windfarm>

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## Abbreviations and Acronyms

Acronym / Abbreviation	Description
CaP	Wind Farm Cable Plan
CBRA	Cable Burial Risk Assessment
CFLO	Company Fisheries Liaison Officer
CFMS	Commercial Fisheries Mitigation Strategy
CMS	Construction Method Statement
COLREGs	Convention on the International Regulations for Preventing Collisions at Sea
CoP	Construction Programme
DoL	Depth of Lowering
DSLP	Design Specification and Layout Plan
DP	Decommissioning Programme
ECOW	Ecological Clerk of Works
ECP	Export Cable Plan
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
FIR	Fisheries Industry Representative
FLO	Fisheries Liaison Officer
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FMMS	Fisheries Management and Mitigation Strategy
IMO	International Maritime Organisation
LF	Low Frequency
LMP	Lighting and Marking Plan
MCA	Maritime and Coastguard Agency
MF	Medium Frequency
MFCFWG	Moray Firth Commercial Fisheries Working Group
MS-LOT	Marine Scotland - Licensing Operations Team
MSS	Marine Scotland Science
NtM	Notice to Mariners
OEC	Offshore Export Cable
OFLO	Offshore Fisheries Liaison Officer
OfTI	Offshore Transmission Infrastructure
OSP	Offshore Substation Platform
OWF	Offshore Wind Farm
O&M	Operation and Maintenance
PEMP	Project Environmental Management Plan
RAM	Restricted Ability to Manoeuvre
S36	Section 36
SFF	Scottish Fishermen's Federation

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Acronym / Abbreviation	Description
SOP	Standard Operating Procedure
VHF	Very High Frequency
VMNSP	Vessel Management and Navigational Safety Plan
WNoO	Weekly Notice of Operations
WTG	Wind Turbine Generators



# 1 Introduction

## 1.1 Background

The Moray West Offshore Wind Farm (OWF) and associated Offshore Transmission Infrastructure (OfTI) (collectively referred to as ‘the Development’) is being developed by Moray Offshore Windfarm (West) Limited (known as ‘Moray West’; see Appendix A for defined terms).

Consent for the Development was granted on 14 June 2019 under Section 36 (S36) of the Electricity Act 1989 (as amended), Part 4 of the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 from Scottish Ministers. One S36 consent was granted by Scottish Ministers for the wind farm (012/OW/MORLW – 8) and two Marine Licences were granted by Scottish Ministers, one for the wind farm and another for the offshore transmission infrastructure.

A variation of the S36 consent and Wind Farm Marine Licence were granted by the Scottish Ministers on 7 March 2022. The Marine Licences were further varied on the 11 March 2022 (Wind Farm Marine Licence: MS-00009774 and OfTI Marine Licence: MS-00009813). The revised S36 consent and associated Marine Licences are referred to collectively as ‘offshore consents’.

A description of the Development background is given in Appendix B.

## 1.2 Purpose of the Fisheries Management and Mitigation Strategy

The S36 consent and Marine Licence conditions (referred to as ‘offshore consent conditions’) require the production of a FMMS (Condition 27 of S36 and Marine Licences MS-00009774 and MS-00009813, conditions 3.2.2.21 and 3.2.2.20 respectively). The purpose of this FMMS is to satisfy these licence conditions by providing a framework for fisheries management during construction and operation of the Development. The offshore consent conditions relevant to the FMMS are detailed in Table 1.1 below.

This FMMS does not intend to address fisheries management and mitigation during the decommissioning of the Development. Decommissioning of the Development will require a separate Marine Licence and therefore will be subject to a separate assessment at the appropriate time which will inform and determine monitoring requirements at that stage.

**Table 1.1: FMMS Consent Conditions and Document Reference**

Consent Condition Reference	Condition	Reference in this FMMS
Section 36 Consent Condition 27	The Company must no later than six months prior to the Commencement of the Development, submit a Fisheries Management and Mitigation Strategy (“FMMS”), in writing, to the Scottish Ministers for their written approval, in consultation with Scottish Fishermen’s Federation (SFF) and other fisheries representatives. Commencement of the Development	All sections

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Table 1.1: FMMS Consent Conditions and Document Reference		
Consent Condition Reference	Condition	Reference in this FMMS
	cannot take place until such approval is granted. The FMMS must be defined and finalised in consultation with the Moray Firth Commercial Fisheries Working Group ("MFCFWG").	
	In order to inform the production of the FMMS, the Company must monitor or collect data as relevant and agreed with Scottish Ministers.	Section 1.3 Section 5.5.6
	The FMMS must include a transit plan, which must lay out guidelines to address potential interactions with fishing activity, for vessels operating in and around the Development and transiting to the Development.	Appendix F
	As part of any finalised FMMS, the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they would be adversely affected by the Development. The Company any contractors, or sub-contractors working for the Company must implement the mitigation measures committed to be carried out by the Company within the FMMS. The Company must participate in and remain a member of the MFCFWG or any successor group formed to facilitate commercial fisheries dialogue.	Section 5.5.1 and 5.5.2 Section 4.2.1.6
Wind Farm and OfTI Marine Licences Conditions 3.2.2.21 and 3.2.2.20	The Licensee must no later than six months prior to the Commencement of the Works, submit a FMMS, in writing, to the Licensing Authority for its written approval, in consultation with SFF and other fisheries representatives. Commencement of the Works cannot take place until such approval is granted. The FMMS must be defined and finalised in consultation with the MFCFWG.	All Sections
	In order to inform the production of the FMMS, the Licensee must monitor or collect data as relevant and agreed with Licensing Authority.	Section 1.3 Section 5.5.6
	The FMMS must include a transit plan, which must lay out guidelines to address potential interactions with fishing activity, for vessels operating in and around the Works and transiting to the Works.	Appendix F

Table 1.1: FMMS Consent Conditions and Document Reference		
Consent Condition Reference	Condition	Reference in this FMMS
	As part of any finalised FMMS, the Licensee must produce and implement a mitigation strategy for each commercial fishery that can prove to the Licensing Authority that they would be adversely affected by the Works. The Licensee any contractors, or sub-contractors working for the Licensee must implement the mitigation measures committed to be carried out by the Licensee within the FMMS. The Licensee must participate in and remain a member of the MFCFWG or any successor group formed to facilitate commercial fisheries dialogue.	Section 5.5.1 and 5.5.2 Section 4.2.1.6

### 1.3 Data to Inform the FMMS

In line with S36 consent condition 27, and Wind Farm and OfTI Marine Licence conditions 3.2.2.21 and 3.2.2.20, respectively, Moray West must monitor and collect data to inform the FMMS.

This FMMS has been informed by the data collected in support of the Moray West Environmental Impact Assessment (EIA) Report chapter on Commercial Fisheries (Chapter 11), and the draft Commercial Fisheries Mitigation Strategy (CFMS), submitted with the Moray West EIA Report. Additionally, information obtained through consultation with fisheries stakeholders, and meetings with the MFCFWG has been used to inform the FMMS.

### 1.4 Linkages with other Consent Plans

This document sets out the management and mitigation strategy relevant to commercial fisheries for the Development. However, the FMMS forms part of a suite of consent plans that provide the framework for the construction process. It should be noted that information is not repeated across consent plans, rather, where pertinent information is available in linked consent plans, the relevant consent plans are referred to. The plans are not required for approval of the FMMS but are provided for ease of reference.

The linkages between this FMMS document with other consent plans, are detailed in Table 1.2.

Table 1.2: FMMS Linkages with Other Consent Plans and Requirements	
Other Consent Plans and Requirements	Consistency with and linkage to FMMS
Company Fisheries Liaison Officer (CFLO)	A CFLO must be appointed as set out by the requirements under S36 consent condition 29, and condition 3.2.2.23 and condition 3.2.2.22 in Marine Licenses MS-00009774 and 06764/19/0 respectively. Whilst the FLO is not a

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Table 1.2: FMMS Linkages with Other Consent Plans and Requirements	
Other Consent Plans and Requirements	Consistency with and linkage to FMMS
	<p>requirement of this FMMS, it is anticipated that the FLO will play a role in the implementation of this FMMS, particularly in relation to communications with local fishing interests.</p> <p>Moray West have appointed Brown &amp; May Marine to fulfil this role. Contact details of the CFLO are given in Appendix I.</p>
Decommissioning Programme (DP)	The DP will provide more detailed information of the decommissioning methods to be used based on current knowledge and guidance, adding to the information contained within this FMMS document.
Construction Method Statement (CMS) and Construction Programme (CoP)	The CMS and CoP document will provide more detailed specification of the construction procedures and good working practices for installing the Development, adding to the information contained within this FMMS document.
Development Specification and Layout Plan (DSLIP)	The DSLIP will provide detailed information on the Development's layout and specifications, adding to the information contained within this FMMS document.
Vessel Management and Navigational Safety Plan (VMNSP)	<p>The VMNSP will provide detailed information on: the number, types, specification of vessels required to carry out the Works; how vessel management will be coordinated during construction and operation; and the location of working ports, routes of passage and transit corridors.</p> <p>The VMNSP will also set out the navigational safety measures to be applied for the Development including matters related to marine co-ordination, safety zones, routing, anchorages and notifications and communications for other sea users. The VMNSP will also set out emergency response procedures. The VMNSP will apply to all vessels undertaking the activities described in this FMMS document. This FMMS document will therefore be implemented in accordance with the approved VMNSP for the Development.</p>
Wind Farm Cable Plan (CaP)	The Wind Farm CaP and the ECP will provide more detailed specification of the cables, their installation, burial and / or protection, their interactions with the environment and safety considerations, adding to the information contained within this FMMS document.
Export Cable Plan (ECP)	
Lighting and Marking Plan (LMP)	The LMP will provide details of lighting and marking of the Wind Farm and OfTI structures (where applicable) during construction and operation of the Development.
Project Environmental Monitoring Plan (PEMP)	The PEMP will set out the measures Moray West will undertake to monitor commercial fisheries in areas relevant to the Development.
Environmental Management Plan (EMP)	The EMP provides the overarching framework for the environmental management during the construction and operation lifespan of the Development.

## 1.5 Document Structure and Control

For ease of reference on where to find specific information throughout this document, please refer to Table 1.3 below.

Table 1.3: FMMS Document Structure		
Section	Topic	Information provided
1	Introduction	An overview of the Development, requirements for FMMS submission and cross-references to other Moray West consents plans.
2	Scope and Objectives	Scope and objective for this FMMS.
3	Fisheries Overview	This section details commercial fisheries operating within and around the project area.
4	Fisheries Liaison	This section outlines the roles and responsibilities associated with the Development and provides a summary of liaison to date.
5	Fisheries Management and Mitigation Strategy	This section details Moray West's approach to commercial fisheries mitigation and presents the fisheries management and mitigation strategy and the Moray West communications protocol.
6	References	List of references used within this FMMS
Appendix A	Defined Terms	Glossary of definition of terms used in this document
Appendix B	Development Background Information	Provides a high level summary of the background to the Development and programme
Appendix C	CFLO Contact Details	Contact details of CFLO
Appendix D	Commercial Fisheries Engagement	Summary of previous engagement undertaken with the fishing industry to date.
Appendix E	Code of Good Practice for Vessels	Details a Code of Practice relevant to Moray West vessels, aiming to facilitate coexistence with the fishing industry.
Appendix F	Indicative Transit Routes to Site and Shelter Areas	Details of indicative transit routes for the construction works.
Appendix G	Loss of or Damage to Fishing Gear Claim Procedure	Details of the procedure applicable in the event a commercial fishing vessel claiming loss or damages to fishing gear as a result of the Development.
Appendix H	Commercial Fishing Interaction Standard Operating Procedures	Describes the fisheries practices that are undertaken in the vicinity of the wind farm and the export cables and the key seasons of such fishing; the potential interactions that Moray West vessels may have with commercial fishing vessels, their crew and fishing gear; and the key steps required when such an interaction occurs.

### **1.5.1 Document Control**

The FMMS is considered a 'live document' and will be revised as relevant during the Development's construction and operational phases to ensure the information is kept up to date with any revisions being notified to the Scottish Ministers as soon as practicable and any proposed material revisions being subject to prior approval by the Scottish Ministers. This FMMS has been prepared and submitted no later than six months prior to the Commencement of the Development in order to set out the type of mitigation and safety measures Moray West will include as the Development progresses.

Linkages exist between a number of offshore Consent Plans as highlighted in Section 1.4 within Table 1.2. As plans are updated, there will be a review of inter-linkages with other Consent Plans to ensure these are also updated as relevant. The document is controlled via Viewpoint For Projects, an electronic document management system.

## **2 Scope and Objectives of the FMMS**

This FMMS has been prepared as an update to the previously submitted draft CFMS as part of the EIA Report. The purpose of this FMMS is to address the specific requirements of the relevant offshore consent conditions attached to the S36 and Marine Licences issued to Moray West.

The overall aim and objective of the FMMS is to provide details on Moray West's approach to fisheries liaison and mitigation, including proposed measures to facilitate co-existence between Moray West and commercial fishing and to minimise potential disruption during the construction and operation of the Development. This FMMS takes into consideration the Marine Scotland Draft Guidance on Preparing a Fisheries Management Mitigation Strategy (Marine Scotland, 2020).

The FMMS has the following key primary functions:

- To ensure that appropriate liaison channels with the fishing industry are established and that effective liaison is maintained throughout the construction and operational phase of the Development; and
- To define appropriate management and mitigation measures to minimise potential impacts on fishing activities and facilitate co-existence.

All Moray West contractors (including their sub-contractors) involved in the Development are required to comply with this FMMS.



### 3 Fisheries Overview

The potential fishing activity methods in the vicinity of the Development have been reviewed in order to assess possible interaction scenarios, both spatially and temporally.

The fishing methods most likely to be encountered in areas relevant to the Development include:

- Creel fleet (crab and lobster);
- Mackerel jigging;
- Demersal trawl fleet (Nephrops, squid and whitefish);
- Scallop dredging fleet (king scallops); and
- Scottish seine fleet (whitefish).

A summary of the key types of fishing that may be encountered in areas relevant to the Development is provided in Table 3.1. Detailed information on the relevant commercial fisheries can be found in the Moray West Environmental Impact Assessment (EIA) Report chapter on Commercial Fisheries, Chapter 11 (available through [Moray West EIA Report](#)).

Table 3.1 Key fishing methods identified within the Development		
Gear	Target species	Seasonality
Creeling	Crab and Lobster	All year, with peak from June to October
Jigging	Mackerel	Summer
Demersal trawling	Nephrops, Squid and Whitefish	All year Nephrops: Peak from June to August Squid: May to October
Dredging	Scallops	All year, with peak from May to September Cyclical
Seining	Whitefish	All year

#### 3.1 Creeling

Creels are static traps typically used to catch lobster and crab. Creels are typically shot in fleets, where a number of pots are attached to one long rope and laid on the seabed with a marker at either end (e.g. a 'dahn' (flag and buff) or buoys). The creels are baited and left on the seabed to fish "soak".

Vessels engaged in creeling are generally under 10 m in length, with limited operational ranges compared to other fishing methods, concentrating activity in areas closer to the coast. Given the inshore nature of the fishing activity by this fleet, interactions between creeling vessels and the Development are for the most part expected to be limited to the OfTI Corridor.



Crab and lobster are targeted all year round, however peak landings occur during the summer months.

### **3.2 Mackerel jigging**

Mackerel jigging gear comprises a number of hooked lures attached to drop lines. Mackerel jigging grounds are concentrated in areas close to shore around the inshore section of the OfTI Corridor. It is expected that in many cases, vessels engaged in creeling will alternate with hand lining or jigging for mackerel.

### **3.3 Demersal trawling**

Demersal trawling activity concentrates primarily in areas relevant to the OfTI Corridor with comparatively lower levels of activity in the Moray West Site. A large proportion of demersal trawlers operating in this area are over 15 m in length and have wide operational ranges with the ability to target fishing grounds regionally.

#### **3.3.1 Nephrops**

Vessels use a single or multi rig set up to target Nephrops using one or two nets towed tight along the seabed. Otter boards (trawl doors) are used to give the nets width to maximise the ground coverage during fishing. Fishing areas are determined by the soft, muddy seabed where Nephrops bury into the seabed.

Trawling for Nephrops concentrates in the southern Moray Firth, in areas relevant to the OfTI Corridor.

Nephrops are targeted all year round, although there are seasonal fluctuations in landings values, with a marked peak recorded during the summer months (June to August). The smaller local inshore vessels operate in the area all year round, however, are very restricted by the weather through the winter months.

#### **3.3.2 Squid**

Squid fishing activity has steadily increased since the early 2000s due to restrictions on quotas and days at sea; squid is a non-quota species, allowing skippers to maximise returns when they would possibly have to tie up in port otherwise.

Vessels tow a large single trawl net, with large rockhoppers designed to bounce over any hard ground and boulder fields they encounter. Squid vessels target shoals, and will often all be fishing in a very small confined area once a good catch is found.

Squid is fished on a highly seasonal basis, extending between May and October, by vessels between 10 and 30 m in length. In peak periods, up to 30 vessels target squid in the Moray Firth.

Squid trawling activity takes place particularly in the southern half of the Moray Firth, in areas relevant to the OfTI Corridor, with comparatively lower levels of activity in the Moray West Site.

### **3.3.3 Whitefish**

Vessels use a single or multi rig set up to target whitefish species using one or two nets towed along the seabed. Otter boards (trawl doors) are used to give the nets width to maximise the ground coverage during fishing.

The principal whitefish species targeted in the Moray Firth by demersal trawlers is haddock, with other species such as cod and monkfish landed at considerably lower levels.

Vessels targeting whitefish are generally over 15 m in length although some activity by smaller vessels is understood to occur in areas relevant to the Development. In the Moray Firth, whitefish fishing activity is highest in the southern section, including areas of relevance to the OfTI Corridor.

### **3.4 Scallop dredging**

King scallops are the main species targeted by scallop dredgers, whereby the scallops are raked from the seabed by steel teeth attached along the leading edge of the dredges, which penetrate the seabed to a depth of approximately 20 cm.

The number of dredges per side can vary from three to four on a 10 m boat to up to 14 for the larger class of vessel. Vessels targeting scallops in the Moray Firth are predominantly over 15 m in length. Activity by this larger class of scallop dredgers concentrates to the east of the Moray West Site, with lower levels of activity in the Moray West Site and in areas relevant to the OfTI Corridor.

A number of vessels targeting scallops in the Moray Firth will be nomadic vessels with large geographical ranges, targeting grounds around the UK on a cyclical basis. Therefore, the number of these vessels dredging in the regional study area will vary annually, depending upon productivity and access to grounds.

A smaller number of local vessels are also understood to be active in the area, with greater dependency on local grounds. These vessels concentrate activity in the southern Moray Firth, in areas relevant to the OfTI Corridor and the southern section of the Moray West Site.

Peak landings of scallops occur in June, July and August although scallop dredging activity is recorded throughout the year.

### **3.5 Scottish seine fleet**

Scottish seine nets are used to target demersal whitefish. The seine ropes are laid on the seabed in a triangular pattern with the net set in the middle of the base of the triangle. As the seine ropes are hauled, they initially come towards each other, herding the fish into the net.

Haddock is the principal species targeted by this fleet with other whitefish species such as monkfish, cod and whiting accounting for comparatively lower landings values.

Activity by the Scottish seine is highest within the ICES rectangle relevant to the Moray West Site.

## 4 Fisheries Liaison

### 4.1 Introduction

Moray West's priority is to co-exist with the fishing industry. The key mechanism for co-existence is considered to be effective communication. This section sets out the roles and responsibilities that Moray West and key contractors will adopt to support its commitment to co-existence, including the appointment of a CFLO, Offshore Fisheries Liaison Officers (OFLOs) (FLO who will be physically present offshore) and Fishing Industry Representatives (FIRs); and attendance at the MFCFWG. A summary of liaison undertaken to date by Moray West is included in Appendix D.

### 4.2 Roles and Responsibilities

This section outlines the relevant roles and responsibilities of Moray West, the CFLO, OFLO and FIRs.

Details of the roles and responsibility of Moray West and its future contractors, as far as relevant to this FMMS, are detailed in Table 4.1.

Table 4.1: Roles and Responsibilities of Key Agents During Construction	
Role	Responsibility
Moray West	Moray West has overall responsibility for the FMMS and compliance. See Section 4.2.1.1.
Moray West Project Director	Approval of the FMMS; and Responsible for requiring that sufficient resources and processes are in place to deliver / comply with the FMMS.
Moray West Construction Manager	Responsibility for ensuring requirements of FMMS are cascaded to all contractors; Addressing any contractor non-compliance; and Responsibility for ensuring management arrangements are in place for all contractors appointed.
Moray West Development Team and Commercial Fisheries Manager	Liaising with CFLO and FIRs; Facilitating any updates to the FMMS; and Where necessary support reporting to MS-LOT on compliance with the FMMS.
Moray West Environmental Clerk of Works (ECOW)	Review of the FMMS; Provide advice to Moray West on compliance with consent conditions; and Where necessary reporting to MS-LOT on compliance with the FMMS.
Marine Coordinator	Coordinate all activities at offshore sites including vessel and personnel movements and site surveillance. See Section 4.2.1.5.
Contractors, Sub-contractors	Co-operate with the fishing industry to ensure the effective implementation of the approved FMMS.
Company Fisheries Liaison Officer (CFLO)	See Section 4.2.1.2
Fisheries Industry Representative (FIR)	See Section 4.2.1.3

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Offshore Fisheries Liaison Officer (OFLO)	See Section 4.2.1.4
Guard Vessels	See Section 5.3

### 4.2.1.1 Moray West

The main elements of Moray West's commercial fisheries liaison activities will be to:

- Identify and pro-actively engage with commercial fisheries stakeholders and statutory and non-statutory bodies and organisations that have the potential to be affected by activities associated with the Development;
- Actively continue liaison and consultation with the fishing industry through the MFCFWG, as the regional forum for engagement with commercial fishing stakeholders, in accordance with the Terms of Reference of the MFCFWG;
- Formulate, agree and implement efficient communication channels for distributing project related information to stakeholders;
- Continue to give consideration to the concerns of commercial fisheries stakeholders in the review of mitigation strategies described in this FMMS;
- Maintain a CFLO as the main point of contact for Moray West throughout the construction of the Development (as a minimum for the period from the commencement of construction until final commissioning), as well as engaging FIRs as required from pre-construction to completion and commissioning of the project;
- Promote productive co-existence through the early provision of construction and cable laying plans to fisheries stakeholders, including information on the type and location of cable protection measures where this may be required;
- Utilise OFLOs (who may be deployed onto either Moray West's contractors main construction/survey vessels or onto guard vessels) where appropriate;
- Produce and ensure implementation of Standard Operating Procedures (SOPs) to minimise and appropriately manage potential interactions with fishing vessels;
- Establish suitable and evidence-based cooperation agreement methodologies in line with Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) guidelines (FLOWW 2014; 2015); and
- Implement a Vessel Management and Navigation Safety Plan (VMNSP) as required under condition 15 of the S36 consent and condition 3.2.2.11 and condition 3.2.2.12 of the OfTI and OWF Marine Licences, respectively.

### 4.2.1.2 Company Fisheries Liaison Officer (CFLO)

Moray West has appointed Brown & May Marine Ltd as the CFLO in accordance with the Fisheries Liaison Officer conditions of the S36 Consent (condition 29) and Marine Licences (conditions 3.2.2.23 and 3.2.2.22 of the Wind Farm and OfTI licences respectively). The contact details for the CFLO can be found in Appendix C.

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The CFLO reports to Moray West Development Team and to the Commercial Fisheries Manager (responsible for managing the commercial fishery stakeholder interface across the UK and ROI Ocean Winds Fleet) and reports to the ECoW to inform monthly compliance reporting to MS-LOT during construction. The CFLO will liaise regularly with the OFLOs, FIRs, ECoW and the Moray West Marine Coordinator. The appointment of the Moray West CFLO will be subject to approval by MS-LOT on behalf of the Scottish Ministers.

In accordance with section 4.1.1 of the FLOWW (2014) guidance the CFLO's duties will include:

- Preparing and maintaining a project specific register of local fishermen's groups and associations;
- Engaging in consultation with the fishing community to understand any concerns with the Development and associated survey and construction activities;
- Arranging or attending as necessary fisheries meetings (with MFCFWG, local fishermen, fisheries associations) in order to:
  - Promulgate information on the project design envelope, construction programme, and provide updates on any changes to the project throughout the pre-construction phase;
  - Gather fishermen's views on effects of projects on their working practices;
  - Work with fishermen to resolve any issues or conflicts arising where practicable; and
  - Continue dialogue throughout the project pre-construction stage, during construction and operation.
- In addition, the CFLO will assist Moray West should there be a need for financial arrangements, such as co-operation payments for fishermen if Moray West request the temporary movement of static gear. This process will need to be carried out according to recognised standards throughout the UK territorial waters. Therefore, the CFLO should always act professionally and not make any disclosures or commitments regarding financial arrangements without Moray West's approval.

As described in the Moray West Environmental Management Plan (EMP) (8460005-DBHA06-MWW-PLN-000001) the responsibilities of the CFLO also include:

- Responsible for establishing and maintaining effective communications between the Moray West Development Team, contractors, fishermen and other users of the sea during the construction phase. The Moray West CFLO will provide information relating to the safe operation of fishing in the vicinity of the Development during construction. The responsibilities of the Moray West CFLO in relation to the EMP are as follows:
  - Establish and maintain effective communications between Moray West Development Team, contractors, fishermen and other users of the sea concerning the Development and any amendments to the Construction Method Statement (CMS) and Moray West environmental procedures.
  - Provide information relating to the safe operation of fishing activity within and in the vicinity of the Development Site.
  - Participate in the MFCFWG, to facilitate commercial fisheries dialogue.

- Ensuring that information is made available and circulated to fishermen and other marine users in a timely manner to minimise interference with fishing operations and other users of the sea.
- Monitor Development compliance with best practice guidelines and the FMMS.
- Liaise with Moray West's ECoW regarding compliance with the FMMS.
- Develop and deliver training on compliance with the FMMS to Moray West personnel including input to inductions, presentations and production of awareness material.

The CFLO will engage with the fishing industry through meetings with individual fishermen as required, attendance and participation in the MFCFWG and direct liaison with the appointed FIRs. In order for the CFLO to disseminate updated project information to the fishing industry, Moray West Development Team will keep the CFLO informed of any construction updates including active safety zones, indicative transit routes, the progress of works and upcoming construction activities. Once available, Moray West will also communicate as-built positions of the installed infrastructure to the CFLO.

It should be noted that the CFLO is shore-based, typically working standard office hours, and is therefore not the appropriate point of contact for any non-emergency fisheries-related incident which requires an immediate or very short-term response. Contact in any such non-emergency incident should initially be made with the OFLO on the construction vessel or guard vessel operating at the time, who together with the vessel master and the Moray West Marine Coordinator can provide a response 24 hours per day. Details of how to contact the OFLO, vessel masters and the Marine Coordinator (all available via phone or email) are included in the Moray West weekly notices of operations (WNoO) during construction, posted weekly on the Moray West website and distributed via email. Section 5.2 and Figure 5.2 show the relevant point of contact for fisheries in different scenarios.

If the incident is an emergency at sea, the vessel should contact the Coastguard through the normal channels.

#### **4.2.1.3 Fishing Industry Representatives (FIR)**

Membership of the MFCFWG includes nominated FIRs representing local areas in the wider Moray Firth region. The FIR is often the first point of contact for fishermen and will support the CFLO in their duties. FIRs will make skippers of fishing vessels aware of any forthcoming Development operations and other on-going activities. In addition, Moray West may appoint a project-specific FIR, where required.

In accordance with MFCFWG FIR Terms of Reference, FIR duties include:

- Forming the principal link between the fishing community and Developers/the CFLO, through the reliable provision of fishing industry views;
- Ensuring dissemination of information from the developer(s) and from the CFWG through associations, individual fishermen and other interested parties, across their agreed remit, subsequently allowing efficient feedback to the developer(s) or the developer's CFLO;
- Providing developers and the CFLO with guidance on fishing activity in the area and drawing attention to particular fishing sensitivities;



- Liaising with fishing skippers with the objective of accurately relaying their concerns regarding sensitivities associated with particular areas within the Development site and activities, and any other issues back to the CFLO, in order to inform ongoing work programmes. All communications will be recorded in the communications log in line with Moray West's reporting commitments; and
- Disseminating updated project information to fishermen and communicating any changes that occur.

#### **4.2.1.4 Offshore Fisheries Liaison Officer (OFLO)**

Moray West will appoint a company in due course for the provision of suitably qualified OFLOs throughout the Development's construction phase. This will ensure that key Moray West construction vessel and/or guard vessel crews include suitably skilled and experienced OFLOs who have relevant local knowledge of the fisheries which can be affected by construction. The primary responsibility of the OFLO is to act as an effective communication point between Moray West's contractors and the fishing industry on site during offshore construction works. The OFLO will be the first point of contact for fishermen at sea whilst construction activities are taking place and should have a good standard of spoken English. The OFLO will be in communication with Moray West and the CFLO regarding construction progress, in order to communicate with the local fishing industry construction activities and their respective safety zones where applicable.

Please refer to Appendix H for communications with fishermen at sea relevant to vessels without an OFLO on board.

#### **4.2.1.5 Marine Coordinator**

The Marine Coordinator will support Moray West's construction and operational phase activities. In addition, the Marine Coordinator will be responsible for compiling Notices to Mariners (NtM), Information to Sea Users Bulletins (Kingfisher Bulletin), as well as WNoO (during construction). These will be issued to the CFLO which will then distribute them to the FIRs and to individual fishermen as required. In addition, the Marine Coordinator will monitor fishing vessel activity and provide a direct point of communication for fishing vessels when active in areas relevant to the Development.

Fishermen can contact the Marine Coordinator via marine radio channels (Very High Frequency; VHF, Medium Frequency; MF and Low Frequency; LF) or the Marine Coordinator phone line. Contact details will be confirmed when the Marine Coordinator becomes operational prior to construction start. The Marine Coordinator and the CFLO will maintain a register of NtM and Bulletin submissions.

#### **4.2.1.6 Moray Firth Commercial Fisheries Working Group (MFCFWG)**

The MFCFWG provides a forum for discussion on issues relating to commercial fisheries common to all offshore wind farm projects in the Moray Firth. The MFCFWG Terms of Reference state that consent plans relevant to the fishing industry should be discussed, with the particular aim of defining and finalising the CFMS/FMMS for approval by Scottish Ministers.

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Moray West is a currently a member of the MFCFWG and will continue to participate in the group. Moray West will use its membership in the MFCFWG to facilitate good communications with the fishing industry. Prior to approval by Scottish Ministers, this FMMS will be issued by MS-LOT for consultation and will be shared with the MFCFWG.

### **4.3 Summary of Liaison to Date**

In addition to consultation carried out at pre-application stage, Moray West has undertaken a significant programme of engagement and consultation with fisheries stakeholders. This engagement has continued post submission of the application and since Moray West was granted its consents in 2019.

Pre-application consultation is provided in the EIA Report (Chapter 11, Commercial Fisheries). A summary of the engagement and consultation activities which Moray West has undertaken to date is given in Appendix D.



## 5 Fisheries Management and Mitigation Strategy

### 5.1 Introduction

This FMMS has been produced taking into account the previously submitted draft CFMS (included in the Moray West EIA Report as Commercial Fisheries Technical Appendix 11.2) which was prepared following pre-application discussions with the SFF on the findings from the commercial fisheries impact assessment (presented in Chapter 11 of the EIA Report).

It is anticipated that there will be some temporary and long-term loss of, or restricted access, to certain grounds that are affected by the Development and this section of the FMMS outlines the additional management and mitigation measures, actions or initiatives to be implemented. This section of the FMMS sets out Moray West's approach to commercial fisheries mitigation strategies focussing on co-existence and, where that is not possible, co-operation.

As per FLOWW guidance, mitigation and co-existence planning covers all phases of the project planning cycle including project design, operations protocols and fisheries specific mitigation.

The earliest phases of mitigation and co-existence planning (e.g. spatial constraints planning) were considered at the EIA stage and therefore the mitigation and co-existence measures described in this FMMS relate to the pre-construction, construction and O&M phases of the Development.

### 5.2 Information Dissemination & Communication

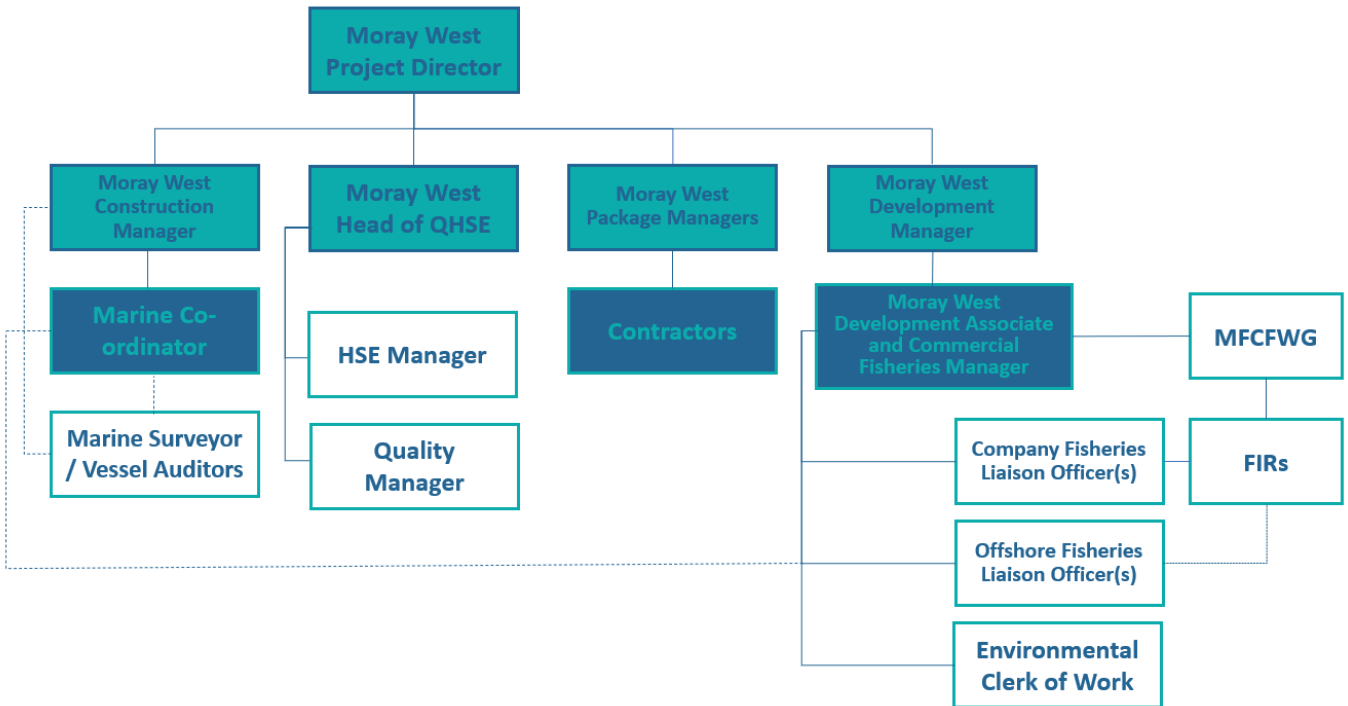
Throughout the pre-construction, construction and operational phases of the Development, Moray West will remain committed to maintaining open dialogue and effective communications with the fishing industry. This is key to supporting Moray West's commitment to co-existence where possible to enable both Moray West and the relevant commercial fisheries to manage works through awareness of upcoming activities, for example notification of installed infrastructure and active safety zones. To facilitate this, the implementation of appropriate information dissemination and communication protocols is of key importance.

The organogram given in Figure 5.1 details the lines of communication during construction, as far as relevant to this FMMS.

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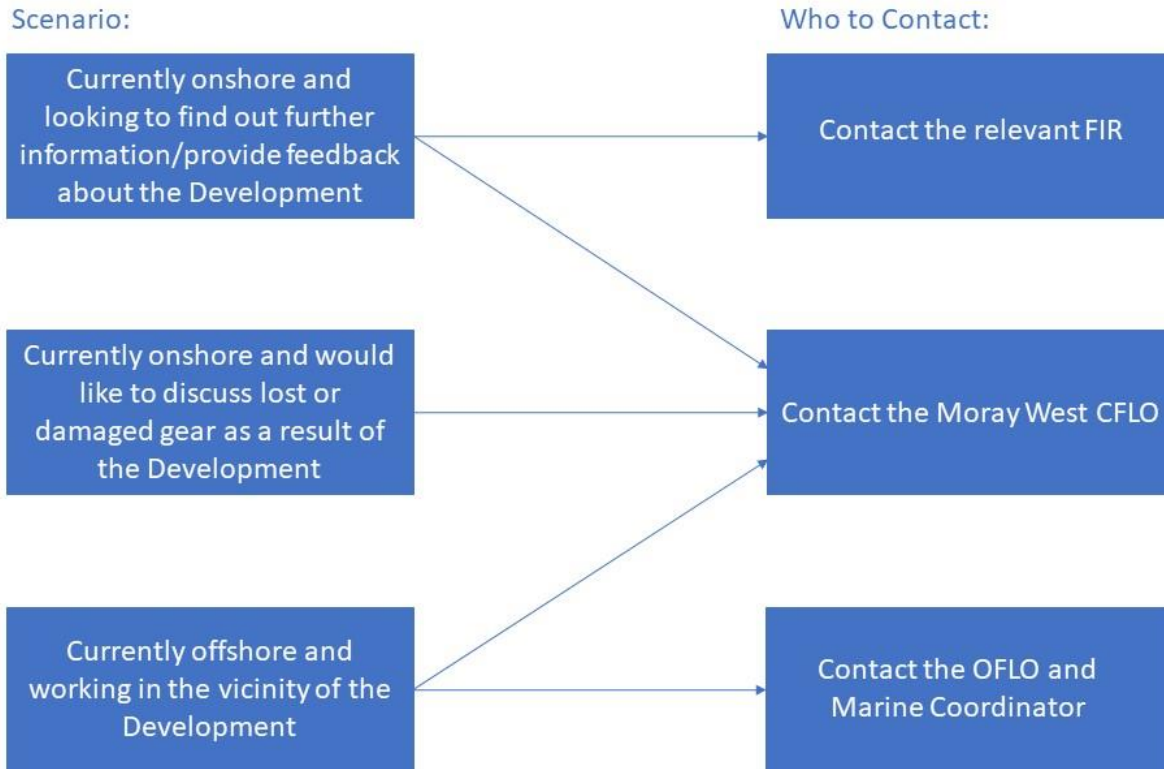


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**Figure 5.1 Lines of communication during construction (position titles to be finalised). The solid lines show Moray West’s project reporting requirements. The dashed lines show the sharing of commercial fisheries information.**

The relevant contact for individual fishermen in specific scenarios is shown in Figure 5.2. Contact details of the CFLO are provided in Appendix C. Contact details of the OFLO(s) will be provided within the WNoO that will be issued each week during construction.



**Figure 5.2: Fisheries contacts in specific scenarios**

Throughout construction different methods of communication will be used to promulgate project information to the fishing industry. The project information to be communicated and the methods of communication are summarised in Table 5.1 below.

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Table 5.1: Construction Communications	
Communication	Information Promulgated
WNoO	A weekly notice with a summary of progress for ongoing activities and description of construction activities which are planned for the coming week, vessels involved in each activity and information on safety zones. The WNoO will be circulated to the local distribution list and the Kingfisher Bulletin and made available on the <a href="#">Moray West website</a> . The CFLO will further distribute this WNoO to the fisheries distribution list.
NtM Kingfisher Bulletin	A NtM will be issued to provide information such as the nature of activity, location and vessels involved prior to the commencement of new activities. The NtM will be circulated to the local distribution list and the Kingfisher Bulletin and made available on the <a href="#">Moray West website</a> 14 days in advance of the commencement of new activities, where possible. The CFLO will further distribute this NtM to the fisheries distribution list.
Vessel Report	At least five days prior to Works, vessel reports will be made available on the <a href="#">Moray West website</a> containing information on vessels, their operators and contact details etc. planned to engage in activities throughout the period of construction, in accordance with Marine Licence MS-00009774 and MS-00009813 conditions 3.1.3.
Surveys which may require gear relocation or that may have potential to cause significant disruption to fishing activity	Notices and information distribution not less than 14 days prior to survey mobilisation (where feasible).
Specific construction works	<p>Notice and information distribution, at least one calendar month prior to commencement of Development construction works per the relevant marine licence conditions (OfTI Marine Licence condition 3.2.2.17 and Wind Farm Marine Licence condition 3.2.2.18).</p> <p>Progress updates will be provided on these Construction Works thereafter until Completion per OfTI Marine Licence condition 3.2.3.2 and Wind Farm Marine Licence condition 3.2.3.2.</p> <p>When OfTI and Wind Farm Construction Works are complete these will also be notified respectively per OfTI Marine Licence condition 3.2.4.4 and Wind Farm Marine Licence condition 3.2.4.4.</p> <p>Moray West will seek to engage with the commercial fishery industry as part of pre-construction and construction phase communications to determine the status of the fishery within the Development Site prior to commencement of construction. These plans will be clearly communicated to the commercial fisheries in order to give the</p>

Table 5.1: Construction Communications	
Communication	Information Promulgated
	opportunity to target certain areas of importance prior to the commencement of construction in those areas.
Dropped Objects	In the event of a dropped object offshore, Moray West will notify MS-LOT as soon as practicable after becoming aware of the event (see EMP for dropped objects reporting procedures). Should the dropped object pose a navigational risk, a NtM will be issued once the location and details of the object can be established. Furthermore, Moray West will issue a 'dropped objects' form to MS-LOT and other relevant stakeholders as required (including the SFF), in the template issued by MS-LOT as soon as reasonably practicable following the event. Any further steps as required in consultation with MS-LOT will be notified through an NtM where applicable.
MFCFWG	Meetings approximately every two months or as required during the pre-construction, construction and operational phases. Developer CFWG Newsletters with project information updates issued at regular intervals, anticipated bi-annual.
Marine Coordinator	The Marine Coordinator will provide a direct point of communication for fishing vessels when active in areas relevant to the Development. Fishermen can contact the Marine Coordinator via marine radio channels (VHF, MF and LF) or the Marine Coordinator phone line.
Unscheduled and ad hoc liaison	Additional unscheduled liaison and consultation will be undertaken by either the FLO, or the FIR as required to address issues and fishermen's concerns as they arise.

### 5.3 Guard Vessels

During construction Moray West will have guard vessel(s) on site. The role of the guard vessel(s) is to facilitate safe construction through liaison with other sea users in the vicinity of the works, and the guard vessel(s) will follow the procedures set out in Appendix E: Code of Good Practice for Contracted Vessels. Guard vessel(s) will also be in regular communications with the OFLO and CFLO to exchange information on fishing activity and any static fishing gear in the Development area. The OFLO may be deployed on board a guard vessel rather than on a construction vessel.

### 5.4 Project Design Mitigation

The majority of embedded mitigation is linked to safe working practices and standard navigational requirements. As per FLOWW guidance, project design mitigation can include cabling layout/burial, foundation design and Safety Zone applications. Further information on embedded mitigation incorporated in the cable plans and in relation to safety zones has been included in this FMMS and is given below.

#### **5.4.1 Cable Plans**

Moray West will produce an Offshore Export Cable Plan (ECP) (8460005-DBHA11-MWW-PLN-000001) and Wind Farm Cable Plan (CaP) (8460005-DBHA10-MWW-PLN-000001) that will provide supporting descriptions, data, and evidence that the planning for the installation and operation of the offshore export cables (OECs), offshore substation platform (OSP) inter-connector cables and inter-array cables within the Moray West site and export cable corridor are in accordance with the required offshore consent conditions.

The Cable Plans will include information on the cable technical specifications, cable installation method, cable burial and protection (including a Cable Burial Risk Assessment (CBRA), burial methodology and protection specifications such as rock berms and/or concrete mattresses), cable inspections and post-installation surveys, remedial actions to be taken in the event of cable exposure. This includes a description of how fishing activity has been taken into account in the cable design and CBRA.

#### **5.4.2 Safety Zones Application**

Moray West intends to apply for permission under Section 95 of the Energy Act 2004 to establish Safety Zones during installation and maintenance activities around the offshore structures within the Moray West Site.

Further details will be provided in the application, however it is currently expected that the application will be for 500 m rolling safety zones around any structure (WTG or OSP) where construction work is being undertaken, as indicated by the presence of a large construction vessel(s), Restricted in their Ability to Manoeuvre (RAM). Smaller 50 m safety zones may also be applied for around any partially completed structure where work is not underway, or around any completed structure prior to commissioning. During the operational phase, 500 m safety zones may be applied for around any structure where “major maintenance” is being undertaken, defined as any work requiring a large RAM vessel.

If required, an OFLO will be positioned onboard a guard vessel to notify fishing vessels in the area of the presence of the safety zone and the area affected. Coordinates of the safety zones will also be provided through recognised communications channels (e.g. NtMs, WNoO, issue of Radio Navigation Warnings and a notice in the Kingfisher Bulletin) as well as any additional form of notification required by the Safety Zone consent.

### **5.5 Fishery Specific Management and Mitigation Measures**

The management and mitigation measures outlined within this section are applicable to all fisheries active in the Development Site, including the following:

- Creel fleet (crab and lobster);
- Mackerel jigging;
- Demersal trawl fleet (Nephrops, squid and whitefish);
- Scallop dredging fleet (king scallops); and
- Scottish seine fleet (whitefish).

Ongoing commitments to static and mobile gear fisheries are outlined in the following sections.

#### **5.5.1 Static Gear Fishers**

Throughout the construction phase, Moray West and Moray West's CFLO will continue to engage with creelers who operate in the vicinity of the Development Site and transit routes. Construction activity updates, as detailed in Table 5.1, will be provided to facilitate co-existence between Moray West and the creeling industry. Moray West will work with the CFLO and the FIR(s) to determine whether any static gear relocation is required prior to specific construction or ancillary activities. If relocation of static gear is necessary, the procedure set out in Section 5.5.7 will be followed.

#### **5.5.2 Mobile Gear Fishers (Nephrops, Squid, Scallops)**

Moray West and Moray West's CFLO will continue to engage with mobile gear fishermen who operate within the Development Site (including the relevant FIRs) throughout the construction and O&M phases. Construction activity updates, as detailed in Table 5.1 will be provided to facilitate coexistence between Moray West and the mobile fishing industry.

#### **5.5.3 Code of Good Practice for All Vessels**

When Moray West appoints contractors, these will be contractually required to follow a code of good practice, as given in Appendix E. The primary aim of this code is to ensure the consistent provision of accurate information to commercial fisheries stakeholders, to assist the safe operation of Moray West contracted vessels in relation to fishing vessels and their gears, and to aid positive coexistence with the fishing community.

#### **5.5.4 Vessel Transit Routing and Shelter Areas**

Indicative transit route planning and identification of shelter areas (see Appendix F) has been undertaken with Moray West's relevant contractors following consultation with representative creelers in the northern and southern coasts of the Moray Firth. The goal is avoidance of areas of highest static gear densities and aiding co-existence between the fishing industry and the Development. Further information on transit routes is provided in the VMNSP (8460005-DBHA07-MWW-PLN-000001).

Additionally, SOPs on the response to any commercial fishing interaction with a Moray West contracted vessel is given in Appendix H. Further information on Moray West's approach to protecting the safety of vessels during construction and operation is provided in the VMNSP.

Preferential shelter areas have been identified to offer suitable holding areas or shelter in a variety of weather conditions. These were provided to fisheries stakeholders for review and comment. The shelter areas that were able to be agreed with fisheries stakeholders have been provided in Appendix F.

The inclusion of preferential shelter areas in this FMMS does not over-ride the authority of any vessel master to take whatever navigational decisions are required for the safe operation of that vessel and other sea users. Because of this, Moray West cannot commit that any Moray West contracted vessel will always use these shelter areas.



Moray West also recognises that static fishing gear may be located anywhere in the Moray Firth and there is no expectation from Moray West that these shelter areas will be cleared of static fishing gear. Moray West contracted vessels will always maintain a lookout for, and avoid, appropriately marked fishing gear.

### **5.5.5 Gear Retrieval Protocols**

A key reference for information on emergency procedures in relation to mobile gear getting stuck or held fast on the seabed is KIS-ORCA (<https://kis-orca.org/safety/emergency-procedures/>). The following procedure replicates that which has been in place in respect of the UK offshore oil and gas industry and describes the steps that should be undertaken in the event of fishing gear becoming fastened within the Development.

- If fishing vessel suspects they are fast to a cable/structure, fishermen should not endanger fishing vessel and crew by attempting to recover gear.
- The fishing vessel should advise the Coastguard or the Marine Coordinator, giving an accurate position of the vessel and/or lost gear.
- If the Coastguard or the Marine Coordinator confirms that the vessel is in the immediate vicinity of a cable or wind farm related infrastructure, serious consideration will be given to the slipping of the gear and buoying and recording its position.
- After buoying off the gear, the position should be confirmed with the Coastguard or the CFLO.
- On return to port, contact the local Fishery Office and register the incident in the normal manner.
- Complete a gear loss record form and forward it to CFLO and/or the Marine Coordinator (example of a claims form for damage to gear is provided in Appendix G).
- Skippers should not grapple in an attempt to recover fishing gear lost or cut away in the vicinity of cables or any structures.

Further information on navigational safety measures and a summary of emergency responses and coordination arrangements for the construction and operational phase of the Development is included within the VMNSP.

### **5.5.6 Commercial Fisheries Monitoring**

The aim of commercial fisheries monitoring is to provide a series of updates to the commercial fisheries baseline to provide an accurate representation of current activity from which to improve understanding of variations and trends in commercial fisheries activity in areas of relevance to the Development as it progresses. The results of the monitoring reports may inform updates to the FMMS.

Information on the commercial fisheries monitoring commitment is provided in the Moray West PEMP (8460005-DBHA13-MWW-PLN-000001). The data to be collected and reported (as described in the PEMP) may offer opportunities to address areas of scientific uncertainty in relation to fisheries.

Moray West has committed (outside of the PEMP) to undertake squid surveys within the main known squid fishing grounds relevant to the Development due to the limited availability of existing data on squid fisheries and taking into consideration the feedback received from squid fisheries representatives.



### **5.5.7 Cooperation Payments**

In accordance with section 7 of the FLOWW (2014) guidance, coexistence of the Development with the fishing community is the clear preference of Moray West followed by appropriate and feasible mitigation. The strategies for achieving co-existence are discussed throughout this document.

Moray West is committed to following FLOWW (2015) guidance in respect of commercial fishing activity. Co-operation payments will only be established on the basis of factually accurate and justifiable claims to achieve a position whereby fishing interests are neither advantaged nor disadvantaged, in accordance with the FLOWW (2015) guidance. Affected fishermen will be required to provide evidence to corroborate any claims (FLOWW, 2014).

If mutual agreement cannot be reached then both parties should seek to undertake Alternative Dispute Resolution (ADR), in line with FLOWW (2015) guidance. The ADR will need to be undertaken by a mutually agreed third party by both sides of the dispute.

#### **5.5.7.1 Static fishing gear**

It is possible that during construction Moray West will request the relocation of static fishing gear from within the construction site boundary to ensure the safety of their contracted vessels and other third-party mariners. In this case, evidence-based co-operation payments may be provided.

The objective of co-operation payments is for individuals who relocate fishing gear to maintain their earnings, and not make a loss or profit due to relocating fishing gear from the Moray West construction site. Prior to project activities being conducted in an area where it is anticipated static gear is present in high densities, a static gear scout survey may be carried out in advance of engagement of co-operation agreements.

Once agreed, the payments will be provided to vessel owners on the condition of agreeing to the terms listed within the co-operation agreement, which will be signed by both Moray West and the vessel owner.

The information which may be requested in order to reach a co-operation agreement may include:

- Location of static gear;
- Average annual vessel turnover, obtained through provision of three year's annual accounts as submitted for tax. Average annual turnover takes into account turnover from the previous three years. Turnover refers to sales from fishing and should not consider income from any source other than fish sales;
- Amount of static gear (e.g. number of fleets of creels) requiring removal from a construction area and associated coordinates of where fleets will be moved from;
- Amount of static gear worked per vessel;
- Maritime and Coastguard Agency (MCA) safety certificate;
- Fishing Licence;
- Vessel registration; and
- Additional corroborating evidence as required to verify accounts and fishing grounds.

### **5.5.8 Fisheries Fund**

Moray West will continue to be involved in discussions with government (Marine Scotland), and other stakeholders, including the Crown Estate Scotland and the fishing industry on the potential establishment of Fisheries Funds.

### **5.5.9 Supplementary Initiatives**

Moray West is committed to working with the fishing industry to make them aware of opportunities for the fishing industry to benefit from potential employment opportunities associated with offshore wind developments. This includes, for example, the opportunity for vessels and crews (e.g. working through SFF Services) to submit tenders for work as support and guard vessels. It is expected that there will be a range of potential opportunities for the fishing industry to submit tenders to provide vessel and crew support throughout the life cycle of the Development, in particular during construction and any pre-construction survey works. It is noted that any such opportunities would be subject to competitive commercial tender processes and any tenderer meeting the minimum requirements applicable to the scope of works described in the Invitation to Tender.

## **5.6 Post-Installation Surveys**

Moray West will undertake post-installation surveys. The main objectives of these assessments will be to confirm cable burial and identify potential changes to seabed conditions.

Following on the completion of the post-installation surveys, Moray West will provide fisheries stakeholders with information on the following: as-laid cable survey data, as-laid survey information of rock protection showing dimensions of rock placement sections, and survey information of any rock berms that have been created during the offshore works.

Where required remedial action will be taken to reduce or remove significant obstructions. This could include physical remedial work, for example, reshaping berms, or charting the presence of berms and notifying fishermen of the presence of the seabed obstacles through recognised channels (See Table 5.1 for information on construction communications). The type and level of remedial action required will be determined through consultation with the SFF and other fisheries stakeholders and agreed with MS-LOT prior to any remedial works being carried out.

### **5.6.1 Overtrawl Surveys**

The Offshore Export Cable Plan (ECP) (8460005-DBHA11-MWW-PLN-000001) provides details of the cable burial and protection, including a minimum target Depth of Lowering (DoL) from the output of the CBRA. A Wind Farm CaP will also be produced and will contain equivalent information for the inter-array cables and OSP interconnector cable. At the time of writing (April 2022) the Wind Farm CaP has not yet been produced, however as required by condition 19 of the Section 36 Consent and condition 3.2.2.16 of the Wind Farm Marine Licence (MS-00009774), it will be submitted to MS-LOT no later than six months prior to the Commencement of the construction of the Wind Farm.

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For areas where minimum DoL is not achieved (remedial protection has been installed) where high fishing activity occurs and where substantial lengths of cable require mechanical protection, Moray West will be required to provide methodologies to undertake targeted overtrawl surveys. The appropriate methodologies will be discussed with the local fishing industry and agreed with the Licencing Authority. Moray West will liaise with the SFF and are committed to discussions on the methodologies for overtrawl surveys with stakeholders. As soon as as-built information is available, this can be provided for review. Following the review of the as built information, Moray West will discuss the scope and timings of overtrawl surveys, if and where they are required.

## **6 References**

FLOWW. 2014. Best Practice Guidance for Offshore Renewable Developments: Recommendations for Fisheries Liaison.

FLOWW. 2015. Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds.

Marine Scotland. 2020. Guidance on producing a Fisheries Management and Mitigation Strategy (Rev 2.2) Draft.

Moray West. 2018. Commercial Fisheries Technical Appendix 11.2: Draft Commercial Fisheries Mitigation Strategy.

Moray West. 2018. Offshore EIA Report. Chapter 11: Commercial Fisheries.

## Appendix A – Defined Terms

Term	Description
Design Envelope	The range of design parameters used to inform the assessment of impacts.
Marine Licence for the Generating Station	Marine Licence for the Moray West Offshore Wind Farm - Licence Number: MS-00009774- granted under the Marine and Coastal Access Act 2009, Part 4 Marine Licensing for marine renewables construction works and deposits of substances or objects in the Scottish Marine Area and the UK Marine Licensing Area granted to Moray West on 14 June 2019, varied on 7 March 2022 and 11 April 2022.
Marine Licence for the Transmission Works	Marine Licence for the Offshore Transmission Infrastructure – Licence Number MS-00009813 – granted under the Marine and Coastal Access Act 2009, & Marine (Scotland) Act 2010, Part 4 Marine Licensing for marine renewables construction works and deposits of substances or objects in the Scottish Marine Area and the UK Marine Licensing Area (referred to as the “OfTI Marine Licence”), granted to Moray West on 14 June 2019 and varied on 11 April 2022.
Moray Offshore Windfarm (West) Limited	The legal entity submitting this Fisheries Management and Mitigation Strategy (FMMS)
Moray West EIA Report	The Environmental Impact Assessment Report for the Moray West Offshore Wind Farm and Associated Transmission Infrastructure, submitted July 2018. Additional information was provided in the Moray West Report to Inform an Appropriate Assessment (RIAA) July 2018 and Moray West Application Addendum Document November 2018
Moray West Offshore Wind Farm	The wind farm to be developed in the Moray West site (also referred as the Wind Farm).
Offshore Consents	Collective term for the two Marine Licences and the Section 36 consent
Offshore Consent Conditions	Collective term for the conditions attached to the Section 36 Consent and Marine Licences
Offshore Transmission Infrastructure (OfTI)	The offshore elements of the transmission infrastructure
OfTI Corridor	The export cable route corridor, i.e., the OfTI area excluding the Moray West site.
Section 36 Consent	Section 36 consent under Section 36 of the Electricity Act 1989 for the construction and operation of the Moray West Offshore Wind Farm was granted on 14 June 2019 and varied on 7 March 2022.
The Development	The Moray West Offshore Wind Farm and OfTI.
The Development Site	The area outlined in Figure 1 attached to the Section 36 Consent Annex 1, Figure 1 attached to the two Marine Licences, and Figure B.1 of this FMMS.

# Moray Offshore Windfarm (West) Limited

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The Moray West Site	The area in which the Moray West Offshore Wind Farm will be located. Section 36 Consents and associated Marine Licence to construct and operate generating stations on the Moray West site were granted in June 2019.
The Works	The construction and O&M activities undertaken for the Development.
Transmission Infrastructure (TI)	Includes both offshore and onshore electricity transmission infrastructure for the consented wind farm. A Marine Licence for the OfTI was granted in June 2019 and varied on 11 April 2022.

## **Appendix B - Development Background Information**

### **B1 Development Description**

Moray West Offshore Wind Farm is being developed by Moray Offshore Windfarm (West) Limited (Moray West; Company Number 10515140) which is registered at Octagon Point, 5 Cheapside, London, England, EC2V 6AA. Moray Offshore Windfarm (West) Limited is a wholly owned subsidiary of Moray West Holdings Limited which in turn is owned by Moray Offshore Renewable Power Limited, Delphis Holdings Limited, EDP Renewables Europe, S.L.U and UAB Ignitis Renewables.

The Moray West Site covers an area of approximately 225 km<sup>2</sup> on the Smith Bank in the Outer Moray Firth approximately 22 km from the Caithness coastline.

The Moray West Offshore Wind Farm will comprise 60 wind turbine generators (WTGs), associated substructures and seabed foundations, inter-array cables, one OSP inter-connector cable and any scour protection around substructures or cable protection. The OfTI comprises two offshore substation platforms (OSPs) which will be located within the Moray West Site and two offshore export cable circuits which will be located within the offshore export cable corridor and will be used to transmit the electricity generated by the offshore wind farm to shore.

The offshore export cable circuits will come ashore at Sandend Bay, which is located on the Aberdeenshire Coast at Broad Craig, approximately 65 km south of the Moray West Site. There will be two underground circuits from landfall at Sandend Bay to Whitehillock where the onshore substation will be located. There will also be further underground cabling between Whitehillock substation and Blackhillock substation. Moray West will transfer ownership of the transmission asset to an Offshore Transmission Owner (OFTO) who will manage the transmission infrastructure.

Figure B.1 displays a map of the Moray West Site and OfTI Corridor.

The development is aiming to be fully operational in 2024/25 with an operational life of 25 years from the date of final commissioning of the Development.



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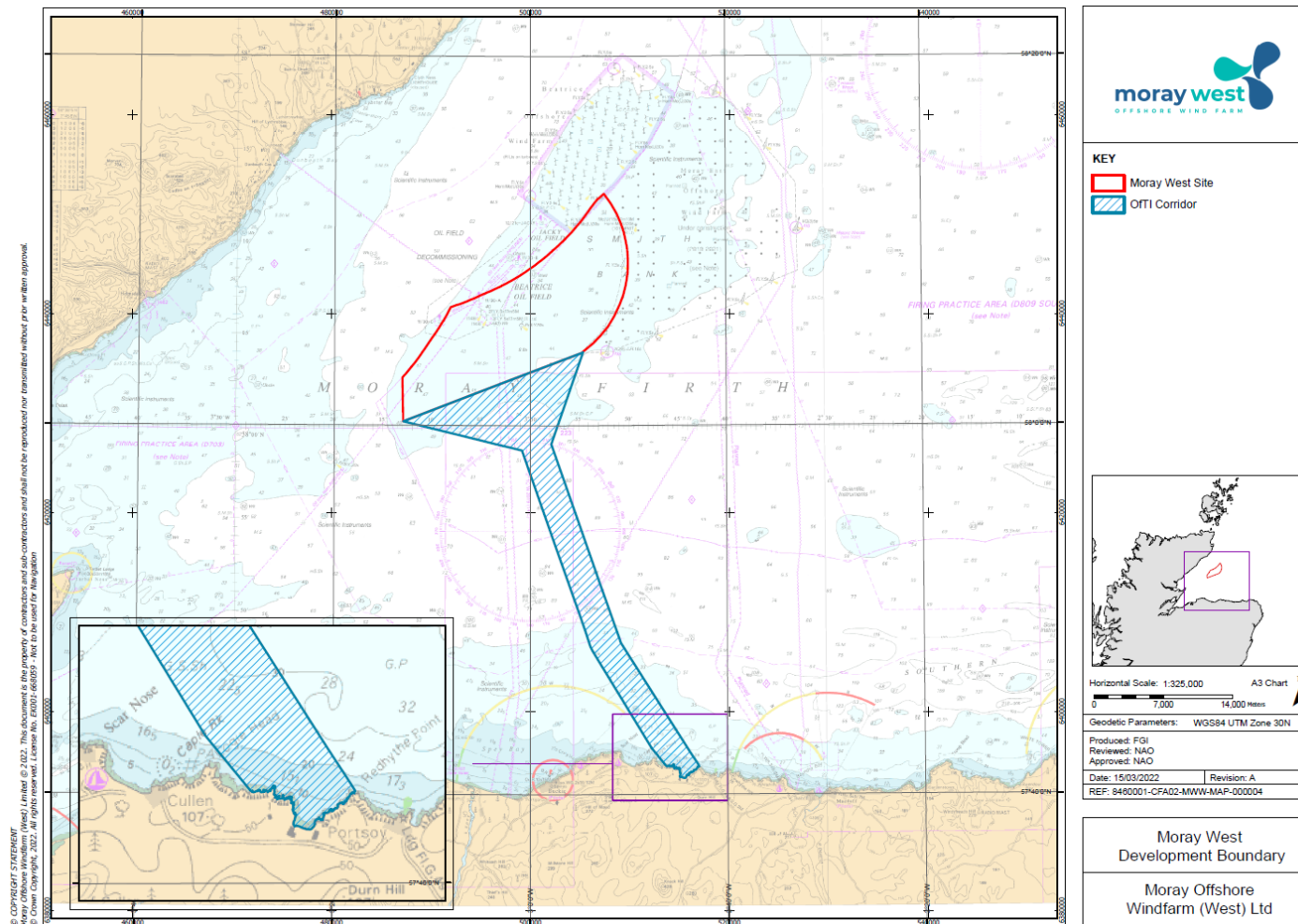


Figure B.1 Geographical location of the Moray West Site and OfTI Corridor



## B2 Construction Programme Milestones

The key milestone dates associated with the construction activities of the Development are presented in Table B2.1.

Details of the programme for construction are provided in the Construction Programme (CoP).

Table B2.1 Key Milestones Dates	
Milestone	Anticipated Programme
First Generation	April 2024
Final Commissioning	November 2024
Wind Farm	
Commencement of Wind Farm Construction	Q3/Q4 2023 (following Scour protection installation Q2 2023)
OfTI	
Commencement of OfTI Construction	December 2022

## Appendix C – CFLO Contact Details

Table C1.1 CFLO Contact details	
Moray West CFLO	
Email	
Telephone	

## Appendix D - Commercial Fisheries Engagement

Moray West is committed to continuing to explore and develop practical coexistence and mitigation options in consultation with the fishing industry. The table below (Table D 1.1) sets out the engagement and consultation activities which Moray West has undertaken to date.

Through both the MFCFWG and in direct meetings with representatives of the local fishing industry Moray West will continue to facilitate ongoing and open dialogue throughout the pre-construction, construction and operational phases of the Development and will continue to discuss the options through which impacts on the local industry can be minimised.

Separate engagement with SFF Services in relation to development of skills and services which could be provided to offshore renewables was carried out under a separate engagement progress and is not included here.

Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)			
Date	Type (Location)	Subject / Purpose	Main Outcome
May 2016	Moray West Offshore Wind Farm Scoping Report	Commencement of formal EIA scoping consultation period	<p>The SFF responded to Marine Scotland's request for comments on the Moray West scoping report and their comments were addressed in the Moray West EIA Report</p> <p>The following commercial fishing organisations were consulted on the scoping report but did not provide a response:</p> <ul style="list-style-type: none"> <li>• Marine Scotland Compliance (Buckie, Fraserburgh, Scrabster and Ullapool offices)</li> <li>• North &amp; East Coast Inshore Fisheries Groups</li> <li>• Scottish Fishermen's Organisation</li> </ul>
May 2017	Moray West Offshore Transmission Infrastructure Scoping Report	Additional formal EIA scoping consultation period	<p>The SFF responded to Marine Scotland's request for comments on the Moray West scoping report and their comments were addressed in the Moray West EIA Report</p> <p>The following commercial fishing organisations were consulted on the scoping report but did not provide a response:</p> <ul style="list-style-type: none"> <li>• Inshore fisheries (Scottish Government)</li> <li>• Marine Scotland Compliance (Buckie, Fraserburgh, Scrabster and Ullapool offices)</li> </ul>

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Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)			
Date	Type (Location)	Subject / Purpose	Main Outcome
			<ul style="list-style-type: none"> <li>North &amp; East Coast Inshore Fisheries Group</li> <li>Scottish Fishermen's Organisation</li> </ul>
15/08/17	Consultation Meeting with SFF	Discussion of commercial fisheries issues in relation to the Development and to inform EIA Report	<ul style="list-style-type: none"> <li>Queries in relation to burial methods to be used for cable installation;</li> <li>Concerns in relation to potential interactions between cable protection and fishing gear;</li> <li>Concerns in relation to towed gear vessels fishing across the cable and areas of cable that may be protected;</li> <li>Concerns in relation to the timing of export cable laying activity, particularly in relation to creeling and mackerel jigging if this coincides with the peak in fishing activity;</li> <li>Concerns regarding the impact on fish and shellfish populations as a result of noise associated with piling and cable trenching during construction and the vibration of turbines during operation;</li> <li>In respect of scallop dredging, it was noted that analysis of data should be carried out for a 10 year period, as grounds yield high for several years and then drop for a couple of years whilst the population recovers. It was also noted that vessels under-12 m in length do not have operational ranges as wide as those of the nomadic fleet and therefore are more affected by loss of grounds than larger category vessels</li> </ul>
16/08/2017	Consultation Meeting with Moray Firth Inshore Fishermen's Association (MFIFA)	Discussion of commercial fisheries issues in relation to the Development and to inform EIA Report	
16/02/18	Consultation Meeting with SFF	Discussion of commercial fisheries issues in relation to the Development and to inform EIA Report	
14/05/18	SFF and Scottish White Fish Producers Association (SWFPA) Meeting (Aberdeen)	To discuss draft CFMS in advance of Moray West application to Marine Scotland for Section 36 Consent and marine licences	The meeting and discussion points were incorporated into an updated version of the draft CFMS that was subsequently shared with the SFF on 22 <sup>nd</sup> May 2018 in advance of the formal application to Marine Scotland in July 2018 (where the official consultation period began 10 <sup>th</sup> July 2018)

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Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)			
Date	Type (Location)	Subject / Purpose	Main Outcome
31/05/18	Wider commercial fisheries and offshore wind industry meeting (Dundee)	Bringing the Offshore Wind and Fisheries sectors together	Moray West provided the attendees (including members of the SFF) with a project update and participated in group discussions. As well as this Moray West had discussions on a one to one basis with the SFF, other commercial fishermen representatives and individual fishermen at this event
10/07/18	Moray West Section 36 Consent and marine licences consultation	Commencement of formal EIA application consultation period	<p>The SFF responded to Marine Scotland's request for comments on the Moray West applications on the 26<sup>th</sup> August 2018</p> <p>The following commercial fishing organisations were consulted on the EIA Report but did not provide a response:</p> <ul style="list-style-type: none"> <li>• Marine Scotland Compliance (Buckie, Fraserburgh, Scrabster and Ullapool offices)</li> <li>• North &amp; East Coast Inshore Fisheries Groups</li> <li>• Scottish Fishermen's Organisation</li> <li>• Inshore Fisheries.</li> </ul> <p>No other commercial fisheries representatives or individuals responded the public consultation</p>
01/10/18	SFF Meeting (Edinburgh)	To discuss the SFF response to the Moray West application for Section 36 Consent and marine licences	<p>Moray West committed to the following:</p> <ul style="list-style-type: none"> <li>• Continued engagement with the SFF throughout the development process and during pre-construction, construction and operation</li> <li>• Issue of an indicative layout of the turbines and export cable in the future (post consent and post CfD award)</li> </ul>
23/11/18	Addendum to initial application	Continuation of formal EIA process – Commencement of addendum application consultation period	<p>The SFF responded to Marine Scotland's request for comments on the Moray West addendum on the 11<sup>th</sup> January 2019</p> <p>No other commercial fisheries representatives or individuals responded the public consultation</p>

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Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)			
Date	Type (Location)	Subject / Purpose	Main Outcome
06/12/18	SFF and SWFPA Meeting (Edinburgh)	To present the addendum to the SFF, allowing for an opportunity to comment and ask questions prior to receiving the formal SFF response	Moray West gave an overview of the Moray West Offshore Wind Farm and Offshore Transmission Infrastructure addendum  SFF committed to providing their response to the addendum by mid-January 2019
11/01/19	Fishermen's Meeting (Helmsdale and Wick)	Moray West engagement meetings with fishing vessel owners / fishermen of the Reliant CY799 (Billy Cowie) and Southern Belle WK25 (Gordon MacNab)	Moray West updated the fishermen with the latest project developments / timelines and committed to future engagement (through NtMs) throughout the Moray West project. The SFF attended both meetings and contributed to discussions at both meetings
15/01/19	Wider commercial fisheries and offshore wind industry meeting (Dundee)	Bringing the Offshore Wind and Fisheries sectors together	Moray West provided the attendees (including members of the SFF) with a project update and participated in group discussions. As well as this Moray West had discussions on a one to one basis with the SFF, other commercial fishermen representatives and individual fishermen at this event
29/05/19	Fishermen's Meeting (Portsoy, Whitehills, Fordyce, Buckie)	Meetings organised with individual creel fishermen that operate in the export cable corridor	Moray West's agent Brown and May Marine met with three skippers on Wednesday 29 <sup>th</sup> May in Portsoy Harbour, Whitehills (fisherman's house) and Fordyce (fisherman's house) to discuss the upcoming geophysical survey planned to take place in mid/late July. Items of discussion were where fishermen deploy their creels, the expected survey area and potential cooperation agreements (including cooperation payments) to ensure creels are moved from the survey area during the survey period
13/11/19	FLOWW meeting	Fishing Liaison with Offshore Wind and Wet Renewables	Updates from The Crown Estate, Crown Estate Scotland, Marine Scotland, the MMO and FLOWW Working Groups. ORE Catapult gave a

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**Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)**

Date	Type (Location)	Subject / Purpose	Main Outcome
		Group (FLOWW) Meeting with UK fishing industry and Offshore Wind Developers	presentation on Floating Offshore Wind and there was a discussion on evidence gaps, research needs and FLOWW priorities going forward.
22/01/2020	Moray Firth Commercial Fisheries Working Group (MFCFWG)	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• MS-LOT FMMS Guidance update</li> <li>• SFF – Final Wind Farm Mitigation document</li> <li>• Project Updates by Developers</li> </ul>
21/10/2020	MFCFWG	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• Project Updates by Developers</li> <li>• MS-LOT FLOWW Best practice guidance update</li> <li>• MS-LOT FMMS Guidance update</li> <li>• SWFPA Mitigation Paper</li> <li>• FishSafe update</li> <li>• ScotMER update</li> </ul>
23/02/2021	MFCFWG	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• Project Updates by Developers</li> <li>• NatureScot presentation</li> <li>• Marine Scotland CFWG website update</li> <li>• FLOWW and FMMS Best Practice guidance update by MS-LOT</li> <li>• FishSafe update</li> <li>• ScotMER update</li> </ul>
20/04/2021	MFCFWG	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• Overtrawl discussion</li> <li>• Disruption payments</li> <li>• Mitigation paper</li> <li>• Community benefit</li> </ul>



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Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)			
Date	Type (Location)	Subject / Purpose	Main Outcome
11/08/2021	MFCFWG	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• Project Updates by Developers</li> <li>• Mitigation paper</li> <li>• Community benefit</li> </ul>
09/12/2021	MFCFWG	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• Project Updates by Developers</li> <li>• EMF discussion</li> <li>• MS Updates on CFWG website, FMMS guidance, FLOWW guidance, Marine Scotland Science (MSS) project updates and mitigation workshop action plan</li> <li>• Damage to gear forms</li> </ul>
08/03/2022	Moray West Public Fisheries Engagement Meeting (Cullen)	General project update. Consultation on draft shelter areas and transit routes	The aim of the meeting was to focus on shelter areas and transit routes and the cable corridor. There was additional discussion on the placement of the export cable route. Moray West confirmed that consultation was undertaken pre-application, with a specific consultation event on the placement of the export cable undertaken in 2018 prior to the application submission.
23/03/2022	Moray West Public Fisheries Engagement Meeting (Helmsdale)	General project update. Consultation on draft shelter areas and transit routes	Proposal of draft shelter areas and vessel transit routes for consultation with fisheries stakeholders.
24/03/2022	MFCFWG	MFCFWG Meetings take place several times per year and allow project updates and for cooperative discussions to be had	The main agenda items included: <ul style="list-style-type: none"> <li>• Developer Project Updates</li> <li>• Marine Scotland Update</li> <li>• Discussion of terms of reference</li> <li>• Mitigation paper workshop action plan</li> </ul>

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Table D1.1: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)			
Date	Type (Location)	Subject / Purpose	Main Outcome
14/04/2022	Moray West Public Fisheries Engagement Meeting (Ballintore)	General project update. Consultation on draft shelter areas and transit routes	Proposal of draft shelter areas and vessel transit routes for consultation with fisheries stakeholders.

As well as the above Moray West undertook a programme of public engagement events (for both offshore and onshore elements of the project and in line with the pre-application process). Several local creel fishermen attended these events and Moray West engaged with these individuals and updated them on proposed project timelines, ways to comment on the application and added their details to the Moray West NtM circulation list. These public engagement events took place on the following dates and locations:

- Wednesday 4<sup>th</sup> October 2017 – Station Hotel, 22 Seafield St, Portsoy, Banff
- Thursday 5<sup>th</sup> October 2017 – Royal Hotel, Church Road, Keith
- Friday 6<sup>th</sup> October 2017 – Old Coach House Hotel, High Street, Buckie
- Monday 15<sup>th</sup> January 2018 – Station Hotel, 22 Seafield St, Portsoy
- Thursday 8<sup>th</sup> February 2018 – Fordyce, Sandend and District Community Council Meeting  
Community Council Meeting – Sandend Community Hall, Sandend, Banff
- Tuesday 27<sup>th</sup> February 2018 – Old Coach House Hotel, High Street, Buckie
- Wednesday 28<sup>th</sup> February 2018 – Royal Hotel, Church Road, Keith
- Wednesday 7<sup>th</sup> March 2018 – Sandend Community Hall, Sandend, Banff
- Thursday 29<sup>th</sup> March 2018 – Station Hotel, 22 Seafield St, Portsoy

## Appendix E - Code of Good Practice for Contracted Vessels

The following code of good practice will be provided to Moray West contracted vessels during construction. The primary aim of this code is to ensure the consistent provision of accurate information to commercial fisheries stakeholders, to assist the safe operation of Moray West contracted vessels in relation to fishing vessels and their gears, and to aid positive coexistence with the fishing community.

- All Moray West contracted vessels must adhere to the International Regulations for Preventing Collisions at Sea (COLREGs, International Maritime Organisation (IMO), 1972);
- Moray West contracted vessels will not engage in any commercial or recreational fishing activities whatsoever while mobilised for the Development;
- All Moray West contracted vessels will endeavour to follow recommended indicative transit routes wherever safe and practical to and from construction and maintenance locations, with the consideration that compliance with COLREGs override any indicative transit routes;
- Where a Moray West contracted vessel has an OFLO on board, all communications with commercial fishermen at sea should be via the OFLO;
- All Moray West contracted vessels which do not have an OFLO on board shall maintain polite, proactive and professional communications with fishing vessels at all times;
- All Moray West contracted vessels should maintain, at all times, the required open VHF channels so as to receive communications directly from fishing vessels;
- All OFLOs and vessels contracted by Moray West should be aware of the commercial fishing interaction SOPs (Appendix H) which will be issued to all offshore contractors and have undertaken appropriate risk assessments in respect of potential interactions with commercial fishing vessels and their gears;
- Where appropriate, for vessels using anchored positioning, contractors should endeavour to adopt anchor release procedures to minimise the size of anchor mounds; and
- All Moray West contracted vessels are required to maintain contact with the Marine Coordinator.

## Appendix F - Indicative Transit Routes to Site and Shelter Areas

The indicative transit routes for the major construction vessels between the Development and other relevant ports will be presented in the Vessel Management and Navigational Safety Plan (VMNSP) and summarised in this appendix once they are known.

Proposed shelter areas have been identified to offer suitable holding areas or shelter in a variety of weather conditions. These were provided to fisheries stakeholders for review and comment. The shelter areas that were able to be agreed with fisheries stakeholders have been provided in Figure F.1.

The inclusion of preferential shelter areas in this FMMS does not over-ride the authority of any vessel master to take whatever navigational decisions are required for the safe operation of that vessel and other sea users. As a result of this, Moray West cannot commit that any Moray West contracted vessel will always use these shelter areas.

Moray West also recognises that static fishing gear may be located anywhere in the Moray Firth and there is no expectation from Moray West that these shelter areas will be cleared of static fishing gear. Moray West contracted vessels will always maintain a lookout for, and avoid, appropriately marked fishing gear.

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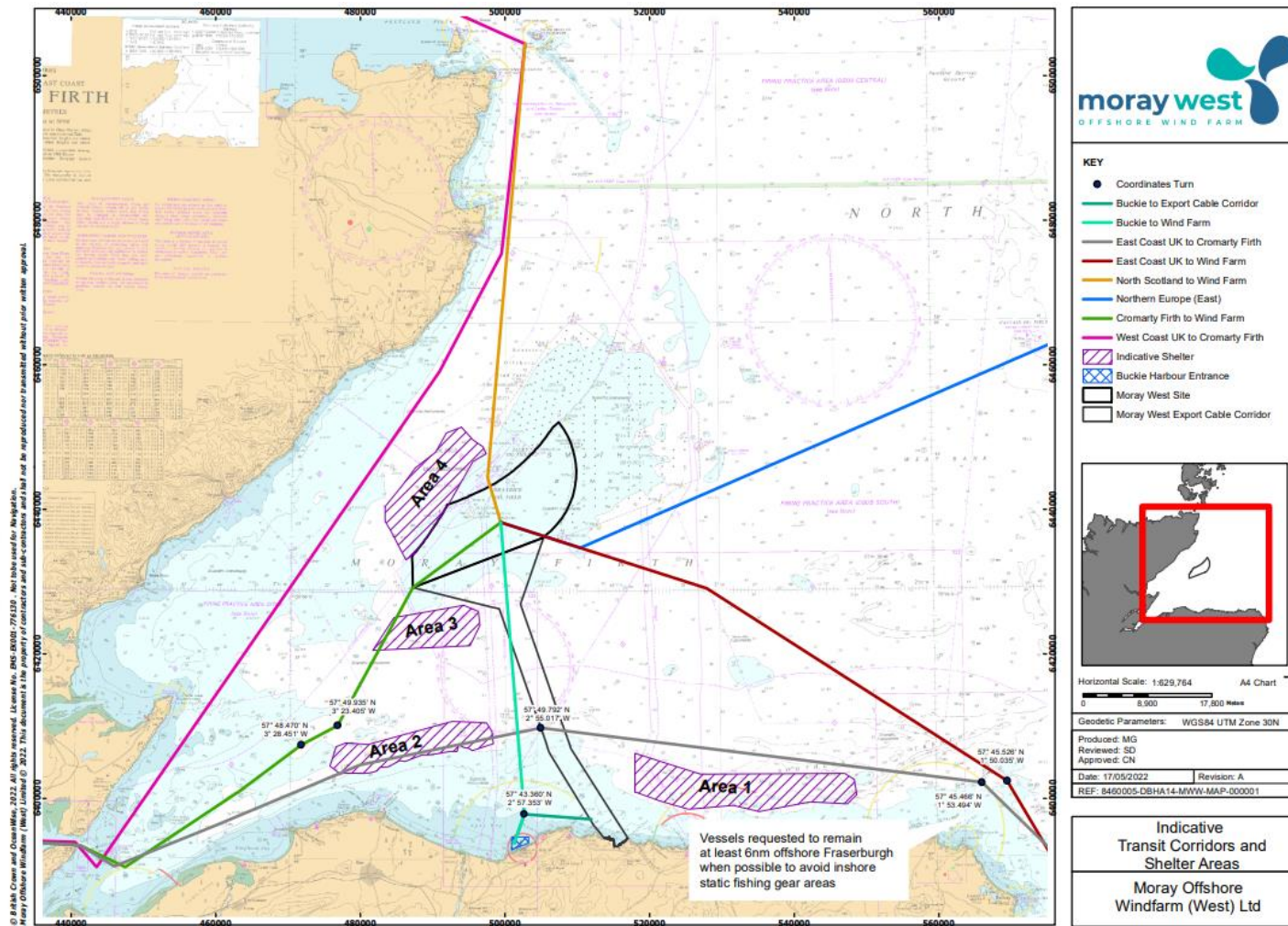


Figure F.1 Indicative transit routes and shelter areas



## Appendix G - Loss of or Damage to Fishing Gear Claim Procedure

In the event that a fisherman finds that their fishing gear is lost or damaged, and they consider this is as a consequence of Moray West construction activities, the following procedure will be followed.

On discovery of the lost or damaged gear at sea, the fisherman must record the date, time, location (coordinates) and description of the gear lost or the damages sustained within the vessel log book. On return to port, the fisherman must report the incident to the CFLO within 5 days and if possible, provide photos of the damaged gear which ideally should be retained in order to be inspected by the CFLO or another representative of Moray West.

Once the CFLO has been informed of the incident, the CFLO will provide a gear loss or damage claim form to the fisherman. An example form is included on the following pages. The fisherman will be asked to complete the fishing gear loss or damage claim form which will provide the relevant details for assessment of the likely cause of the loss of or damage to the gear, the value of the lost or damaged fishing gear and any subsequent loss of earnings which incurred as a result of the incident.

Once completed, the fishing gear loss or damage claim form should ideally be sent to the CFLO as soon as possible. This should be supported with photographs of the damaged fishing gear; evidence of the earnings from fishing at the time of the incident, and a quote of the cost for either repair of the damaged fishing gear by a third party or the costs of labour and materials should the skipper and crew undertake replacement of gear themselves. Following the receipt of this fishing gear loss or damage claim form, Moray West will review the information provided and carry out appropriate further investigations. Moray West will respond to the claim via their CFLO as soon as possible.

It is acknowledged that there are situations where it may not be possible to determine the precise location where damage to nets has occurred, as a result of the length of tows undertaken by commercial vessels. In these instances, Moray West commit to evaluate these claims in a transparent fashion.

Should the results of claims be challenged by the claimant, Moray West agree to enter a process of third-party mediation, with an organisation mutually agreed by Moray West and the claimant.

FLOWW best practice guidance is currently under revision. Moray West commit to updating the loss of or damage to fishing gear claim procedure to reflect the contents of the revised guidance document. This is likely to result in revisions to the claim form, to streamline the claim process for both fishermen and Moray West. When the guidance is published, Moray West will re-submit a revision of the FMMS to Marine Scotland.

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<b>GEAR LOSS / DAMAGE CLAIM FORM</b> Claim for compensation for damage or loss of fishing gear or damage to vessel and subsequent loss of fishing time in relation to activities by Moray West Offshore Windfarm	<b>Official Use Only</b> Ref. No. Operator Block No.
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<b>SECTION 1: To be completed by the Skipper</b>			
<b>1.1 Vessel Information:</b>			
Name of Vessel		Registration No.	
Name and Address of Skipper		Name and Address of Owner/Agent	
Name of person on watch		Crew name(s) at time of incident	
<b>1.2 Incident Information:</b>			
Date of Incident		Type of Fishing in which engaged e.g. Creels / Trawl	
Time of Incident			
Nature of Incident e.g. how the incident occurred, how the skipper / crew responded, attempts made to retrieve gear.			



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<b>Please complete either section A or B depending on gear type used:</b>				
<b>A) Non-static Gear</b>				
Start of Tow DD°MM. M'	Latitude:		Direction of Tow (°)	
	Longitude:		Speed of Tow (kn)	
End of Tow (position snagged) DD°MM. M'	Latitude:		Wind Force (mph)	
	Longitude:		Wind Direction (°)	
<b>B) Static Gear</b> (coordinates of all gear lost / damaged)				
Conditions	Wind Force (mph)		Wind Direction (°)	
Number of fleets				
Fleet lengths				
Number of pots per fleet				
	<b>Start Position</b> (DD°MM.M')		<b>End Position</b> (DD°MM.M')	
<b>Fleet 1</b>	Latitude:		Latitude:	
	Longitude:		Longitude:	

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<b>Fleet 2</b>	Latitude:		Latitude:	
	Longitude:		Longitude:	
<b>Fleet 3</b>	Latitude:		Latitude:	
	Longitude:		Longitude:	
If more than 3 fleets were used please add details here:				
Number and description of surface markers used:				
<b>1.3 Details of implicated party (if available):</b>				
Name of Vessel		Registration No.		
Name and Address of Skipper		Name and Address of Company		
Evidence to support this party caused the damage				

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Where can the debris be inspected			
Photographs attached? (Yes/No)		AIS / VMS information attached? (Yes/No)	
Any other evidence to support damage or loss. Please add all relevant evidence			
<b>1.4 Supporting evidence of vessel(s) witnessing the incident:</b> (if none write "NONE")			

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Name of Vessel(s)		Statement(s) are: (attached or to follow)		
<b>1.5 Details of Damaged Gear:</b>				
Full details of vessel damage or gear damaged:				
Value of replacement or repairs (excluding VAT)	Fishing gear:		£	
	Vessel damage:		£	
Loss of fishing time	Hours:		Value:	£
Fish lost/dumped due to contamination	Quantity:		Value:	£
			<b>Total:</b>	£
<b>1.6 Details of Lost Gear:</b>				
Full details of vessel damage or gear lost:				

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Value of replacement or repairs (excluding VAT)	Fishing gear:			£	
	Vessel damage:			£	
Loss of fishing time	Hours:		Value:	£	
Fish lost/dumped due to contamination	Quantity:		Value:	£	
			<b>Total:</b>	£	
<b>1.7 Details of Insurance:</b>					
The following details of the vessel's Hull and Machinery Insurance are required if part of this claim relates to damage to the vessel					
Insurer		Hull Excess		£	
Policy No.		Machinery Excess		£	

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**Documentation:**

Please enclose with this form a copy of the fishing licence, MCA safety cert, photo plotter, photos of damaged gear, original receipts from gear purchase. If claiming loss of earnings, please provide evidence of e.g. sales notes for time of year and accounts.

Please list all documents included with this claim form:

**1.7 Declaration of Vessel Owner / Skipper:**

I hereby certify that the details provided by me in this claim forms are, to the best of my knowledge, true and accurate

Signed

.....

Print Name .....

Date .....

**SECTION 2:** To be completed by the Inspector for Fisheries/Fishery Officer

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The above statement was given to me at \_\_\_\_\_ Fisheries Office, and I have/have not been shown evidence (including but not limited to, damage to gear, vessel, debris etc.) which appears to be consistent with the statement in Section 1, subject to the following observations: -

Signed .....

Print Name .....

Date .....

## SECTION 3: To be completed by the Inspector for Fisheries/Fishery Officer

### 3.1 Verification of Earnings

Vessel Name and PLN

Voyage Commence: Date and Time

Voyage End: Date and Time

Fishing Operation: Commence Date and Time

Fishing Operations: End Date and Time

Total Hours of Fishing Operations

Gross Earnings for trip

£

ICES Rectangle(s) where vessel fished

Gear type of vessel



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Mesh Size (if applicable)		
Average Daily Earnings for trip		£      /day
Average Daily Earnings not including day of damage		£      /day
Average Daily Earnings for vessels of same class/gear/area during the same period		£      /day
Number of Vessels used for average.		
Signed .....	Print Name .....	Date .....
Designation .....	Official Stamp:	

**SECTION 4:** To be forwarded to relevant developer of contractor, by owner, agent, or Fishery Officer as appropriate

Please enter address of developer or contractor:

## Appendix H - Commercial Fishing Interaction Standard Operating Procedures (SOPs)

An SOP is a set of step-by-step instructions to effectively achieve consistency of approach in the response to any commercial fishing interaction with a Moray West contracted vessel.

### General Working

#### OFLO on board

OFLO to monitor fishing activity in the relevant area to the survey/construction vessel and record observed fishing vessel positions and static gear positions, along with any communications had with fishing vessels. This will be included in the daily progress report with supporting information of date, time, location, description of static gear markers/fishing vessel, and photos if possible. Any fishermen contacted should be provided with the CFLO contact details.

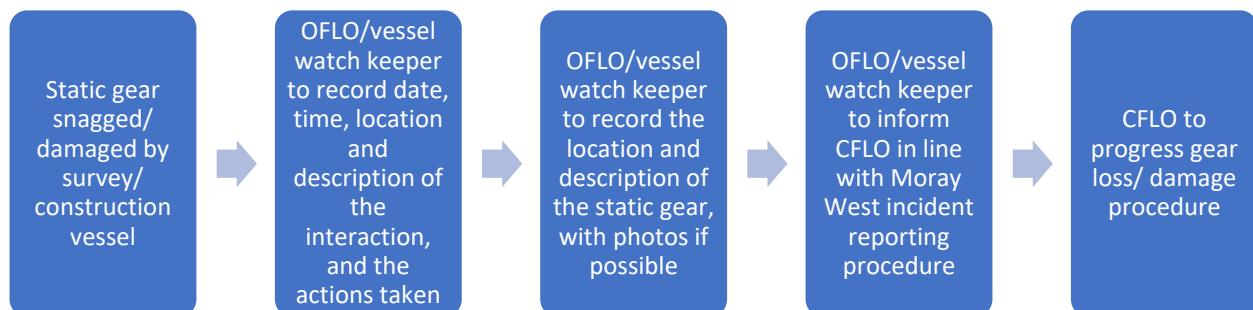
#### No OFLO

Survey/construction vessel watch keeper to maintain communications with onsite guard vessel in order to monitor fishing activity in the relevant area and record observed fishing vessel positions and static gear positions, along with any communications had with fishing vessels. This information will be recorded in the guard vessel's daily report and, if required, be reported on an ad-hoc basis to the CFLO with supporting information of date, time, location, description of static gear markers/fishing vessel, and photos if possible. Any fishermen contacted should be provided with the CFLO contact details.

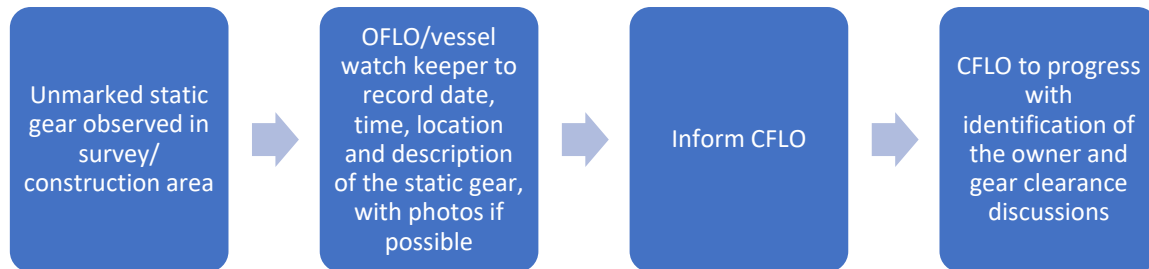
### Static gear – crab and lobster creels

#### SOP 1: Snag/Damage to static fishing gear

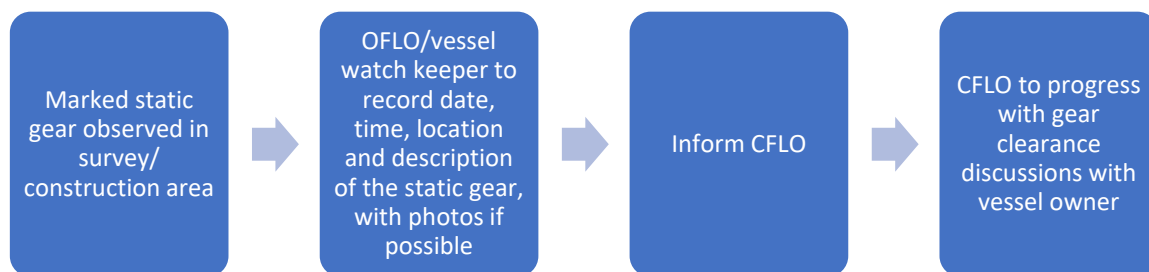
Should any Moray West contracted survey/construction vessel snag or damage any static fishing gear or are contacted by a fisherman claiming a survey/construction vessel has snagged their gear, all contracted vessels should be aware that there is a gear/damage loss protocol to follow.



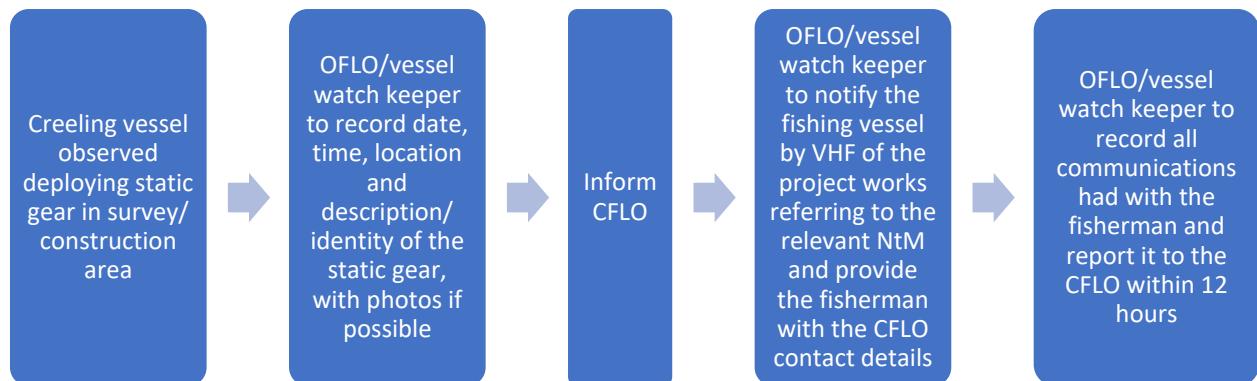
#### SOP 2: Unattended unmarked static gear



### SOP 3: Unattended marked static gear



### SOP 4: Vessel observed deploying static gear within the survey/construction area



### Mobile Fishing Activity

Vessels contracted by Moray West to undertake survey and construction works will be required to adhere to all elements of the COLREGs and the Code of Good Practice for Moray West Contracted Vessels (Appendix D).

Many of the Moray West contracted vessels undertaking construction/survey works will be defined as restricted in their manoeuvrability (RAM) (Rule 3g) when carrying out their work. The hierarchy of responsibilities between vessels under COLREGs Rule 18 c ii states that: “A vessel engaged in fishing when underway, shall, so far as is possible, keep out of the way of: (ii) A vessel restricted in her ability to

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*manoeuvre*", therefore vessels engaged in fishing mobile gears should pass construction/survey vessels at a safe and clear distance. However, consideration needs to be given to any vessels engaged in fishing and potential subsea hazards they may be navigating around.

Communication between the OFLO, guard vessels and construction vessels is paramount to ensure no negative interactions occur.

### SOP 5: Mobile Gear Vessel Fishing in Survey/Construction Area

