

## Forth and Tay Commercial Fisheries Working Group

27<sup>th</sup> February – Principal Hotel, 19-21 George Street, Edinburgh, EH2 2PB

Attendees	Organisation or Vessel	Initial
Rosie Scurr	EDF Renewables – NnG project	RS
Ben King	Red Rock - Inch Cape project	BK
Nick Brockie	SSE - Seagreen project	NB
Fiona Nimmo	Poseidon – Aquatic Resource Management commercial fisheries consultant to NnG project	FN
Malcolm Morrison	SFF	MM
Raymond Hall	SFF	RH
Roger May	Marine Scotland Licensing	RM
Andronikos Kafas	Marine Scotland Science	AK
Iain Maddox	SE&E IFG	IM
Femke de Boer	SWFPA	FB
Peter Johnstone	SCFF	PJ
Sandra Turnbull	Under 10m Assoc.	ST
Elaine Whyte	CIFA	EW
Marc Murray	Cierco – Forthwind project	MMu
Sandy Ritchie	Anglo-Scottish	SR
Rhys Potter	Marine Scotland	RP
Fiona Grubb	EDF Renewables – NnG project	FG
Jack Dale	North Berwick FA	JD

Jen Miller	Brown and May Marine – FLO to Seagreen project	JM
Andrew Whiston	St Andrews FA	AW
Bruce Buchanan	Marine Scotland	BB
Charlie Whyte	W3G Marine – Kincardine project	CW
Peter Berney	Natural Power – FLO to Inch Cape project	PB
Quentin Dimmer	South East Inshore Fishermen’s Association	QD
<b>Apologies</b>		
Neil Teviotdale	Arbroath/Montrose	
Phil Gilmour	Marine Scotland	
Andrew Whiston	St Andrews	
<b>Invited but did not attended</b>		
Jacqui Karakaya	CPSFA	
Stephen Small	Pittenweem	

Ref	Agenda Item	Minute	Action
1	Introduction	RS, introduced the meeting, then everyone gave a brief personal introduction.	
2	Safety Moment	RS shared safety moment from EDF, emergency procedures were explained including muster points for the hotel.	
3	Purpose of the CFWG	RS, explained the purpose of the CFWG meeting, was originally to help with the cumulative impact assessment across offshore wind developments in the Forth and Tay region, but has continued after the EIA stage. It is now a requirement for developers with consent to attend with the purpose of promoting co-existence between offshore wind projects and fishing interests in the Forth and Tay area (and wider Scotland). It is also a forum for sharing information about projects and knowledge from the fishing industry.	ToRs to be updated with description of purpose of CFWG.

		<p>RM, requested that a clear description of the purpose for the group be included in the opening paragraph of the CFWG ToRs.</p> <p>MM, asked about the possibility of meetings with individual developers or groups, and whether for some meetings, participants can attend remotely.</p> <p>RM, replied saying that the CFWG meetings are a requirement of developers consent conditions but it is up to the group to agree how they are carried out.</p> <p>NB, Consent plans or other papers should be provided in advance of the meeting so that the group can review the documents and provide comment at the meeting. The purpose of the group is to help inform the plans however approval of consent plans is the responsibility of Marine Scotland.</p> <p>The group considered the approach to meetings, with attendance at CFWG and MS industry meetings being potentially onerous. It was decided that members were too busy to have more meetings and frequency should be left as is unless there is a specific reason to meet.</p>	
4	Actions from previous meeting	<p>RS, Circulated ToR for members to review in advance of the meeting.</p> <p>Developers had not progressed with the Newsletter, it was put to the group whether this was still something that would be useful?</p> <p>General consensus that this idea should be progressed.</p> <p>RS, Fishing industry to provide nomination for FIRs. To be discussed later in the agenda.</p> <p>MS confirmed they cannot facilitate the payments CFWG attendees. Developers to discuss further whether a mechanism could be agreed. EW raised that any mechanism for payment should be agreed with relevant parties.</p> <p>Use of consent conditions- MS will discuss later in the agenda (item 7).</p>	<p>Developers to look into payments of meeting expenses and provide update.</p> <p>Developers to progress newsletters</p>
5	Introduction to Kincardine Project	<p>CW presented overview of Kincardine Offshore Wind Farm Project.</p> <p>Kincardine is a 50MW floating Wind Farm, currently there is 1 x 2MW turbine, with an additional 5 x 9.5MW turbines to be added in 2019/2020.</p> <p>Kincardine has recently been acquired by ACS</p>	

		<p>On shore works completed last year (cables and connection of 2MW turbine)</p> <p>Plan for 2019 carry out Survey and UXO, and production/delivery of the 9.5 MW turbines</p> <p>Plan for 2020 installation.</p> <p>2MW turbine has used a system with 4 mooring lines, 9.5MW turbines are expected to require a 3 mooring line system.</p> <p>A map of the planned site was shown.</p> <p>RH, said that the second cable route being installed for the 9.5MW turbines would be a problem due to burial depth as seen during installation of first cable, CW answered that a modified burial approach would be used, but planned to rock dump where burial wasn't possible, but this should be &lt;10% of the route.</p> <p>The site is closed to static fishing gear (4 fishermen) but compensation had been arranged, and they had a good relationship.</p> <p>FN, asked about the mooring system for anchoring floating turbines. RH confirmed there would be a mooring system and further details could be provided.</p> <p>RH noted that it would not be possible to fish within the array area post installation due to the presence of mooring lines. Floating turbines therefore have more of an impact to the fishing industry compared with piled turbines.</p>	
6	Terms of Reference update	<p>RS circulated ToRs prior to meeting, some of the members had not had sufficient time for review. RM and MM had some initial comments.</p> <p>MM, said developers are required to form mitigation plans and this should then be agreed by the fisheries, then MS to sign off on the plan if happy with it. Currently, TORs are not clear on the purpose/process as it was understood by some that fisheries would be involved in approval This is due to bad phrasing in the condition which has translated through to the ToRs, this was looked at in detail, SFF had shown interest in the condition so they were included within it. Wording within the TOR to be updated.</p> <p>RM, ToRs should have a clearly stated geographical region defined – Kincardine to be included, MS LOT is not a member of the group but an observer. RM also suggested that there should be a reference to</p>	<p>Amend phasing in the ToRs to clarify purpose/process.</p> <p>Fisheries stakeholders to consider whether additional invitees would be useful prior to next CFWG.</p> <p>MM, action – To write a briefing note outlining the fishing industry point of view.</p>

		<p>the National Marine Plan, as this policy is the basis for offshore wind developments.</p> <p>RM, Marine Scotland Compliance used to be on the group but it was agreed that Compliance's attendance is no longer required, but they could attend on an ad hoc basis if required. BB suggested that MS Inshore Fisheries should be on the group and included in the ToR.</p> <p>It was Agreed that BB should attend as an observer from MS-MORE (Policy).</p> <p>The need a rep from Marine Scotland inshore fisheries was discussed, Ian Maddox covers IFG interests at the moment, but Marine Scotland Inshore Fisheries could support if attending meetings as IMs capacity at meeting is as a rep for SEIFG only. Suggested that Jim Watson also be invited to attend meetings. General consensus that there would be benefit for MS Inshore Fisheries attending and being included in the ToR.</p> <p>RH, More people should be included and allowed to attend if they are interested to ensure representation.</p> <p>There was a general comment that additional attendees could be invited if appropriate, but it was noted that the group is already quite large. Fisheries stakeholders to discuss whether more representatives should be invited and make suggestions prior to next CFWG.</p> <p>MM, suggested that FLOs are non-voting. However, voting has been taken out of the ToRs, no voting has been required in the past and the group is not there to vote on the acceptance of consent plans as this is a role for MS. Having voting rights will impact on ability to have open conversations and influence potential attendance at meetings.</p> <p>ST, noted concerns regarding the purpose of the group if they were not able to vote on plans. There were concerns with the mechanism of consultation and that fishing issues would not be addressed.</p> <p>RS and BK explained that developers saw the CFWG as a mechanism for fishing industry to inform content of plans/develop procedures that would work for fishing prior to submission to MS.</p> <p>MM, original idea of the group was for fisheries to advise developers, therefore can see a point to the group.</p> <p>RM, explained that the purpose of the group is for discussions between fishing and developers.</p> <p>AK, explained MSS involvement is to give feedback to MS LOT about things discussed and support MS-LOT in confirming that developers</p>	<p>Action for all to - provide comments on ToRs by the 15<sup>th</sup> March.</p>
--	--	---	---

		<p>are consulting within the fishing industry with a view to taking on comments.</p> <p>MM– to write a briefing note outlining the fishing industry point of view and provide to the group.</p> <p>FIR’s ToR to be issued for the group to review following final draft by developers.</p> <p>ToRs to include mechanism where FIR’s and FLO’s to be replaced if not carrying out duties. AK, who owns the contact database? NnG have developed database internally to be used to be the company for NnG projects. MS are unable to share details they have due to GDPR. MS will look at including potential wording in letters encouraging involvement in planning.</p> <p>Friday 15<sup>th</sup> is the deadline for comments on ToRs.</p>	
7	Commercial fisheries consent conditions	<p>RM, gave a presentation with discussion of new consent conditions for consent decisions from 2018 onwards.</p> <p>Looked at S36, for NNG there are 29 main conditions, likely to be similar number for other projects. Consent plans required by conditions are live documents. MS-LOT approves these and consults prior to that decision. Revision of consent plans may be required if circumstances arise.</p> <p>Fisheries Mitigation and Management Strategy (FMMS) is to include transit planning (previously de-confliction plan’) to allow the fishing industry to have prior knowledge of where construction traffic is likely to occur and to aid industry in planning transit routes to avoid areas of highest fishing activity. The benefit of fishermen communicating current gear locations was highlighted.</p> <p>MS have drafted a damage to gear template to facilitate damage claims, and it was suggested that ideally, gear damage is reported as quickly as possible after the event.</p> <p>Consent conditions will continue to stipulate the need for FLO’s</p> <p>Project Environmental Management Plan (PEMP), includes monitoring of commercial fisheries (activity). This is envisioned to be a monitoring of fishing activity to ensure EIA conclusions of impacts are validated. This will not be a requirement for developers to monitor fish stocks.</p> <p>Cable plans and Design Specification Layout Plans (DSLPL) are to be seen by fisheries groups for comment before MS-LOT approval. EW suggested that early engagement with local fishermen during the</p>	

		<p>design phase would be beneficial to identify best grounds from cable routing (ie, to help identify areas of hard ground/where cable can be easily buried).</p> <p>MM highlighted the need for projects to achieve approval of key consent plans before financial close. Plans could therefore present general principles for later development. MS need to be aware of this point.</p> <p>AK, is fish ecology considered in conditions? Yes, the PEMP also allows for monitoring of fish species.</p> <p>EW asked on behalf of a local fishing association rep if the now reduced number of turbines, but increased output of energy (via cables) had been considered in the PEMP in relation to any potential increased impact to stocks, eg could there potentially be a greater impact to lobsters in the area? It was noted that this was not considered in the PEMP and would not have an impact. It was added by PJ that St Abbs were currently looking at the impact of increased electrical/energy currents on lobsters. EMF is a consideration within the cable plan.</p> <p>RM, ICOL should have similar conditions to NnG.</p>	
8	Dropped object procedure/protocol and damage to gear template	<p>These need to be reported to MS via the DropOB1 Form. Policy also requires that licence holders report dropped object incidents to the local coastguard station as earliest opportunity.</p> <p>If dropped object is deemed a hazard, Developers will have to issue a NtM to tell all affected. The DROPOB1 form is intended for wide dissemination of information to relevant parties, including fishing interests.</p> <p>If item seen as a hazard, MS may require developers to provide a plan for recovery.</p>	
9	Contact database	<p>RS, ideally, FLO to get the database together and share between projects as not able to get the database from MS due to GDPR. SFF also cannot share this information but can contact all SFF affiliated members through SFF</p> <p>RH, A Kingfisher App coming out in May that can inform fishers of issues in the area.</p>	

		<p>JD, all fishermen look at find a fishingboat.com and this could be used to disseminate info, would need fishers agreement</p> <p>IM, give fishers an option to opt in for all future information.</p>	
10	Nominations of FIR's	<p>RS, asked if there were any suggestions/nominations for FIRs. It is anticipated that FIRs would cover all 3 projects</p> <p>PJ nominated by SR could cover Dunbar/East Lothian.</p> <p>Tom McKenzie was nominated to cover Fife</p> <p>Arbroath and Montrose, RH has been doing this but wants to find someone else, possibly Kevin Kelly?</p> <p>ST, need to see ToR</p> <p>A mechanism is needed to identify/approve FIRs. Developers to discuss potential mechanisms.</p> <p>EW, DFA have nominated Stevie Stanulis as a possible FIR for East Lothian but people in the room were not familiar with this person .</p>	<p>Developers to discuss potential mechanisms. for finding/approving FIRs.</p>
11	Project updates	<p>NB, Seagreen, forthcoming CFD round is a primary focus.</p> <p>2014 consent conditions currently being discharged, project might use fewer but larger turbines, through 2018 optimised application. Engineering design works are underway informed by outputs from ongoing offshore ground investigations. Appointment of Brown &amp; May Marine (BMM) as Company FLO was confirmed and accepted by the group. Jen Miller is named individual at BMM acting for Seagreen.</p> <p>Seagreen are also discussing monitoring requirements for ornithology, marine mammals, benthic and fish.</p> <p>PJ, studies going on looking at electrical effects on different species at St Abb's research station. Recommended interested parties to look at website.</p> <p>ST, any reason to change placement of turbines or cables?</p> <p>NB final WTG layout design still in progress. Target is to achieve 90% burial of cables. Ground conditions expected to be favourable for this.</p> <p>BK, ICOL update, similar time scales going for CFD this year, appoint marine engineers, finished SI on cable route, and going to finish on site this year, Pilling should take place 2021 18months to 2 years</p>	

		<p>construction. Cable burial likely to be better than expected, awaiting results of survey.</p> <p>AK, which discharge plans first?</p> <p>BK, Looking to discharge more complex plans first, ie the Piling Strategy (PS) and the PEMP and Construction Method Statement (CMS) , but will know more after CFD.</p> <p>RS, NnG, currently working on discharge of offshore consent conditions, foundation installation should be 2020, 2 years construction, April 2019 will continue with offshore surveys as there are gaps in data, also UXO and bolder clearance will be carried out, NtM and Kingfisher updates to be sent.</p> <p>MMu, Forthwind, no update at the moment.</p>	
12	FLOWW meeting update	<p>Crown Estate will retender for the FLOWW secretariat post, it was agreed at the last FLOWW meeting that the FLOWW 2014 best practice guidance should be reviewed.</p> <p>Draft cable best practice guidance in preparation. To be issued to main FLOWW group for review.</p> <p>Next FLOWW meeting will be March/April in London</p> <p>BB, provided updates on sectoral plan and decommissioning guidance that he outlined to FLOWW. BB presented the draft damage to gear claim form template to FLOWW, and the group agreed to take this under review and may be included in updated 2014 FLOWW guidance.</p> <p>JD queried whether something could be included in FLOWW in relation to benefits to communities, Discussion was not progressed as not a FLOWW forum.</p>	
13	Update Newsletter	<p>RS, This will be looked into and potentially made quarterly.</p> <p>Suggested content – project updates, supply chain information (eg meet the buyer events), contractors’ info (when available), community support information.</p> <p>Developers to discuss and take forward.</p>	Developers to discuss newsletter and take forward.
14	AOB	<p>AK, ScotMer Fish and Fisheries receptor group developed Evidence Map. Now setting up a internship programme to develop approaches to knowledge gaps. AK seeking volunteers for the projects selection panel and also looking for project suggestions. MS potentially organising a ScotMER Fish and Fisheries symposium, October 2019.</p>	

		<p>RH, do we need so many meetings attended by the same people? (eg Forth &amp; Tay CFWG, Moray Firth CFWG, BOWF). Need for meeting efficiency if they cannot be combined.</p> <p>BK, do meetings continue ad-indefinitum after development? There is the potential for meeting sizes to become unmanageable with new members added and no old members leaving.</p> <p>RM, CFWG will reach the end of its use once all problems are addressed. MS can take a view as to when developers no longer need to attend. New developers may come onto the group when other projects are consented.</p> <p>FG, when project is sold to OFTO, will the OFTO owner also need to join the group as they will take liability for export cable? The OFTO component of a development is not part of the Section 36, however, similar conditions maybe in the OFTO marine licence, which would then get transferred to the OFTO owner<sup>1</sup></p>	
15	Next Meeting Date	RS, the next meeting will be arranged for around September 2019.	

---

<sup>1</sup> Additional Text provided by RM, 16/04/2019-*The OFTO component of a development is not part of the s.36 but has a separate Marine Licence defining the assets ( generally the offshore substations and the export cables to shore).*

*Conditions similar to the s.36 are repeated in this Marine Licence which is currently held by the developer and would be assigned to the new owners.*

*The condition requiring membership of the CFWG is part of the Marine licence and new OFTO owners would be required to participate in the group. OFTO rules currently (consultation taking place to extend period) require sale within 18 months of construction, so in general the important point would be to agree how Operation and Maintenance would be carried out. I know for surveying and maintenance works of cables developers require static gear to be moved so there will be a need to build on contacts*