

Meeting Minutes



Meeting Title:	Forth and Tay Commercial Fisheries Working Group
Date/Time/Venue:	21 January 2020 / 10.00 – 13.00 Jury’s Inn Edinburgh
Issue Date:	10/02/2020
Attendees:	<p>Rosie Scurr, Claire Gilchrist (EDF Renewables – NnG project), Ben King, Fiona Milligan (Red Rock Power - Inch Cape project), Nick Brockie (SSE Renewables - Seagreen project), Louise Davis (SSE Renewables – Seagreen 2 & 3); Marc Murray (Cierco – Forthwind project), Charlie Whyte (W3G Marine – Kincardine project)</p> <p>Peter Berney (Natural Power – FLO to Inch Cape and NnG projects), Alex Winrow-Giffin, John Watt (BMM – Seagreen FLO); Fiona Nimmo (Poseidon – NnG consultant)</p> <p>Bruce Buchanan (CHAIR), Roger May, Kirsty Wright, Diane Buchanan (Marine Scotland)</p> <p>Femke de Boer (SWFPA); Malcolm Morrison, Andrew Third (SFF), Sandy Ritchie (Anglo-Scottish)</p> <p>John Swankie (Arbroath/Montrose - FIR), Billy Wood (Pittenweem FMA – FIR), Stevie Stanoulis (East Lothian/Borders - FIR)</p> <p>Andrew Whiston (St Andrews FA), Elaine Whyte (CIFA),</p>
Apologies:	Rhys Potter, Jim Watson (Marine Scotland); Sandra Turnbull (Under 10m Assoc.); Jack Dale (North Berwick FA), Jacqui Karakaya (CPSFA), Stephen Small (Pittenweem)
Minutes Produced by:	Alex Winrow-Giffin, Nick Brockie

Item	Agenda Item	Action	Due
1.0	<p><u>Welcome and introductions</u> All present introduced themselves and their affiliations.</p>		
2.0	<p><u>Matters Arising and Outstanding Actions</u> BB confirmed Chair of the group. BB confirmed that ToRs were agreed and adopted by CFWG members. BB thanked everyone for their contributions.</p> <p>Update on FIR ToRs requested – previous draft was in June 2019 but proposed that the ToR could be run through today and agreed, if time permitted. SR stated that the geographical areas should be confirmed alongside FIR nominees. RS stated that the lack of appointment was affecting communications and noted that three FIRs had been identified at the last meeting (JS, BW and SS). SR noted that he had also been put forward for the role and requested geographical areas were confirmed. BB queried if a specific number of FIRs was required. RM commented that there was no specific number and it was down to area, site and fishing activity. SR to cover Borders to Cove. SS to cover Cove to Port Seton. BW to cover Fife. JS to cover Arbroath to Montrose.</p>	<p>RS circulate FIR ToRs for comment.</p> <p>RS/NB/BK to organise FIR contracts</p>	

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	<p>NB, RS, BK confirmed that they had no objections to increasing number of FIRs to four. BB confirmed that the appointment of four FIRs had been confirmed.</p> <p>MMo requested that FIR start up meeting organised once FIR ToRs were finalised, to run through roles and responsibilities.</p> <p>DB requested the RIFG be kept informed on FIR communications with fishermen</p> <p>RS queried whether anyone would no longer come to meetings following confirmation of FIRs to try and limit meeting size. NB noted it was anticipated that attendees would be reduced.</p> <p>AW stated he would stop attending if the FIRs were present. EW will continue to attend meetings as representative of CIFA, who are a national body. RS noted that any additional attendees would have to be considered through the chair as it is not desirable for the group to become excessively large.</p>	<p>RS/NB/BK to plan FIR workshop</p> <p>RS provide FIR contact details to DB</p>	
3.0	<p><u>Project updates</u></p> <p>Neart na Gaoithe - RS introduced Claire Gilchrist who would be taking over commercial fisheries for NnG. Onshore construction started October 2019. Offshore pre-construction surveys currently underway. Offshore construction start in May 2020. Target completion and commissioning in Q3 2022. SR queried where the main construction base would be. RS confirmed that Eyemouth was the preferred bidder for the O&M base and Dundee for construction. MMo queried if the recent announcement on supply chain commitments in Scotland applied. FM noted that this was for future projects</p> <p>Seagreen update - NB CfD success, therefore moving to delivery of the Alpha & Bravo projects. Tier 1 contractors still to be confirmed. O&M base identified as Montrose. On site activity in 2020 will be pre-construction surveys works in the wind farm site and export cable corridor. Export cable landfall works commencing in Q4 2020 and full offshore construction start Q2 2021. Target final commissioning by end 2023</p> <p>Seagreen 2&3 update - LD. Planning geotech surveys in June 2020 RM stated that the key thing is ensuring a good notice period for surveys. LD stated that they had taken that on board from previous surveys. DB had received direct feedback from fishermen on lack of notice. BB noted that disseminating information to fishermen would be a key role for FIRs as well. LD noted contracts were being placed earlier to improve notice period.</p> <p>Inch Cape – BK Unsuccessful in CfD so next steps uncertain at present. Seeking alternative options to proceed and aiming to achieve generation in 2023. This would imply construction start in 2021. No works currently planned in 2020. MMo queried when next round of CfD would be. BK stated that its roughly every two years, so 2021.</p> <p>Kincardine - CW</p>	<p>LD provide update slide with minutes</p>	

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	<p>Reduced mooring footprint to be used. WTGs and cables installation summer 2020 and commissioning by end of year.</p> <p>Forthwind - MMu CfD successful but project on hold until clarity on outcome of judicial review</p>		
4.0	<p><u>Presentation by SWFPA/SFF</u></p> <p>FDB gave presentation on wind farms from fishermen’s perspective:</p> <ul style="list-style-type: none"> • Reviewed ToR • CFWG objectives • Fishermen’s perspective • What could have gone better • Problems encountered pre-con, during con and post-con <p>BB stated that the final slide “Points for discussion” was a good start for discussion of issues.</p> <p>There was discussion of what is meant by displacement. FDB stated that fishermen are displaced if they have to fish someplace else. FM noted that there should be acknowledgement that developers are told that fishing can take place anywhere as well as that fishermen can only work in highly specific areas.</p> <p>EW noted that there were other factors around displacement, including effects on other fishermen being squeezed. AW stated that his vessel’s max speed was 6 mph. Increased steaming time was of particular concern to his members. JS stated that while they could fish elsewhere, it would not always be profitable. DB noted that the general principle that underlines fishing licenses is a right to fish. That right does not extend to defined fishing areas.</p> <p>MMo stated that there were different levels of displacement depending on value of grounds e.g. key grounds against occasional grounds. There is also a dependence on fishing type, eg creels, scallops, nephrops, etc. Most vessels are species specific. MMo observed that positions seemed defensive from both sides. Honest conversations were needed to determine the best approach to identify displacement from key grounds.</p> <p>FDB stated that environmental effects of wind farms were still unknown e.g. how does it affect grounds and fish stocks. FDB stated that there are as many papers that show no effect as there are that do and queried why there is no better survey data over a several year period. BK noted that this may be a legacy issue of early OWFs not carrying out surveys.</p> <p>RM noted that consent conditions are area and species specific, and that monitoring was easier further offshore where VMS was more reflective of fishing activity, which links to catch amounts and species through the E-Log systems. FDB stated that it was frustrating that such studies have not been carried out. RM stated that MSS and ScotMer had to ensure that the science they were undertaking was useful and appropriate.</p> <p>MMo noted that the assessments were based on landings statistics but that this baseline was shifted for every development. NB stated that he felt the line was blurring between impacts on fisheries and ecosystem wide effects. The EIA process involves a detailed assessment on ecosystem impacts and has gone through the regulatory process. NB also noted that BOWL had a consent condition for pre and post-construction surveys for</p>		

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	<p>cod, herring and sandeel and that there was ongoing long term monitoring of various species undertaken by MSS.</p> <p>MMo stated the view that scallop surveys should have been required as that is the key fishery in BOWL. RM noted that the consent conditions for cod, herring and sandeel were in relation to the natural fish assessment not commercial fishing. RM stated that the Marine Scotland Science survey locations of the long term monitoring programmes would not always align with wind farm locations or be at a scale relevant to commercial fisheries.</p> <p>EW stated that fishing activity maps may not always reflect the background of the area, for example, in local areas fishermen will sometimes not fish some areas at some times to preserve stocks. EW noted that the consenting and licensing process only seems to look at fishing access to sites through safe navigation, and not through safety for fishermen towing gear in areas where there are cables.</p> <p>RM stated that overtrawlability is on regulators minds and that in FLOWW guidance it states that scallopers should not be going over rock armouring. MMo stated that there would not be a fishery left if rock armour was put down.</p> <p>FDB stated that she thinks the ecological effects have a direct influence on commercial fishing. BB queried if the fishing industry was looking for information on if the wind farm sites acted as protected areas. MMo stated that there was a knowledge gap and that the Barrow in Furness report said that fishing has not returned several years later. RS stated that there were several other factors that influenced the report findings. NB stated that the report had been reviewed multiple times and it was disingenuous to make such a statement without going into the details of the findings.</p> <p>KW noted that the ScotMer Fish and Fisheries group evidence gaps had been issued in 2016 and was currently being updated. BB noted that ScotMer has no direct funding for research but had been successful in securing wider Scottish Government funding over the last couple of years. There is also some enabling action money through TCE that can be applied to fishing sector. DB queried if Crown Estate Scotland had any equivalent funding.</p> <p>NB noted that it is important that developers are kept informed of relevant ScotMer discussions. BB queried what part the developers could play in this. MMo stated that there are six separate working groups under ScotMer and Scottish Renewables sits on all of them. BB suggested that 1 representative from the F&T and MR CFWGs sit on the ScotMer fish and fisheries group.</p> <p>MMo commented that the first place to start will be the next consenting round to establish better survey programmes and ensure fishing activity is considered in wind farm siting. RM stated that commercial fishing activity was part of the GIS mapping exercise to identify lease sites however it is unknown what weighting fishing was given. FDB commented that VMS does not give the whole picture. RM agreed that given VMS position reports are every 2 hours that the spatial data is not as spatially rich as plotter data but VMS data is linked to catch which is important.</p>	<p>ALL: Provide Evidence Map suggestions to KW.</p> <p>BB: contact Mandy King re TCE funding</p> <p>MMo: contact Annie Breaden re CES funding</p> <p>Developers: identify F&T group rep.</p>	

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	<p>LD queried how could baseline be improved by developers. MMo stated that talking to fishermen was the best way. MMo also noted that consistent responses from the fishing industry was important and that the SFF issue updates to their 450 members and will often just get a response from 6 members.</p> <p>There was further discussion on possible ways to improve communications with fishermen. BW urged developers to take on board fishermen’s local knowledge, eg on cable routes. MMo recommended 1 to 1 conversations with fishermen, rather than group meetings eg in harbour or on quayside rather than meetings. In this respect, DB highlighted that MS are working on more robust procedures for communication, especially with RIFGs. EW raised the specific issue of communications around surveys and also the practicalities of disruption payments.</p> <p>FDB stated that post-construction surveys were very important for members. There was interest in when they were programmed as there are implications for resumption of fishing and displacement. RS noted that static gear agreements would be in place until the fishermen were notified that construction works and surveys were completed. BB queried if this meant fishing vessels could return to fishing there. RM stated that it was dependent on overtrawlability and type of fishing. He noted that Moray East had reported that squid vessels had been fishing between piles last summer. AT queried whether this was the case.</p> <p>FDB stated that there was the OGUK compensation fund and in England the West of Morecombe Bay fund had been established with fishermen applying for support of specific projects. MMo stated the view that the primary community affected by an offshore wind farm is the fishing community.</p> <p>FDB stated that they took some fishermen out to Hywind. The turbines are intimidating and the fishermen are scared to go in. Developers need to prove to fishermen that they can fish within wind farms. JS stated that fishing gear had been trialled over pipelines several years ago. MMo stated that in that instance chain mats had been used.</p> <p>FM queried if fishermen were requesting a fund in order to modify their fishing equipment or invest in new types of fishing methods to fish in wind farms. FDB stated that was not the case and that fishermen expected the developers to modify their wind farm designs to maximise fishing, for example, wider spacing between turbines would help fishing continue. It was acknowledged that developers are limited to building within the lease area.</p> <p>EW noted that an economic model was needed where local data is missing, observing that the resilience of small local fleets is low.</p> <p>BB summarised that FDB is suggesting a fund that is there to help general fishing industry and queried if there was something that the developers can help with. RM commented that consultation had taken place through the winter on offshore community benefit. RS stated that this is a separate issue from disruption payments and is not included in the FMMS, which describes mitigation.</p> <p>FDB stated that in some instances there might be a preference for a benefit fund over individual payments to mobile fishermen. RS asked how</p>	<p>BB: Contact Lauren Frew on status of Scottish offshore wind guidance</p>	

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	<p>developers identify who qualifies for a disruption payment – those who are directly affected or those that potentially could be affected - and queried who the fund recipients should be if paying individuals to clear static gear. BK queried if fishing industry had a preference. MMo stated the view that there should be both a general payment and individual payments. FDB and MM had been working on a paper regarding mitigation and promised to circulate it to send it out to the CFWG after agreeing with the fishing representatives.</p> <p>FIRs (BW/SR/SS/JS) could not come to a consensus to a better way to administer individual payments. FDB suggested safety equipment was a good example of what the community fund could be used for. NB agreed that the community fund should be kept separate from the individual payments for gear clearance with dialogue ongoing on what could work. DB queried if there would be opportunity to make clearance payments more transparent. NB/RS/FM stated that these were based on confidential information so that would not be possible. MMo and FIRs agreed.</p> <p><u>SFF Mitigation Paper</u></p> <p>MMo summarised key points on what they felt was required to work with the fishing industry:</p> <ul style="list-style-type: none"> • Cable burial data • Ecosystem disturbance/effect • Monitoring and mitigation • Construction traffic and O&M traffic • CTV skippers with little qualifications • Compensated for exclusion from safety areas and all surveys at sea • FIRs attending meetings <p>MMo noted satisfaction that creelers were being paid for gear clearance but feel that the mobile inshore fleet should be compensated too. SFF have made that point to politicians. MMo stated that If fishing can continue there is no issue but if it can't then someone has to pay. MMo highlighted that the guidance for onshore wind project community benefit schemes recommended a level of £5,000/MW. MMo argued that the commercial supply chain has been claimed as mitigation for the area but that has not happened either.</p> <p>SR stated fishermen were being squeezed in some harbours due to offshore wind vessels and that compensation should also go to fishermen struggling for access to harbours. RS stated that as part of the upgrades proposed by NNG in relation to O&M, a new pontoon is to be built in Eyemouth, and hopefully this would mean the amount of berths available to fishermen would not reduce. SR stated that that there were too many pontoons already and it was making it difficult to manoeuvre around the harbour.</p> <p>RM stated that disruption payments process for NNG is established with static gear fishermen in wind farm and work in progress for the export cable corridor. The evidence requirements for a cooperation agreement are set out in FMMS. NNG are not excluding any type of fishing as long as evidence can be provided</p> <p>EW stated it was important that it is a fair process for everyone and noted that the evidence gathering process can take significant time. SS stated that the 60 day payment terms was problematic for smaller scale</p>	<p>FDB to circulate paper on mitigation to the CFWG after agreeing it with the fishing representatives.</p>	

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	fishermen. RS stated that the FIR could help coordinate evidence gathering and administration of payments.		
5.0	<p><u>FMMS updates</u> NNG FMMS has been submitted to MSLOT. RS stated that they had received stakeholder comments via MS, to be discussed after the meeting. MMo stated that nothing can be agreed until the FIRs have reviewed and discussed the proposed amendments to the FMMS with their members.</p> <p>NB stated that the Seagreen FMMS was in preparation and once it had reached the appropriate stage it would be submitted to MS, likely in the next few weeks rather than months.</p> <p>DB requested that these documents are shared with the RIFG. RS stated that NNG's FMMS has already been through consultation. BB queried if it was appropriate for future iterations to go via RIFG.</p> <p>RM stated that the FMMS was a live document and will change as it goes on and is updated. Developers state within it what they are going to do, in line with FLOWW guidance.</p>	<p>FIRs: To respond on NNG FMMS amendments.</p>	
6.0	<p><u>MS Update</u> FMMS Guidance RM confirmed that formal consultation on the draft FMMS guidance would commence in February. Individual feedback would be provided to those who had commented previously. It was hoped there would be good response from fisheries consultees, in particular smaller fishermen. RM stated they are not looking for further comment from developers.</p> <p>MS-LOT wants developers to put down their methods for cooperation agreements as links to FLOWW guidance, however FLOWW guidance needs updating.</p> <p>MS-LOT confirmed the guidance will also be sent to IFGs and FLOWW for review.</p> <p>Inshore DB stated that Scottish Govt. is rolling out vessel tracking and monitoring for all vessels to address the data gap for <10m vessels. Tracking system and monitoring would be proportionate and appropriate. The procurement is nearly complete with installation planned over 12-18 months. This will enable provision of data on inshore fishing activity. Issues around data management procedures and anonymisation and aggregation of data are still being developed..</p> <p>Bringing Sectors Together Meetings BB queried if the BTOWFFT meeting was required now the CFWGs were up and running again. The last one was cancelled at very short notice due to lack of fishing attendees. RS commented that with better representation by MS at CFWG meetings an additional Dundee meeting was not required. MMo agreed that the Dundee meeting was not really required now. NB stated that the various updates received from MS at the Dundee meeting were valuable and that there was not currently opportunity for that at the CFWG meeting. BB suggested this could be addressed by extending CFWG meetings. DB suggested a national forum could be useful, potentially</p>	<p>BB: request views of Dundee meeting at next CFWG.</p>	

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	<p>annually. BB suggested judging this on the progress made by the CFWGs. Decision to be taken following next CFWG meeting.</p> <p>FLOWW BB was unable to provide clarity on date for the next FLOWW meeting. It was understood that an update of the FLOWW Fisheries Liaison Guidance was proposed and TCE are investigating a third party to coordinate this. The availability of the TCE enabling fund for potential fisheries related studies was highlighted again.</p>		
7.0	<p><u>AOB</u> BB referred to an email that had been passed to him via Annie Breaden (CES) regarding ropeless creels a potential marine mammal mitigation and potentially a method to allow survey work to progress without the need for removing creels. Acoustic releases are used to hold the buoy marker on the seabed until the fisherman wanted to haul it. FIRs unanimously thought that this was not a viable option to reduce interaction. NB stated that acoustic releases are used for the scientific monitoring equipment but couldn't see how it would be cost effective for commercial fishing. AW agreed that the commercial units were good but that the tech does not work well on the cheap back engineered options. RM stated that there would be concerns regarding mobile gear towing away creels as there would be no gear markers in the area showing their presence. MMo stated that the trials in the USA had not gone well.</p> <p>BB requested including a summary action table at the end of the minutes and suggested that once any actions were closed out AWG and BB to be emailed so the table can be updated.</p> <p>BB requested that a draft agenda needs to be sent out in good time prior to meetings to allow for discussed of items. Those proposed for the next agenda include: MS FMMS guidance, developers presentation on potential fishing industry improvements.</p>	<p>AWG: Include summary table in minutes</p>	
8.0	<p><u>Date of next meeting</u> BB suggested next meeting in June 2020 to avoid holiday period. Also suggested the meeting be increased to 3 hours to allow sufficient time for discussions and for MS updates. All agreed best location was still Edinburgh, but other locations could be considered in future.</p> <p>NNG to provide the secretariat function at the next meeting. RS stated that she would send out the meeting invite with a Doodlepoll to find mutually agreeable dates.</p> <p>RM queried when the NNG FMMS would be reviewed and if it would occur before the next CFWG meeting in June 2020. RS stated that it would be more appropriate to agree the FMMS prior to the next meeting.</p> <p>Developers to prepare presentation on experience of working with fishing industry to discuss at next meeting.</p>	<p>RS: Issue Doodlepoll for next meeting in June.</p>	

SUMMARY OF ACTIONS

No.1	ACTION	Responsibility	Status
1	FIR ToRs to be circulated for CFWG members to provide comments	RS	
2	Organise FIR contracts	RS/NB/BK	
3	FIR workshop to be planned once ToRs agreed	Next meeting	
4	Provide FIR contact details to Diane Buchanan (MS)	RS	
5	Provide Seagreen 2/3 update with the minutes.	LD	
6	Provide suggestions for evidence gaps to Kirsty Wright (MS).	ALL	
7	Contact Mandy King (TCE) about enabling actions funding	BB	
8	Contact Annie Breaden re CES funding	MMo	
9	Consider who could represent the F&T group on ScotMer F&F expert group	DEVELOPERS	
10	Contact Lauren Frew on status of Scottish offshore wind guidance Update on 25 Feb 2020 – <i>The SG consulted on our Good Practice Principles for Community Benefits from Offshore Renewable Energy Developments over the Winter of 2018/2019. The consultation closed and responses were analysed. The SG are currently in the process of revising the guidance and plan to meet with relevant stakeholders to ensure they are content ahead of its final publication.</i>	BB	
11	FIRs: To respond on NNG FMMS amendments.	SR, SS, WW, JS	
12	Ask CFWG members views of Dundee meeting at next meeting	BB	
13	FDB to circulate paper on mitigation to the CFWG after agreeing it with the fishing representatives.	FDB	
14	Produce and update summary table of actions from minutes.	Next meeting	Complete
154	Issue doodlepoll for next meeting in Edinburgh in June (to be for 3 hours, not inc fisheries pre-meet).	RS	
165	Developers to prepare presentation on experience of working with fishing industry to discuss at next meeting.	DEVELOPERS	