MORAY EAST
OFFSHORE WINDFARM

Commercial Fisheries Mitigation Strategy

Wind Farm and Offshore Transmission Infrastructure

January 2022

Moray Offshore Windfarm (East) Limited

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List of Abbreviations

AIS	Automatic Identification System
BOWL	Beatrice Offshore Windfarm Limited
CaP	Cable Plan
CBRA	Cable Burial Risk Assessment
CFLO	Company Fisheries Liaison Officer
CFMS	Commercial Fisheries Mitigation Strategy
CMS	Construction Method Statement
COLREGS	International Regulations for the Prevention of Collisions at Sea
CoP	Construction Programme
DSLP	Development Specification and Layout Plan
EMP	Environmental Management Plan
ES	Environmental Statement
FIP	Fisheries Improvement Plan
FIR	Fishing Industry Representative
FLO	Fisheries Liaison Officer
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FMMS	Fisheries Management and Mitigation Strategy
HDD	Horizontal Directional Drilling
HVDC	High Voltage Direct Current
IMO	International Maritime Organization
km	Kilometre
LMP	Lighting and Marking Plan
m	Metre
MCA	Maritime and Coastguard Agency
MCC	Marine Coordination Centre
MFCFWG	Moray Firth Commercial Fisheries Working Group
MFOWDG-CFWG	Moray Firth Offshore Wind Developers' Group – Commercial Fisheries Working Group
MORL	Moray Offshore Renewables Ltd
MSC	Marine Stewardship Council
MS-LOT	Marine Scotland Licensing Operations Team
MW	Megawatt
NSP	Navigational Safety Plan
NtM	Notice to Mariners
OFLO	Offshore Fisheries Liaison Officer
OfTI	Offshore Transmission Infrastructure

OFTO	Offshore Transmission Owner
OREI	Offshore Renewable Energy Installation
OSP	Offshore Substation Platform
PEMP	Project Environmental Monitoring Programme
SFF	Scottish Fishermen's Federation
SHET	Scottish Hydro Electric Transmission plc
SWFPA	Scottish Whitefish Producers Association
TI	Transmission Infrastructure
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VMP	Vessel Management Plan
WNOO	Weekly Notice of Operations
WTG	Wind Turbine Generator
XCFMS	Export Cable Commercial Fisheries Mitigation Strategy

Definitions

The following definitions have been used throughout this document with respect to the company, the consented wind farms and how these definitions have changed since submission of the Moray East Environmental Statement (ES) in 2012 and the Moray East Modified Transmission Infrastructure ES in 2014.

- **Moray Offshore Windfarm (East) Limited (hereinafter referred to as Moray East and formerly known as Moray Offshore Renewables Limited)** – the legal entity submitting this Commercial Fisheries Mitigation Strategy (CFMS);
- **Moray East Offshore Wind Farm** - the wind farm to be developed in the Moray East site (also referred as the Wind Farm);
- **The Moray East site** - the area in which the Moray East Offshore Wind Farm will be located. Section 36 Consents and associated Marine Licences to develop and operate up to three generating stations on the Moray East site were granted in March 2014. At that time the Moray East site was known as the "Eastern Development Area" and was made up of three sites known as the Telford, Stevenson and MacColl offshore wind farm sites; The Section 36 Consents and Marine Licences (set out in Appendix 1) were subsequently varied in March 2018; , with the Marine Licences additionally varied in July 2019, April 2020 and October (MacColl), November (Telford & Stevenson) 2020;
- **Telford, Stevenson and MacColl wind farms** – these names refer to the three consented offshore wind farm sites located within the Moray East site;
- **Transmission Infrastructure (TI)** - includes both offshore and onshore electricity transmission infrastructure for the consented Telford, Stevenson and MacColl wind farms. Includes connection to the national electricity transmission system near New Deer in Aberdeenshire encompassing AC offshore substation platforms (OSPs), AC OSP interconnector cables, AC export cables offshore to landfall point at Inverboyndie continuing onshore to the AC collector station (onshore substation) and the additional regional Transmission Operator substation near New Deer. A Marine Licence for the offshore TI was granted in September 2014 and a further Marine Licence for two additional distributed OSPs was granted in September 2017 (see Appendix 1 for full details);
- **Offshore Transmission Infrastructure (OfTI)** – the offshore elements of the transmission infrastructure, comprising AC OSPs, OSP inter-connector cables and AC export cables offshore to landfall (for the avoidance of doubts some elements of the OfTI will be installed in the Moray East site);
- **Moray East ES 2012** – The ES for the Telford, Stevenson and MacColl wind farms and Associated Transmission Infrastructure, submitted August 2012;
- **Moray East Modified TI ES 2014** – the ES for the TI works in respect to the Telford, Stevenson and MacColl wind farms, submitted June 2014;
- **The Development** – the Moray East Offshore Wind Farm and Offshore Transmission Infrastructure (OfTI) as shown on Figure 1-1;
- **Design Envelope** - the range of design parameters used to inform the assessment of impacts; and
- **OfTI Corridor** – the export cable route corridor, i.e. the OfTI area as assessed in the Moray East Modified TI ES 2014 excluding the Moray East site.

Executive Summary

In 2013 Moray East agreed a draft Commercial Fisheries Mitigation Strategy (CFMS) with the Scottish Fishermen's Federation (SFF) in consultation with Marine Scotland which was incorporated into Condition 31 of each of the Section 36 consents for the Telford, Stevenson and MacColl Offshore Wind Farms. In 2014 Moray East further agreed a draft Export Cable Route CFMS (XCFMS) with the SFF in consultation with Marine Scotland in respect of the Moray East Offshore Transmission Infrastructure (OfTI) which was granted a Marine Licence in September 2014. The Moray East XCFMS was incorporated in Condition 3.2.1.4 of the OfTI Marine Licence.

Since receiving its offshore consents Moray East has finalised the design of the Moray East Offshore Wind Farm and associated OfTI. It has continued to engage with commercial fisheries in the Moray Firth as well as the SFF. Moray East submitted pre-construction plans for the approval of the Scottish Ministers relating to many aspects of the commitments made in the draft CFMS and XCFMS. A previous version of this document issued in July 2019 was commented on by the SFF and this version of the document has been updated to include changes in response to those comments where changes were agreed to be required with MS-LOT. This document is the final CFMS and XCFMS for the Moray East Wind Farm and OfTI. It sets out the original commercial fisheries issues raised during the consent applications and demonstrates how the commitments made by Moray East to address these have been developed through the detailed project design since the consents were granted. These commitments together with mitigation which will apply for the lifetime of the wind farm are embedded through its physical design and established communications protocol. This is set out in the document to form the Moray East mitigation strategy for those commercial fisheries in the Moray Firth which could be affected by the construction and operation of the Moray East Offshore Windfarm and associated transmission infrastructure.

For further details regarding compliance with the Environmental Statements (ESs) please see Appendix 1. Relevant roles and responsibilities (including the Company Fisheries Liaison Officer (CFLO) are also set out in this document (section 3). This CFMS and XCFMS also sets out engagement which has been undertaken since 2014 which has shaped the final CFMS and XCFMS (Appendix 6).

Moray East has elected to include the following additional commitments: (1) Cooperation Payments Methodologies (Appendix 2); (2) Code of Good Practice for Contracted Vessels (Appendix 3); (3) Indicative Shelter Areas and Transit Routes (2020) (Appendix 4) from the ports in the Moray Firth that are expected to be used in construction; (4) Loss of or Damage to Fishing Gear Claim Procedure (Appendix 5); and (5) Commercial Fisheries Guidance Standard Operating Procedures (Appendix 8). In Appendix 4 the indicative transit routes relate to construction activities due to be carried out during 2020 (completion of piling within the wind farm, export cable installation, inter-array cable installation and jacket installation). These routes remain unchanged from those used in 2019, which were developed in consultation with commercial fisheries in the Moray Firth and with the Moray East contractors.

1 Introduction

1.1 The Development

Section 36 consents and marine licences were granted in 2014 for the construction and operation of three offshore wind farms (Telford, Stevenson and MacColl) within the Moray East site. Marine Licences for the three offshore wind farms were granted in September 2014. In 2014 and 2017 marine licences were granted for the associated Offshore Transmission Infrastructure (OfTI).

The Moray East Offshore Windfarm Development (the Development) is located in the outer Moray Firth more than 22 km from shore at its closest point. The Development will consist of 100 wind turbine generators (WTGs), 3 offshore substation platforms (OSPs), inter-array and interconnector cable circuits within the Wind Farm site, and 3 offshore export cable circuits. The 3 export cable circuits run from the Moray East site to a landfall location in Boyndie Bay on the Aberdeenshire Coast. Figure 1-1 below shows the location of the Development.

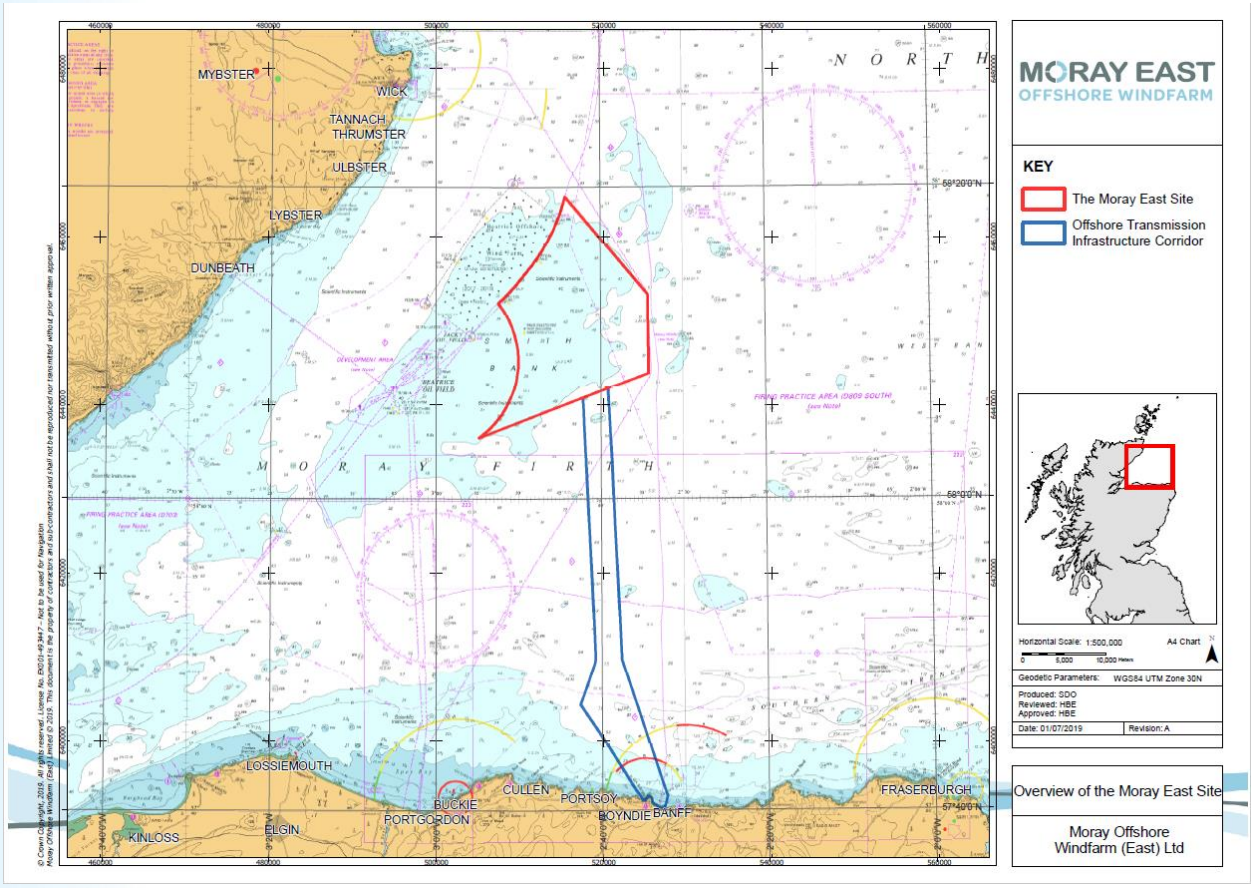


Figure 1-1 Overview of the Moray East Site

Moray East is a joint venture partnership between OceanWinds, Engie, Diamond Generating and China Three Gorges and has been established to develop, finance, construct, operate, maintain and decommission the Moray East Offshore Wind Farm. Following the export of electricity from the wind farm the OfTI will be transferred to an Offshore Transmission Owner (OFTO), thereafter the OFTO will be responsible for the operation, maintenance and decommissioning of the OfTI.

The consents require Moray East to submit for approval by the Scottish Ministers a Commercial Fisheries Mitigation Strategies for both the wind farm (called the CFMS) and the OfTI (referred to as the XCFMS). Moray East has developed this single document to set out its commitments for the Development as a whole in respect of the commercial fisheries in the Moray Firth that are affected by the construction and/or the operation of the Moray East Wind Farm and OfTI.

If you have any fisheries related queries regarding the Development then please contact the Moray East Company Fisheries Liaison Officer (CFLO) (see Appendix 7 for contact details).

1.2 Wind Farm CFMS and XCFMS Structure

For ease of reference on where to find specific information throughout this document, please refer to Table 1-1 below.

Table 1-1: CFMS and XCFMS Overview

Section	Topic	Information provided
1	Background	Background to the Development, requirements for CFMS and XCFMS submission and cross-references to other Moray East consents plans.
2	Statements of Compliance	Statements of compliance relevant to this CFMS and XCFMS.
3	Roles and Responsibilities	This section details roles and responsibilities of key personnel including the CFLO, FIRs and OFLOs.
4	Mitigation Strategy	This section details Moray East's approach to commercial fisheries mitigation and presents the commercial fisheries mitigation strategy, summarising final project design, setting out the Moray East communications protocol (detailing lines of communication and methods of communication with the fishing industry) and presenting the updated commitments from 2014.
Appendix 1	Regulatory Information	Details the Section 36 consents and marine licences relevant to the development; where the consent condition requirements are met under this document and sets out the linkages between the CFMS and XCFMS and other plans which have been approved under the consent conditions. It also sets out the ES commitments relevant to commercial fisheries and where further details can be found within this document.
Appendix 2	Cooperation Payment Methodology	Details of the procedure applicable in the event that during construction Moray East 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
Appendix 3	Code of Good Practice for vessels	Details a Code of Practice relevant to Moray East vessels, aiming to facilitate coexistence with the fishing industry.
Appendix 4	Indicative Transit Routes to Site	Details of transit routes for the construction works.
Appendix 5	Loss of or Damage to Fishing Gear Claim Procedure	Details of the procedure applicable in the event a commercial fisherman claiming loss or damages to fishing gear as a result of the Development.
Appendix 6	Commercial Fisheries Engagement	Summary of previous engagement undertaken with the fishing industry post-consent.
Appendix 7	CFLO Contact Details	Contact details of the Moray East CFLO.

Section	Topic	Information provided
Appendix 8	Commercial Fisheries Guidance and Standard Operating Procedures	Describes the fisheries practices that are undertaken in the vicinity of the windfarm and the export cable and the key seasons of such fishing; the potential interactions that Moray East vessels may have with commercial fishing vessels, their crew and fishing gear; and the key steps required when such an interaction occurs.

1.3 Objectives of this Document

The section 36 consents and OfTI marine licences contain a variety of conditions that must be discharged through approval by the Scottish Ministers. Two such requirements are the approval by the Scottish Ministers of a final Commercial Fisheries Mitigation Strategy (CFMS) and an Export Cable Commercial Fisheries Mitigation Strategy (XCFMS) having been agreed with the Scottish Fishermen's Federation (SFF) in consultation with MS-LOT in 2013 and 2014 respectively and referred to in the consent conditions. In 2019 an updated CFMS and XCFMS was prepared as an update to those previously agreed documents to satisfy the requirements of the Section 36 Consents and OfTI Licences. This further 2020 update has been prepared to respond to SFF and MS-LOT comments received on the 2019 document, to include updated 2020 and 2021 transit routes, shelter areas and Commercial Fisheries Guidance Standard Operating Procedures.

The detailed conditions setting out the requirement for a CFMS and XCFMS for approval are set out in full in Table A-1 in Appendix 1.

In advance of new construction activities commencing in 2020 and beyond (e.g. export cable installation, inter-array cable installation, jacket installation, OSP topsides installation, WTG installation, and commissioning), this CFMS and XCFMS has been reviewed to take into account the planned activities including indicative transit routes and any refuge areas that may be required for future construction activities (see Appendix 4). A review (and update if required) will be undertaken for 2021 construction activities if the transit routes to be used differ significantly from those described.

1.4 Links to other Moray East consent plans

This CFMS and XCFMS document sets out the proposed mitigation strategy relevant to commercial fisheries for the Wind Farm and the OfTI. However, ultimately it will form part of a suite of consent plans that will provide the framework for the construction process.

This document summarises the concerns previously expressed in relation to commercial fisheries and how these have been taken into account in the project design. Though being addressed in the project design, much of the detail of such mitigation is presented in the other plans named in the relevant consents and clearly signposted in this document. Note that other relevant consent plans are cross-referenced as appropriate in this CFMS and XCFMS document but the detail from those other plans is not repeated here.

The relevant plans which link to the CFMS and the XCFMS are:

- The Construction Programme and Construction Method Statement (the CoP and CMS document) which sets out the programme of the key works for the Wind Farm and OfTI and details the construction methods that will be used;
- The Development Specification and Layout Plan (DSLP) which describes the design and layout of the Development;

- The Wind Farm and OfTI Cable Plans (CaPs) which set out the cable circuits' design and layout, cable installation and protection methodologies, details of post-installation surveys and present the Cable Burial Risk Assessment for the Wind Farm and OfTI components respectively;
- The Vessel Management Plan (VMP) and Navigational Safety Plan (NSP) which set out the types and number of vessels, vessel management and navigational safety measures applicable to the construction and operation and maintenance phases of the Development;
- The Lighting and Marking Plan (LMP) which sets out the marine and aviation navigational lighting and marking measures to be applied during the construction and operation of the Moray East site;
- The Safety Zones Application which outlines the types of safety zone which are being applied for and provides a summary of the various infrastructure and works which shall be undertaken whilst safety zones are in place; and
- The Decommissioning Programme (DP) which sets out the Development elements to be decommissioned and proposed measures considering relevant best practice at the time of writing.

The linkages between this CFMS and XCFMS document with other consent plans, are detailed in Table A-2 of Appendix 1.

1.5 Additional Commitments by Moray East

Over and above the commitments made in the 2014 CFMS and XCFMS Moray East has elected to include further commitments which are discussed in Section 4 below and set out in detail in the following appendices:

1. Cooperation Payments Methodologies (Appendix 2);
2. Code of Good Practice for Contracted Vessels (Appendix 3);
3. Indicative Transit Routes (Appendix 4) from the ports in the Moray Firth that will be used in construction; and
4. Loss of or Damage to Fishing Gear Claim Procedure (Appendix 5)

In relation to Appendix 4 the indicative transit routes relate to construction activities due to be carried out during 2020 (piling within the wind farm, export cable installation, inter-array cable installation and jacket installation). These have been developed in consultation with commercial fisheries in the Moray Firth and with the Moray East contractors. A review (and update if required) will be undertaken for 2021 construction activities if the transit routes to be used differ significantly from those described.

2 Statements of Compliance

Moray East in undertaking the construction of the Development and the operation of the Wind Farm, along with the OFTO operating the transmission infrastructure, will ensure compliance with this CFMS and XCFMS and appendices as approved by the Scottish Ministers.

Moray East in undertaking the construction of the Development and thereafter Moray East and the owner of the transmission assets during operation of the Development will require compliance with other relevant consent condition plans as approved by the Scottish Ministers and identified in Section 1.4 above.

Moray East in undertaking the construction of the Development and thereafter Moray East and the owner of the transmission assets during operation of the Development will ensure compliance with the limits defined by the original applications for the Section 36 consents and marine licences for the Development (including the project descriptions defined in the Moray East ES 2012, Modified TI ES 2014 and OSP Marine Licence application documents 2017) referred to in Annex 1 of the Section 36 consents and Part 2 of the marine licences for the OfTI and in so far as they apply to this CFMS and XCFMS (unless otherwise approved in advance by the Scottish Ministers).

3 Roles and Responsibilities

The below table details the roles and responsibilities Moray East and its contractors, as far as relevant to this CFMS and XCFMS.

Table 3-1: Roles and responsibilities of key agents during construction

Role	Responsibility
Moray East	Moray East has overall responsibility for the CFMS and XCFMS and compliance
Moray East Project Director	Approval of the CFMS and XCFMS; and Responsible for requiring that sufficient resources and processes are in place to deliver / comply with the CFMS and XCFMS.
Moray East Construction Director	Approval of the CFMS and XCFMS; Responsibility for ensuring requirements of CFMS and XCFMS are cascaded to Principal Contractor and Contractors; Addressing any Principal Contractor and Contractor non-compliance; and Responsibility for ensuring management arrangements are in place for Principal Contractor and Contractors appointed.
Moray East Development Team	Liaising with Company Fisheries Liaison Officer and Fishing Industry Representatives; Facilitating any updates to the CFMS and XCFMS; and Where necessary supporting reporting to MS-LOT on compliance with the CFMS and XCFMS.
Moray East Ecological / Environmental Clerk of Works (ECoW)	Review of the CFMS and XCFMS; Provide advice to Moray East on compliance with consent conditions; and Where necessary reporting to MS-LOT on compliance with the CFMS and XCFMS.
Construction Site Manager	Reporting to the Construction Director responsible for the site management of the works.
Marine Coordinator	Coordinate all activities at offshore sites including vessel and personnel movements and site surveillance.
Principal Contractors, Contractors, Sub-contractors	Co-operate with the fishing industry to ensure the effective implementation of this CFMS and XCFMS.
Company Fisheries Liaison Officer (CFLO)	See Section 3.1
Offshore Fisheries Liaison Officer (OFLO)	See Section 3.3
Fisheries Industry Representative (FIR)	See Section 3.2

3.1 Company Fisheries Liaison Officer

Moray East has appointed Brown & May Marine Ltd as the Company Fisheries Liaison Officer (CFLO). This is in accordance with Condition 32 of the Section 36 Consents which states:

Prior to the Commencement of the Development, a Fisheries Liaison Officer ("FLO"), approved by Scottish Ministers, must be appointed by the Company for the period from Commencement of the Development until the Final Commissioning of the Development. The Company must notify the Scottish Ministers of the identity and credentials of the FLO before Commencement of the Development by including such details in the EMP (referred to in condition 14). The FLO must establish and maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development, and ensure compliance with best practice guidelines whilst doing so.

The responsibilities of the FLO include, but not limited to:

a) Establishing and maintaining effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall project and any amendments to the CMS and site environmental procedures;
b) Provision of information relating to the safe operation of fishing activity on the site of the Development; and
c) *Ensuring that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.*

The CFLO reports to the Moray East Development Team and reports to the ECoW to inform monthly compliance reporting to MS-LOT. The CFLO will liaise regularly with the OFLOs, FIRs, ECoW and the Moray East Marine Coordinator.

The appointment of Brown & May Marine Ltd as Moray East's CFLO has been approved 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; and
- Arranging or attending as necessary meetings with fishermen in order to:
    - Promulgate information on the project design envelope and the construction programme, and provide updates on any changes to the project throughout the planning 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 planning stage and actual construction and operation.
- In addition, the CFLO will assist Moray East should there be a need for financial arrangements, such as cooperation payments for fishermen if Moray East 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 the authority of Moray East.

The CFLO will engage with the fishing industry through meetings with individual fishermen as required, attendance and participation in the MFOWDG-CFWG and direct liaison with the appointed FIRs. In order for the CFLO to disseminate updated project information to the fishing industry, Moray East will keep the CFLO informed of any construction updates including active safety zones, indicative transit routes, the progress of works and upcoming construction activities. The CFLO, upon becoming aware of any static

fishing gear locations, will communicate this to Moray East's Marine Co-ordination Centre. Once available, Moray East 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 operating at the time, who together with the vessel master and the Moray East Marine Coordination Centre can provide a response 24 hours per day. Details of how to contact the OFLO, vessel masters and the Marine Coordination Centre (all available via phone or email) are included in the Moray East Weekly Notice of Operations, posted weekly on the Moray East website and distributed via email.

Section 4.4 and Figure 4-2 below 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.

3.2 Fishing Industry Representatives

Moray East has appointed a Fishing Industry Representative (FIR) to represent the creel industry relevant to the export cable route. In addition three FIRs are appointed to sit on the MFOWDG-CFWG to represent the squid, nephrops and scallop industries within the area of the Development, and a further FIR represents the Caithness coast for the MFOWDG-CFWG. For FIR contact details please contact the CFLO (contact details are provided in Appendix 7). The appointed FIRs also sit on the MFOWDG-CFWG. In accordance with the MFOWDG-CFWG FIR Terms of Reference, FIR duties include:

- Be a primary contact point within the fishing community in their agreed remit, who can be trusted to accurately determine fishing industry views and objectively provide the developer(s) with this information;
- Ensure they are known to as many fishermen and groups as possible in their agreed remit. Ensure that membership to any particular association / organisation is not a barrier to communication with FIRs;
- Ensure 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;
- FIRs will employ all means possible to communicate with all fishermen within their agreed remit;
- Assist in circulation of Notice to Mariners and subsequent updates for project activities;
- Attend any CFWG meeting as required including preparation and through timely distribution of minutes, fulfilling relevant actions, and information received from the CFWG;
- On invitation, attend public stakeholder engagement events;
- Contribute to maintaining and updating a fisheries register, held by developers, to cover all interested fishing parties within the FIR's agreed remit;
- Contribute to the population and/or verification of the developer's commercial fisheries baseline (regardless of if this is additional to stakeholder consultation with any association to which the FIR is affiliated);
- Provide impartial advice to the CFWGs, as required, regarding commercial fisheries activities in the FIR's agreed remit;

- Objectively and impartially assist with the collection of information from fishermen, within their agreed remit, regarding their activity in relation to developments;
- Keep a record of all communications with fishermen and developers; and
- Objectively, impartially and confidentially assist with damage to gear claims within their agreed remit.

3.3 Offshore Fisheries Liaison Officer (OFLO)

Moray East will provide Offshore Fisheries Liaison Officers (OFLOs) throughout the Development's construction phase. This ensures that key Moray East construction vessel crews 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 East'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. The OFLO will be in communication with Moray East 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 3 for communications with fishermen at sea relevant to vessels without an OFLO on board.

3.4 Guard Vessels

During construction Moray East will have guard vessel(s) on site, the role of the guard vessel 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 3. Guard vessel(s) will also be in regular communications with the OFLO and CFLO to exchange information on fishing activity and static fishing gear in the Development area.

4 Mitigation Strategy

4.1 Introduction to the CFMS and XCFMS

This CFMS and XCFMS has been produced in accordance with the consent conditions as stated in Section 1.3 above. Tables 4-3 and 4-4 below have been extracted from the draft agreed CFMS (2013) and draft XCFMS (2014) respectively (previously agreed through the SFF in consultation with Marine Scotland) which set out how the issues identified would be addressed either by Moray East or through the MFOWDG-CFWG recognising that until the terms of reference for the group were finalised that the approach may be adapted. An additional column has been added to each table ("2020 Update") to reflect the development of the CFMS and XCFMS considering the final design as approved by the Scottish Ministers.

The approved draft CFMS and XCFMS made various commitments and the additional column added to the tables highlights where these commitments are captured either within this document or in the various other consent documents that have been approved by MS-LOT. The "2020 Update" column in Tables 4-3 and 4-4 represent the current mitigation strategies for the Wind Farm and OfTI elements of the Development respectively.

This section of the commercial fisheries strategy sets out:

- The Moray East approach to commercial fisheries mitigation strategies focussing on co-existence and, where that is not possible, co-operation;

- How the final design has embedded mitigation relevant to the fisheries industry during construction and operation of the Development (Section 4.3 below);
- The detailed communications protocol which Moray East will adopt to support its commitment to co-existence (Section 4.4 below);
- Fisheries sector specific commitments (Section 4.5 below); and
- The 2020 update to the commitments given in 2013/14 (e.g. updates in relation to project design, fisheries communications, promulgation of information relating to navigation, cable burial and protection and post-construction surveys; full detail set out in Section 4.6 below).

4.2 Moray East Approach to Commercial Fisheries Mitigation

Moray East's priority is to co-exist with the fishing industry including, where necessary, the implementation of appropriate and feasible mitigation. The key mechanism for co-existence is considered to be effective communication. On completion of the offshore construction phase Moray East 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 berms that have been created during any stage of offshore works.

Section 4.4 below sets out the detailed communications protocol which Moray East will adopt to support its commitment to co-existence, including the appointment of a CFLO, OFLOs and FIRs; regular construction activity updates (as detailed in Table 4-2); attendance at the MFOWDG-CFWG and industry groups including the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW). A Code of Practice has also been produced that is relevant to Moray East vessels, aiming to facilitate co-existence with the fishing industry (see Appendix 3). Indicative transit route planning (see Appendix 4) has been undertaken with Moray East's main 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.

If co-existence is not possible then Moray East will consider evidence-based financial agreements as a last resort. This approach is in line with FLOWW (2014)[1] guidance which states: "*If co-existence is not possible, mitigation for disruption and displacement of fishing activity as a result of an OREI [Offshore Renewable Energy Installation] should be considered as the first priority, and commercial compensation should only be used as a last resort when there are significant residual impacts that cannot otherwise be mitigated. However, compensation should only be paid on the basis of factually accurate and justifiable claims. There is therefore an obligation upon affected fishermen to provide evidence (such as three years' worth of catch records) to corroborate any claims*."

Appendix 2 sets out the procedure for cooperation agreements. The co-operation agreement procedure is applicable in the event that during construction or operation Moray East will request the relocation of static fishing gear from an area to ensure the safety of their contracted vessels and other third party mariners. In this case, evidence-based cooperation payments may be provided.

In addition to the appointment of a CFLO and OFLOs etc, Moray East is taking further measures to assist positive coexistence with fisheries stakeholders through the Communications Protocol set out in section 4.4, and indicative transit route planning as set out in Appendix 4 (taking into consideration that the COLREGs must remain the navigational priority for Moray East vessels at all times). However, should loss of or damage to fishing gear occur as a result of the Development, Appendix 5 sets out the procedure to be followed in this instance.

[1] FLOWW (2014) FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison. Accessed at: https://www.sff.co.uk/wp-content/uploads/2016/01/FLOWW-Best-Practice-Guidance-for-Offshore-Renewables-Developments-Jan-2014.pdf

4.3 Project Design

Table 4-1 below summarises the key elements of the final project design relevant to commercial fisheries interests. The column 'Consented Parameters' presents the consented scenarios which were assessed as "worst case" for commercial fisheries in the Moray East ES (2012) for the Wind Farm and Moray East OfTI ES (2014) and OSP Environmental Report (2017) for the OfTI. As demonstrated in the table, the Development's final layout parameters show a material reduction in all the final project design parameters (and the WTG spacing has increased from minimum spacing which was considered "worst case"). There will therefore be fewer WTGs, fewer cables and a reduced footprint on the seabed in terms of foundations plus scour protection area and cable circuit lengths. Therefore, the magnitude of the impact of the Development is considered to be substantially lower than the "worst case" that was consented by virtue of mitigation through design, although the significance of the effect of the Development on commercial fisheries has not been re-assessed following the application of this mitigation to reduce the magnitude of the impact. The mitigation by design includes the following reductions from the consented design envelope:

- 46% reduction in the number of WTGs;
- 99% reduction in the area of seabed impact from WTGs and OSPs and associated scour protection;
- Increase in minimum WTG spacing from 1,200 m to 1,547 m (downwind) and 1,050 m to 1,128 m (crosswind);
- Approximately 58% reduction in total cable length for interarray and OfTI cables; and
- Reduction in total construction period from five to approximately three years.

Table 4-1: Final project design parameter compared to consented design envelope

Relevant Parameter	Consented Parameters		Final Layout Parameters	
	Wind Farm	OfTI	Wind Farm	OfTI
Number of WTGs	186	-	100	-
Number of OSPs	-	2 AC OSPs or 4 distributed OSPs		3 distributed OSPs
Worst Case Scenario (WCS) of seabed impact for WTGs and OSPs (foundations plus scour protection area) (m^2)	14,338,368 (186 WTGs)	15,078 (2 OSPs)	17,000 (10 WTGs)	5,100 (3 OSPs)
Maximum number of piles	744 (4 piles per jacket substructure)	32 (4 legged jack-up option (AC OSP) with 16 piles each)	300 (3 piles per jacket substructure)	9 (3 piles per jacket foundation)
WTG Spacing Downwind Crosswind	 1,200 – 1,720 m 1,050 – 1,376 m	-	 1,547 m 1,128 m	-

Relevant Parameter	Consented Parameters		Final Layout Parameters	
	Wind Farm	OfTI	Wind Farm	OfTI
Cable Length (km) (approximate)[2]	572	278	156	196 (176 export cable and 20 OSP interconnector cable[3])
Export cabling configuration	-	12 cables in four triplecore (offshore) arrangements	-	3 cables each in triplecore (offshore) arrangement
Duration of Construction Activities	Up to 5 years		Approximately 3 years	

4.4 Communication Protocol

Throughout the construction period of the Development, Moray East is committed to maintaining open dialogue and effective communications with the fishing industry. This is key to supporting Moray East's priority for co-existence where possible to enable both Moray East and the relevant commercial fisheries to have awareness of upcoming activities, installed infrastructure, active safety zones etc. To facilitate this, Moray East has appointed a CFLO and FIRs to attend the MFOWDG-CFWG and facilitate good communications between Moray East and the fishing industry. Further details on their roles can be found in sections 3.2 and 3.3 respectively. Table 4-2 presents different communications with the fishing industry relevant to the construction phase, in addition to Moray East's and its CFLO's attendance at the MFOWDG-CFWG and engagement with individual fishermen. For details of engagement with the fishing industry post-consent please refer to Appendix 6.

The MFOWDG-CFWG is attended by Developers, their CFLOs, MS-LOT, MSS, MS Policy, SFF, SWFPA, and FIRs (contact details for these FIRs and the Moray East CFLO are provided in Appendix 7). The Terms of Reference were last updated in November 2019 and define the key objectives of the MFOWDG-CFWG as follows:

- Developers are required to produce a Commercial Fisheries Mitigation Strategy (CFMS) or Fisheries Management and Mitigation Strategy (FMMS). The CFWG is the forum where 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. The formal approval of the CFMS/FMMS is the responsibility of Marine Scotland Licensing Operations Team (MS-LOT) on behalf of the Scottish Ministers.
- Facilitate commercial fisheries and renewables developers' dialogue, in order to define and finalise a CFMS/FMMS for approval by Scottish Ministers. In terms of discussions on the CFMS/FMMS for individual projects, the minutes from the CFWG should accurately record where there is agreement/disagreement on the content of the CFMS/FMMS. MS-LOT will ensure that,

[2] Please note that the cable lengths specified are indicative and subject to micrositing. Final cable lengths will be communicated through the as-built positions to be distributed to the MFOWDG-CFWG as detailed in Tables 4-3 and 4-4 below.

[3] The changes in OSP interconnector trench length are considered under the OfTI Final Layout Parameters as the original assessment of the OSP interconnector cables was carried out jointly with the export cables assessment as part of the Moray East Modified TI ES 2014.

in determining whether or not to approve the CFMS / FMMS Scottish Ministers may take into account the minutes of the CFWG.

- Provide a forum for open and meaningful discussion to promote communication and understanding for the mutual benefit of the fishing industry and offshore wind farm developers.
- Provide input to general approaches, procedures and protocols with respect to construction management plans and potential mitigation options, promoting standardisation where possible. This will include reference to industry standard best practice guidance where necessary e.g. FLOWW or COWRIE guidance.

The organogram below details the lines of communication during construction, as far as relevant to this CFMS and XCFMS.

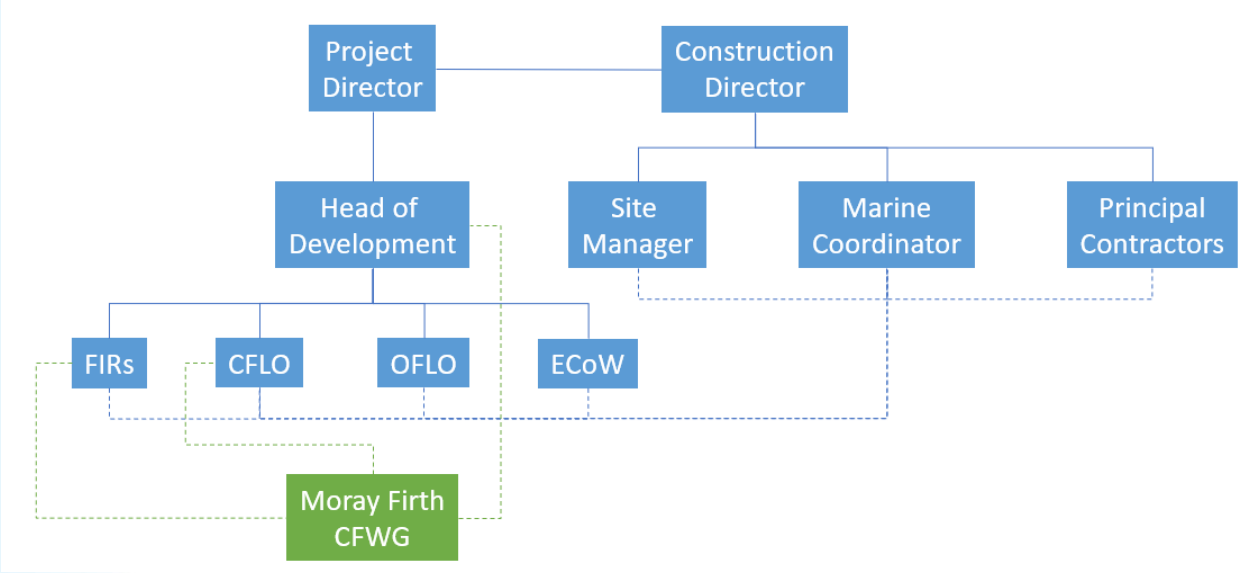


Figure 4-1: Lines of communication during construction

Figure 4-2 below shows the relevant contact for individual fishermen in specific scenarios. Contact details of the CFLO and FIRs are provided in Appendix 7, and contact details of the OFLO are provided within the WNOO issued each week (Table 4-2: Construction Communications

below).

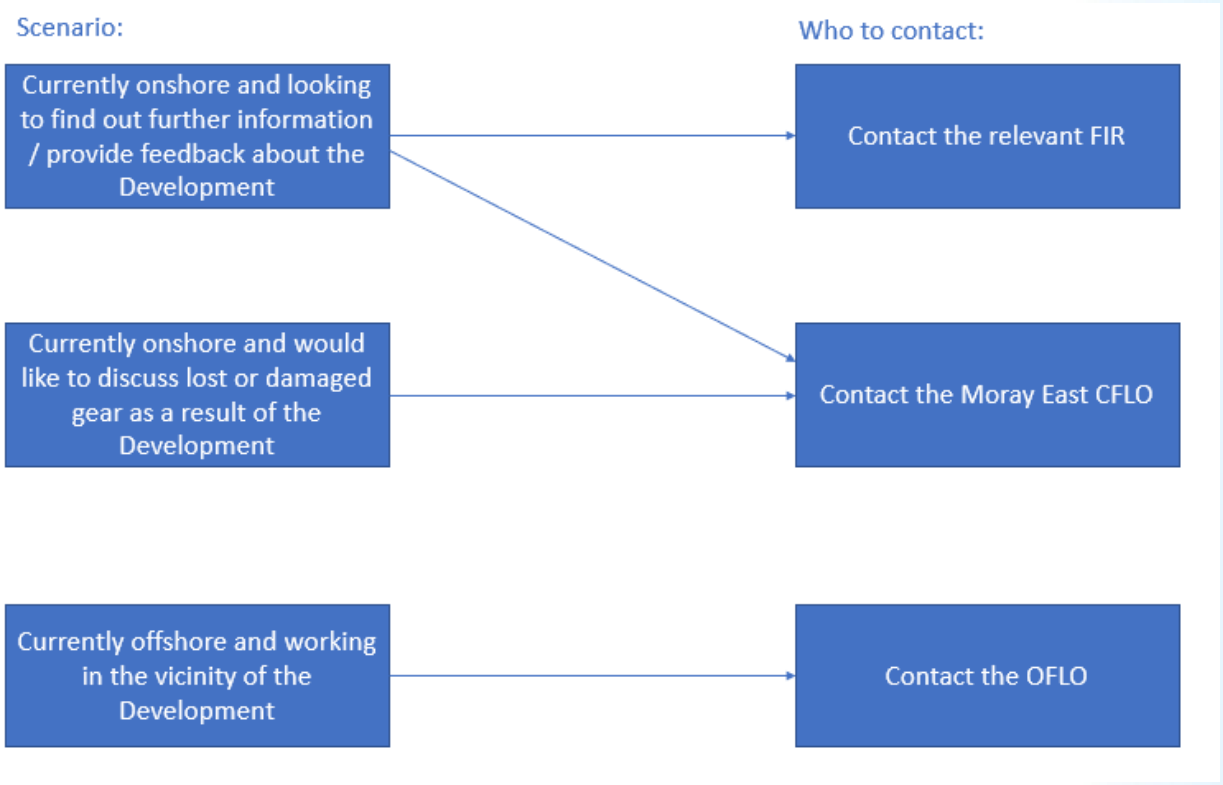


Figure 4-2: Fisheries contacts in specific scenarios

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 4-2 below.

Table 4-2: Construction Communications

Communication	Information Promulgated
Weekly Notice of Operations (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 Moray East website. The CFLO will further distribute this WNoO to the fisheries distribution list.
Notice to Mariners (NtM)	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 Moray East website. The CFLO will further distribute this NtM to the fisheries distribution list.
Vessel Report	Vessel reports will be made available on the Moray East website containing information on vessels, their operators and contact details etc planned to engage in activities throughout the period of construction.
Live Fishing Activity	Regular surveys for static fishing gear within the Development area will be undertaken where necessary. Any static fishing gear locations will be reported to the MCC. Guard vessels will also be in regular communications with the OFLO and CFLO to exchange information on

Communication	Information Promulgated
	fishing activity and static fishing gear in the Development area. Fishing vessels with AIS that are operating within the Development area will also be tracked by the Moray East Marine Coordination Centre.
Dropped Objects	In the event of a dropped object offshore, Moray East will notify MS-LOT as soon as practicable after becoming aware of the event. 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 East will issue a 'dropped objects' form to MS-LOT and other relevant stakeholders as required (including the SSF and Regional Inshore Fisheries Groups) (template issued by Marine Scotland) 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.

4.5 Ongoing commitments to specific fisheries

4.5.1 Creelers

Throughout the construction phase, Moray East and Moray East's CFLO will continue to engage with creelers who operate in the vicinity of the Development area and transit routes. Construction activity updates, as detailed in Table 4-2, will be provided to facilitate coexistence between Moray East and the creeling industry. Moray East will work with the CFLO and the FIRs to determine whether any static gear relocation is required prior to specific construction activities. If relocation of static gear is necessary, the procedure set out in Appendix 2 will be followed.

4.5.2 Squid

Moray East and Moray East's CFLO will continue to engage with squid fishermen who operate within the Development area (including the squid industry FIR) throughout the construction phase. Construction activity updates, as detailed in Table 4-2, will be provided to facilitate coexistence between Moray East and the squid industry. As minuted in the MFOWDG-CFWG, Moray East committed to consider phasing of construction activities to minimise interaction with the peak squid season in the Development site. The sequencing of jacket installation and inter array cable installation in 2020 was phased to minimise interaction by avoiding working in areas of the Development site that typically see the greatest intensity of squid fishing activity during the peak squid season, with construction activity taking place in these areas outside the peak squid season.

4.5.3 Scallop Industry

To address the following component of Condition 31 of the section 36 consent conditions "Should it be deemed necessary by the MFOWDG-CFWG, investigations into alternative gear for the scallop fishing industry in the Moray Firth must form part of the CFMS", Moray East commissioned a study[4] by Bangor University that could be trialled in the Moray Firth into alternative scallop dredge gear types that may penetrate less into the seabed than the traditional Newhaven dredge type. This was consulted upon in late 2014 and approved by the SFF, Scallop Association, Scottish White Fish Producers Association Ltd (SWPFA) and Marine Scotland Science. It should be noted that Moray East is committed to sufficient burial and / or protection of all cables informed through independent Cable Burial Risk Assessments (as

[4] Catherall, C.J and Kaiser, M.J. (2014). University of Bangor. Review of king scallop dredge designs and impacts, legislation and potential conflicts with offshore wind farms.

detailed within the Wind Farm and OfTI CaPs) to minimise any impacts to scallop dredging vessels on the basis that scallop dredging continues in the traditional format. The purpose of the study was intended to aid coexistence of the Wind Farm and scallop industry and to support the sustainable development of the industry in the Moray Firth.

Since the approval of the study it is apparent from discussions with the SFF and Scottish White Fish Producers Association (SWFPA) (e.g. meeting in Aberdeen, July 3rd 2018 – see Appendix 6, Table A1 below) that the scallop industry no longer supports such gear trials on the Moray East site. These trials were being driven by the Scallop Association, which is no longer in existence, and this combined with changes in personnel have resulted in appetite for the surveys diminishing. The MFOWDG-CFWG confirmed at the meeting in September 2018 that it was agreed that Moray East should not undertake the scallop gear trials.

Despite this decision Moray East, the SFF and SWPFA have had ongoing discussions centred around alternative options by which Moray East could minimise impacts on the industry through alternative work that would support the fishery. As a result of this, Moray East worked with the scallop sector to identify ways in which Moray East could support the scallop sector's ongoing work in obtaining Marine Stewardship Council (MSC) UK Fisheries Improvement Plan (FIP) accreditation. The outcome of these discussions was that Moray East would contribute £200,000 funding towards two PhD studies at Heriot-Watt University to progress research that it is hoped will help the North Sea scallop fishery achieve MSC accreditation. These research projects have been selected in consultation with, and approved by, the fishing industry.

4.6 CFMS and XCFMS Updated Commitments

Tables 4-3 and 4-4 below are updates of the tables that were included in the previously agreed Draft CFMS (2013) and XCFMS (2014) documents. These tables set out all of the commercial fisheries concerns that were raised during the consent applications and demonstrate how the commitments made at the time by Moray East to address these have developed through the detailed project design since consents award and where these commitments are captured within the consent plans.

Table 4-3: Extract from the draft CFMS (2013) with 2020 update on proposed mitigation

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
1	We remain opposed to this development until such time as it can be proved that its effects will not be totally detrimental to the fishing industry. NOTE: It should be noted that the SFF have clarified that they do not object to the applications subject to satisfactory mitigation throughout the lifetime of the wind farms being delivered to enable the co-existence of offshore wind with the long established commercial fisheries industry.	MORL's ES assesses the impact of the construction wind farms on scallop and squid fisheries as moderate and on white fish as minor. The construction of the cable route is assessed as having moderate impacts on the Nephrops and crab and lobster fisheries. As part of MORL's engagement with the fishing industry throughout the development of its proposals and particularly during the draft ES consultation phase, MORL amended the ES to reflect the concerns of the SFF. Specifically, MORL's ES recognises that in relation to operational effects that individual skippers may consider it unsafe to continue fishing within the operational wind farm sites, which would result in a complete loss of area from within the three proposed wind farm sites for these vessels. See specific mitigation proposals below.	The Commercial Fisheries Working Group will meet for the first time on 18 April. A pre-meet with FIRs and SFF took place in March to discuss membership and proposed terms of reference. Mitigating the construction, operational and decommissioning impacts of both MORL and MORL in combination with Beatrice is identified as a key aim for this Group.	Moray East has had continued dialogue with the fishing industry since the consents were awarded for the Development, both through individual stakeholder meetings (see Appendix 6) as well as participation in the MFOWDG-CFWG and industry groups including the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW). Moray East is continuing to work with the scallop industry as set out in Section 4.5.3 above. Moray East has also agreed the approach to Cooperation Agreements with the creelers who have been requested to relocate static fishing gear due to Moray East nearshore export cable installation construction activities.
2	From the SFF perspective, it is obvious that the Scallop fleet is hugely important in terms of this actual wind farm site. This not to say that any less attention should be given to the impacts on any other fishery, for example, the squid fishery in the vicinity, the smaller class of Nephrops trawlers who operate on the inshore grounds or indeed the static gear vessels inshore,	MORL has developed a methodology for proposed trials of scallop gear. These trials were postponed due to availability of the gear before unacceptable weather risk and lack of buy in from the scallop industry. MORL are committed to carrying out these trials in 2013 provided they are supported by the scallop industry and continue to be of potential benefit. MORL has sought the views of the scallop sector's members and the SFF on the proposed methodology. They have	**Scallops:** N/A. This is a MORL commitment although the methodology can be developed in collaboration with the Forth and Tay Commercial Fisheries Group / developers where appropriate and timescales permit. **General:** Managing the effects on all fisheries will be discussed at the Working Group.	It was agreed at the MFOWDG-CFWG in September 2018 that the scallop industry no longer supported the scallop dredge gear trials and did not wish Moray East to proceed with these. Discussions have been held with the SFF and SWFPA regarding alternative options which Moray East could contribute to that would facilitate the further development of the local

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
	who will also be affected by the cable export route.	contacted Professor Kaiser of Bangor University on the recommendation of the SFF for input on the methodology. There is less of a risk for squid due the gear penetrating the sea bed less and no mitigation is proposed other than general mitigation of impacts that will be applied to all affected fisheries, as covered by the Working Group.		scallop industry as set out in Section 4.5.3 above. As a result of these discussions, Moray East is providing funding towards two PhD studies at Heriot-Watt University to progress research that it is hoped will help the North Sea scallop fishery achieve MSC accreditation. Moray East is open to exploring opportunities for a regional approach within the industry where appropriate.
3	The biggest single concern of the SFF is that the development could lead to either restricted access or total loss of traditional fishing grounds. The application states that only 1% of the development area will be covered by safety zones, but as there are few examples to compare this with, it may be disingenuous to say that individual skippers may consider it unsafe to operate within the windfarm. It remains to be seen how skippers, particularly of mobile gear vessels, will react to the concept of operating in this new environment.	As stated above, the MORL ES recognises the risk that individual skippers may consider it unsafe to operate within the wind farms. MORL will undertake scallop trials in 2013, provided these are supported by the scallop industry and are of potential benefit. The design of the wind farms includes embedded mitigation through the design in terms of the regular grid/diamond pattern, cable burial/protection and minimum spacing commitments etc given in the MORL ES. This design was developed in discussion with members of the SFF to address safety concerns. MORL has not yet decided whether or not to apply for operational safety zones. If applied for these would be 50m radius around each above sea structure. MORL is committed to discussing the use of such zones with the commercial fishing industry and other navigation stakeholders.	These are MORL specific commitments. The commitments in relation to safety zones could form the basis of discussions within the Working Group if agreed to by the parties to the group. However, even if these are not agreed MORL remains committed to this and will take this forward with SFF and the fishing industry. Agreement of a protocol for postconstruction over trawlability surveys will form part of the discussions within the working group. The development of the final layout will be an iterative process which will be largely influenced by the wind resource, ground conditions and navigation factors. Post consent and before final funding is agreed (i.e. by the end of 2014) then these layouts will be finalised. The development of the layouts will form part	<u>Relevant Consent Plans:</u> The wind farm layout is detailed in the **Development Specification and Layout Plan (DSLP)**. Prior to submission of the DSLP, Moray East consulted with the SFF on the layout of the wind farm. The draft DSLP was submitted to MS-LOT in May 2018 and the SFF have been consulted on this plan. Moray East has provided a response to the SFF's comments and the revised DSLP has been approved. The final layout is in accordance with the SFF's preference for the largest possible spacing between the WTGs. Table 4-1 sets out the reduction in the project design which further reduces the magnitude of the impact

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
			of the discussions at the Commercial Fisheries Working Group.	which may arise from the development. <u>Additional information:</u> See items 1 and 2 above regarding the scallop gear trials. Please see item 4 below with regarding over trawlability studies. Please also see the Moray East Safety Zones Application and Decision which confirms that Moray East has not sought approval of any operational safety zones.
4	The SFF would hope that construction of the windfarm would be cognisant of the fishing industry's need to make a living from the actual Windfarm area, but also have serious concerns about the prospect of the exclusion zone for the export cable, especially given that it will be 105 km[5] long and closed for 200 days. The expectation of the SFF based on previous experience is that 1m is the minimum depth of trenching sought for the cable.	The target depth for burial of the export cable is 1m. Where this cannot be achieved (e.g. within rocky areas close to shore) then cable protection (e.g. concrete mattressing or rock placement) will be put in place. MORL can confirm that the full length of the cable route will not be closed for 200 days. The cable will be laid and buried/protected in phases. MORL undertakes to develop with the SFF and relevant fisheries stakeholders a construction method plan. The plan will be developed in close co-ordination with the commercial fisheries industry and MORL recognises the valuable role SFF will provide in supporting that. The plan will identify opportunities for areas to be fished out in advance of the cable laying. MSS VMS data will be used to provide	This is a MORL specific commitment. However, the Commercial Fisheries Working Group would be the appropriate forum in which to develop this construction method plan.	<u>Relevant Consent Plans:</u> It is not anticipated that any extensive sections of cable will require cable protection. See: **OfTI Cable Plan (CaP)**: Section 10 of the OfTI CaP details the Cable Burial Risk Assessment (CBRA) that has been undertaken and Section 12 details the cable installation methodology. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing where cable protection will be necessary. **Wind Farm CaP**: For the inter-array cables, the Wind Farm CaP provides information on the CBRA (Section 10)

[5] Note: This comment relates to the original export cable route to Fraserburgh as assessed in the Moray East ES 2012. Moray East modified the route in 2014 which reduced the route distance to approximately 52km.

		data in relation to the seasonality of the activities to support the development of the plan by understanding what activities could be affected and when. MORL will appoint a Fisheries Liaison Skipper to ensure close co-ordination between MORL and the commercial fisheries affected during the works. The plan will also recognise the need to re-open distinct areas to fishing as quickly as possible. Therefore the plan will also provide for over trawlability trials of those areas as each phase completes to permit fishing activity to resume as quickly as possible.		and Section 11 details the cable installation methodology. Over trawlability surveys are detailed in Section 13 of each Cable Plan document. Consultation to develop the draft CaPs was carried out with the SFF and MFOWDG-CFWG. The SFF have been formally consulted on the CaPs and they submitted comments to MS-LOT. Moray East has provided responses to the SFF's comments and the revised CaPs have been approved. Following the installation of the interarray cables, a post-burial survey using a remotely operated vessel fitted with a cable tracker system will be undertaken. This information will provide detail on any locations where sufficient burial was not possible and cable protection may be required. Boskalis will complete a post-burial survey following the burial operations, using a remotely operated vehicle fitted with a cable tracker system. **Construction Method Statement (CMS)**: the CMS details the construction method for inter-array cable (Section 5.4) and export cable (Section 5.7) installation **DSLP:** the final project parameters were approved following consultation with the SFF. Table 4.1 above summarises the final project

				parameters relevant to commercial fisheries interests and the reductions from the consented design envelope. <u>Additional information:</u> Details of proposed cable installation and burial techniques to achieve target burial depth to minimise the need for cable protection as developed by Moray East has been discussed at the MFOWDG-CFWG in September 2018 and March 2019. The results of the CBRA combined with the proposed installation methods suggest that target burial depths (depth of lowering (DoL)) will be achieved along the route. Post-installation surveys to confirm cable burial and as-laid co-ordinates will be undertaken within one month of the completion of cable installation. Interarray cable installation is currently scheduled to complete in May 2021, with remedial protection completing in September 2021. At this stage, should the results identify that the minimum DoL has not been achieved and substantial lengths of interarray cable require mechanical protection, and this is considered to pose a hazard to fishing activities, any requirement for overtrawlability surveys and the appropriate methodologies will be discussed with the local fishing industry and agreed with Marine Scotland Licensing Operations Team.

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
				Since 2012 Moray East have shortened the export cable route corridor from 105 km to 52 km as a result of securing an alternative grid connection agreement. Moray East has appointed a Company Fisheries Liaison Officer (CFLO) for the duration of construction, to ensure good communications between Moray East and the fishing industry.
5	Further to both the above points, it will be incumbent on the developer to understand the possible displacement of some fishing vessels, due to the nature and extent of the exclusions and the vessels ability to move to other fisheries prosecuting the species they are concerned with. These displacements may be of a significant negative effect on some vessels.	MORL is committed to working with the SFF and the fishing industry to enhance opportunities for the fishing industry to benefit from employment opportunities in the development of offshore renewables. During the development of its proposals MORL has regularly used SFF members' vessel and crews for the conduct of surveys and guard vessels and MORL's requirements for such services from the SFF will increase substantially in the run up to construction, during operation and decommissioning, on the assumption that the vessels meet the appropriate industry standards. MORL will work with the SFF to align safety standards adopted by the renewables industry with those of the commercial fisheries industry to ensure that vessels selected are fit for the purpose for which they are required and avoid unnecessary barriers being introduced which would prevent the commercial fisheries industry accessing offshore wind opportunities. Further, MORL will work with the SFF to ensure	At present the aims and objectives for the Commercial Fisheries Working Group do not explicitly relate to the development of employment opportunities. MORL recognises that this would be the appropriate forum to do so if agreed to by the parties to the group. However, even if this is not agreed MORL remains committed to this and will take this forward with SFF and the fishing industry.	<u>Additional information:</u> Since 2014 Moray East has engaged with the SFF to raise awareness of standard industry requirements for construction activities as well as Moray East specific requirements. Moray East has used SFF Services since 2014 to provide a range of services. Moray East has specifically supported SFF engagement with The Crown Estate (TCE) in relation to TCE vessel guidance to address potential barriers to being selected for offshore wind farm support services. Additionally, Moray East will continue to invite SFF Services to tender, where appropriate, for services in relation to the project in the construction, operation and decommissioning phases.

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
		that the industry is aware of renewables industry standards for use of vessels and crews to ensure that that access to the opportunities can be taken.		
6	...the consequences of the seabed activity involved in the development, from anchors and jack up vessels to cable trenches, all of which are likely to either introduce new and extra sediment to the area or cause mounds of different strata to appear on the seabed. These could form another danger to vessels, particularly those engaged in towing gear.		A key part of the Commercial Fisheries Working Group will be the development of construction management plans and best practices which will include commitments to and a protocol for over trawlability trials following construction. Experience that SFF has from working with the Oil and Gas Industry will be drawn upon to develop temporary mitigation such crossing gates to facilitate transit through areas which are not yet available for trawling.	<u>Relevant Consent Plans:</u> It is not anticipated that any extensive sections of cable will require cable protection. See: **OfTI Cable Plan (CaP)**: Section 10 of the OfTI CaP details the Cable Burial Risk Assessment (CBRA) that has been undertaken and Section 12 details the cable installation methodology. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection. Section 15 details the estimated reduction in thickness of deposits arising from Suspended Sediment Concentration (SSC) in comparison with the Moray East ES (2014). **Wind Farm CaP**: For the inter-array cables, the Wind Farm CaP provides information on the CBRA (Section 10) and Section 11 details the cable installation methodology. Section 15 details the estimated reduction in thickness of deposits arising from Suspended Sediment Concentration

				(SSC) in comparison with the Moray East ES (2012). Over trawlability surveys are detailed in Section 13 of each Cable Plan document. **CMS:** Section 6 describes project-specific good working practices including the minimisation of jack-up movements and leg repositioning through design, and the minimisation of anchor movements, to avoid unnecessary disturbance to seabed habitats. Additional information: The jetting and cutting burial tools, as detailed in the Wind Farm and OfTI CaPs, which have been selected are expected to achieve maximum burial possible along the routes whilst also minimising any alteration to the seabed following cable installation. Details of proposed cable installation and burial techniques to minimise seabed disturbance and achieve target burial depth to minimise the need for cable protection as developed by Moray East has been discussed at the MFOWDG-CFWG in September 2018 and March 2019. Table 4-1 sets out the reduction in the project design which further reduces the magnitude of the potential impacts which may arise from the development.

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
7	As described in the application, the proposal to form a Working Group to instigate a management plan in conjunction with the fishing industry will be an important part of the work for agreeing measures including mitigation which will lead to a possible coexistence of fishing and renewables. It would seem sensible to form one group for the entire Moray Firth including all prospective developments and industry representatives.	MORL agrees that the Working Group will be an important forum to ensure regular liaison between the renewable energy and commercial fisheries industries in the Moray Firth, as detailed within the ES, and will remain committed to the Working Group throughout the pre-construction, construction, operational and decommissioning phases of the project.	The Commercial Fisheries Working Group will meet for the first time on 18 April. Individuals have now been identified to sit on the Working Group, which comprises representatives from SFF, FIRs (including representation of the Scallop Association), local fishing industries, MORL, BOWL, MSS and The Crown Estate. A pre-meet with FIRs and SFF took place in March to discuss membership and proposed terms of reference.	<u>Additional information:</u> Moray East remains committed to participation in the MFOWDG-CFWG throughout the pre-construction, construction, operation and decommissioning phases and the first pre-construction meeting was held in September 2018. It is expected that the CFLO and FIRs will also participate in the Working Group. This will be important to share lessons learned from previous projects, particularly throughout the construction phase. Upon the completion of works, the UK Hydrographic Office (UKHO) will be notified of the “as built” positions of any sub-sea infrastructure, for the purposes of updating nautical charts. In addition, Moray East has committed through the MFOWDG-CFWG to disseminate the as built locations of the wind farm and export cable infrastructure in formats which can be uploaded to the plotters of individual fishermen.
8	The SFF would consider it essential as a condition of consent that this working group would fulfil the objectives set out in eg: 11.1.65.3 of the current application, which would include:-	Agreed. See below.		See line 9 below.

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
9	A protocol for engagement onshore and interaction at sea. To the SFF this would include inclusion of fishers in the design phase to attempt to ensure the optimum layout for both turbines and interarray cabling to allow some fishing activity to continue in the site during the operational phase.	See item 3 above in relation to design matters.	The Working Group remit will include agreement of a protocol for engagement onshore and interaction at sea.	Please see item 3 above in relation to the DSLP, and Section 4.4 above for the communication protocol.
10	Following fishing industry agreement on the design. There would need to be discussion and agreement reached on a construction programme. Again the aim is to minimize the disruption caused to the fishing fleet bearing in mind the logistics of construction, but being aware of the physical problems that the process throws up and the need for exclusion zones.	MORL recognises that construction of the developments in the Moray Firth may result in the temporary or permanent loss of fishing grounds through the application of construction and operational safety zones. In addition, construction activities may result in changes to the environment that render fishing activities either unsafe or not possible. In order that the level of impact is managed during the construction phase, a standard approach to construction relevant to commercial fishing activities will be developed where possible. MORL is committed to the standardisation of construction management plans to establish protocol for engagement between MORL and fishermen throughout the construction period.	The Working Group remit is still to be finalised, but it will address the formulation of construction management plans. MORL recognises that this is the appropriate forum to do. However, even if all the MORL commitments are not agreed by Group members MORL remains committed to this and will take this forward with SFF and the fishing industry.	<u>Relevant Consent Plans:</u> The SFF have been formally consulted on the VMP and NSP document and they submitted comments to MS-LOT. Moray East has provided responses to the SFF's comments and the revised VMP and NSP document has been approved. **Vessel Management Plan (VMP) and Navigational Safety Plan (NSP):** Section 7 provides the approach to distributing and issuing Notices to Mariners and other appropriate notifications to the relevant stakeholders and other marine users and Section 3.1 above sets out the commercial fisheries communication protocol as per point 1. Section 5 provides further information on navigational safety

		This includes, but is not limited to, the following: 1. Dissemination of project information 2. Application of construction and operational safety zones and implications for fisheries 3. Incorporation of fishing activities into risk assessments and identification of emergency response procedures (ERPs) 4. Navigation of wind farm construction and works vessels to and from the site (i.e. agreement of transit lanes to minimize interference to fishing activities, agreement for 'holding' areas for vessels in the event of bad weather) 5. Procedures in the event of interactions between wind farm construction and fishing activities (i.e. claims for lost and/or damaged gear) 6. Burial and/or protection of inter array and export cabling 7. Removal of seabed obstacles postconstruction 8. Post-construction surveys and possible rectification procedures 9. Refinement of construction schedules to reduce impacts upon commercial fishing activities		measures during construction as per point 3. Section 12 provides information on indicative transit corridors as per point 4. Additional information on transit routes of construction vessels from local ports to site is provided in **Appendix 4** of this document. **Section 4.1 and Appendix 5** of this document provide further information on procedures in the event of interactions with fishing gear as per point 5. **Wind Farm CaP** and **OfTI CaP**: Section 10 of each document provides the CBRA and Section 11 and 12 of the Wind Farm CaP and OfTI CaP respectively detail the cable installation methodology as per point 6. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection. Sections 12 and 13 of the Wind Farm CaP and OfTI CaP respectively detail post installation surveys and possible remediation as per points 7 and 8. **CoP and CMS**: Section 4 details the construction programme, which demonstrates an overall decrease in construction duration, from up to 5 years in duration to less than 3 years duration with activities in the first year being limited to piling activities only with weekly operations notices

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
				providing notice of the construction areas for the month ahead. **Moray East Construction Safety Zone Application and Decision** provides clarification on the safety zones to ensure safe construction and minimal impact on fishing activities as per points 2 and 9. No operational safety zones have been sought.
11	Upon final completion of the development, there must be an agreement for the procedures required to ensure that the seabed is overtrawled to check for debris and sediment in order for fishing to resume. On this note SFF would expect an agreed policy of compensation, both for moving for construction and loss of gear due to problems arising from seabed debris. The SFF would also consider it essential that prior to consent and construction there would be an agreement in place for the decommissioning phase of the development.	• MORL is committed to discussing with the SFF the development of a compensation scheme for movement of gear during the construction phase. It is envisaged that this will be similar to the scheme adopted for the MORL geophys surveys undertaken in 2011. • We anticipate that over trawlability surveys will minimise the risk to fishing gear. • MORL have provided a preliminary Decommissioning Plan in the ES. Under the Energy Act 2004 MORL will be required to submit a preliminary decommissioning programme under these arrangements to Department of Energy and Climate Change in consultation with the Scottish Ministers for approval. These plans will be subject to review from time to time before being finalised before decommissioning. The development of these decommission plans could be discussed by the Working Group. • MORL have agreed to further discussions with the SFF to understand the operation	A key part of the Commercial Fisheries Working Group will be the development of construction management plans and best practices which will include commitments to and a protocol for over trawling and the decommissioning phase.	<u>Relevant Consent Plans:</u> **Decommissioning Programme (DP)**: Section 4 of the DP details the decommissioning measures for Moray East. It is noted that the DP is subject to further update by Moray East to respond to comments before being submitted for final approval by the Scottish Ministers. <u>Additional information:</u> In the event that any gear is lost during construction or operation, Moray East will address this through Marine Scotland's Compensation Claim Form (see draft version in Appendix 5). It is also expected that this will shortly be incorporated into FLOWW's Best Practice Guidance. Please see item 4 for information on over trawlability surveys. Please see item 1 for information in relation to Cooperation Agreements in relation to static gear relocation.

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
		of the current Fisheries Legacy Trust Company and where possible develop a compensation fund for loss of gear due to MORL infrastructure.		It is confirmed that Moray East has previously entered into agreements with creelers near the export cable route landfall during pre-construction surveys.
12	As part of the mitigation process the SFF would expect the developers to sign up to ongoing scientific assessment of the fish population. There may be a baseline understanding but this now needs to go forward, preferably with work designed by an authoritative body such as Marine Scotland Science, so that the data gathered is capable of being used fully and properly for the benefit of the fishing industry. This data would need to cover all the normal biological data that is required, but also an assessment of the impacts of the development has on the fish population in terms of noise, Electro Magnetic fields, sediment shifts and the introduction of major physical constructs into the environment.	• MORL have demonstrated their commitment to taking part in the ongoing scientific assessment of fish populations in the Moray Firth. This includes the comprehensive sand eel surveys undertaken in 2012 and the ongoing cod spawning surveys to provide an up to date understanding of cod spawning areas on and within the vicinity of the MORL sites. These have been done with close involvement of MSS on the methodologies adopted. • MORL will undertake further pre and postconstruction surveys in agreement with Marine Scotland Science. MORL will work with MSS to ensure appropriate dissemination of the results of this work. MORL will also be keeping an up to date baseline of commercial fishing activities on and around the site through consultation with the industry to ensure that all affected parties are included in discussions. • MSS are leading the research on the effects of EMF on fish ecology. The MORL ES assesses no significant effects in this regard. • The MORL ES predicts no significant impacts from sediment shifts during the construction of turbine substructures and	The Working Group remit does not extend to site specific conditions relating to surveys required.	<u>Relevant Consent Plans:</u> **Project Environmental Monitoring Programme (PEMP):** Sections 4, 5 and 6 set out the approach to surveys for sandeel, cod and herring respectively. <u>Additional information:</u> Moray East undertook pre-construction herring spawning surveys in August and September 2018 and cod and sandeel surveys in Q1 2019. The results of these surveys will be reported through both the MFOWDG-CFWG and the Moray Firth Regional Advisory Group per the PEMP. Moray East also contributed to the Moray Firth Tracking Project for Atlantic salmon, the results of which were presented at the ScotMER symposium in March 2020 and formally submitted to MS-LOT in the same month. See item 2 regarding scallop dredge gear trials. In relation to EMF, two relevant papers have been published by MSS: Scottish Marine and Freshwater Science Vol 6 No 9: Behavioural

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
		cables or the wind farm operational life time. MORL is committed to providing MSS with further modelling to support strategic assessment work on sediment.		Responses of Atlantic Salmon to Mains Frequency Magnetic Fields and Scottish Marine and Freshwater Science Vol 6 No 8: Effects of AC Magnetic Fields (MFs) on Swimming Activity in European Eels *Anguilla anguilla* which further validate the findings of the Moray East ES.
13	Further to the obvious benefit of the collection of scientific data, this information may later be helpful in determining the true socio-economic impact of the development in the traditional users of the windfarm site, thus informing any assessment of the losses suffered by fishers in the process of development.		The Working Group will extend for the lifetime of the projects and will provide a forum to discuss any issues that arise during the construction, operation and decommissioning of the wind farms.	Additional information: See items 1 and 2 with regards steps being taken in relation to specific fisheries. The Working Group will extend for the lifetime of the projects as long as it is considered necessary and will provide a forum to discuss relevant issues as per Condition 31 of the Section 36 Consents that arise during the construction, operation and decommissioning of the wind farms.
14	The SFF would expect consent for the construction to be conditional upon the developer developing ways to ensure mitigating measures are directed at the industry which is potentially going to be the worst affected. By this we mean that we expect the developers to ensure that employment opportunities and training are directed at fishermen who might lose out because of the	MORL recognise the potential for negative effects due to displacement on some fisheries during both the construction and operation of the wind farms and the construction of the export cable. MORL is committed to working with the SFF and the fishing industry to enhance opportunities for the fishing industry to benefit from employment opportunities in the development of offshore renewables. During the development of its proposals MORL has regularly used SFF members' vessel and crews for the conduct of surveys and guard vessels	If the Working Members agree then MORL would be happy for the remit to include discussion of this.	Additional information: Since 2014 Moray East has engaged with the SFF to raise awareness of standard industry requirements for construction activities as well as Moray East specific requirements. Moray East has used SFF Services since 2014 to provide a range of services and has also appointed FIRs in line with best practice. Moray East has used SFF Services for provision of OFLOs, MMOs and PAM/ADD

Item	SFF Response	Moray East Proposed Mitigation (2013)	MFOWDG Commercial Fisheries Working Group (2013)	2020 Update
	development. This can take many forms, from employing men as Fishing Industry Reps through to training for any specific requirements for operation of the windfarm, and should be informed by the Best Practice Guidelines for Fishery Liaison published by the Crown Estate.	and MORL's requirements for such services from the SFF will increase substantially in the run up to construction, during operation and decommissioning, on the assumption that the vessels meet the appropriate industry standards. MORL will work with the SFF to align safety standards adopted by the renewables industry with those of the commercial fisheries industry to ensure that vessels selected are fit for the purpose for which they are required and avoid unnecessary barriers being introduced which would prevent the commercial fisheries industry accessing offshore wind opportunities. Further, MORL will work with the SFF to ensure that the industry is aware of renewables industry standards for use of vessels and crews to ensure that that access to the opportunities can be taken. MORL will also further support the diversification of the commercial fisheries industry by working with the SFF Services to develop their understanding of our business and how we intend to construct the wind farms and ancillary infrastructure and activities to enable them to develop services which will meet our needs.		operators during the construction phase. Additionally, Moray East will continue to invite SFF Services to tender, where appropriate, for further services in relation to the project in the construction, operation and decommissioning phases.

Table 4-4: Extract from the draft XCFMS (2014) with 2020 update

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
1	Whilst the application states that there will be 4 cables transiting seabed which is mainly gravel, sand or mud, over clay, and states that there will be target burial of 1m, as the ES accepts "Installation of the OFTI will cause some habitat loss" the SFF objection must stand until the following proofs and mitigation are agreed and in place.	The ES for the modified TI assessed that it would have a moderate (i.e. significant) effect on: creeling and static gear vessels. The assessments concluded that with satisfactory mitigation measures these effects could be reduced to minor. MORL is aware that in order to achieve coexistence between the fisheries and offshore wind industries that it must mitigate significant impacts to minimise the effects on fishermen from the construction and operation of the modified TI. The specific mitigations, working group commitments and indicative conditions are set out below.	The Working Group will provide a forum in which to discuss the development of mitigation proposals, working methods and cable protection measures.	Please see below further comments on specific mitigations and working group commitments.
2	The SFF expects that MORL will continue to have discourse with those affected by each segment of the OFTI.	N/A	MORL recognises that construction of the developments in the Moray Firth may result in the temporary or permanent loss of fishing grounds through the application of construction and operational safety zones. In addition, construction activities may without mitigation result in changes to the environment that render fishing activities either unsafe or not possible. In order that the level of impact is managed during the construction phase, a standard approach to construction relevant to commercial fishing activities will be developed where possible. MORL is committed to the standardisation of construction management plans to establish protocol	Relevant Consent Plans: **Vessel Management Plan (VMP) and Navigational Safety Plan (NSP):** Section 7 provides the approach to distributing and issuing Notices to Mariners and other appropriate notifications to the relevant stakeholders and other marine users and Section 4.4 above sets out the commercial fisheries communication protocol as per point 1 of Table 4-3 above. Section 5 provides further information on navigational safety

			for engagement between MORL and fishermen throughout the construction period. This includes, but is not limited to, the following: 1. Dissemination of project information 2. Application of construction and operational safety zones and implications for fisheries 3. Incorporation of fishing activities into risk assessments and identification of emergency response procedures (ERPs) 4. Navigation of wind farm construction and works vessels to and from the site (i.e. agreement of transit lanes to minimise interference to fishing activities, agreement for 'holding' areas for vessels in the event of bad weather) 5. Procedures in the event of interactions between wind farm construction and fishing activities (i.e. claims for lost and/or damaged gear) 6. Burial and/or protection of inter array and export cabling 7. Removal of seabed obstacles postconstruction 8. Post-construction surveys and possible rectification procedures 9. Refinement of construction schedules to reduce impacts upon commercial fishing activities	measures during construction as per point 3. Section 12 provides information on indicative transit corridors as per point 4. Additional information on transit routes of construction vessels from local ports to site is provided in **Appendix 4** of this document. **Section 4.2 and Appendix 5** of this document provide further information on procedures in the event of interactions with fishing gear as per point 5. **Wind Farm CaP** and **OfTI CaP**: Section 10 of each document provides the CBRA and Section 11 and 12 of the Wind Farm CaP and OfTI CaP respectively detail the cable installation methodology as per point 6. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection. Sections 12 and 13 of the Wind Farm CaP and OfTI CaP respectively detail post installation surveys and possible remediation as per points 7 and 8. **CoP and CMS**: Section 4 details the construction programme, which demonstrates an overall decrease in construction duration, from up to 5 years in duration to less than 3 years duration with activities in the first year being limited to piling activities only with weekly operations notices

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
				providing notice of the construction areas for the month ahead.
3	The SFF expects that all eventual works will be properly notified to the Fishing Industry.	MORL will continue to advise the SFF of its surveys etc by way of notices to mariners. MORL's agents will also be required to carry out individual notification to the SFF during construction and operations and maintenance activities. An FLO will also be appointed for the duration of the construction works to ensure communication between MORL's agents during the works and the local fishermen.	N/A	Relevant Consent Plan: **Vessel Management Plan (VMP) and Navigational Safety Plan (NSP):** Section 7 provides the approach to distributing and issuing Notices to Mariners and other appropriate notifications to the relevant stakeholders and other marine users and Section 4.4 above sets out the commercial fisheries communication protocol. Additional Information: Moray East has provided weekly local Notices to Mariners and fortnightly notification through the Kingfisher Bulletin of its surveys and pre-construction activities. Notices of Weekly Operations are now issued every Monday, these notices include details of safety zones. Prior to the commencement and upon the completion of works, the UK Hydrographic Office (UKHO) was / will be notified of the works. A CFLO has been appointed for the duration of the construction works to ensure communication between Moray East, its contractors and subcontractors, during the works and the local fishermen.

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
4	The SFF expects that the route chosen for the cable will give 100% burial.	MORL has committed from an early stage of developing its proposals to a target depth for burial of the export cable of 1m. Where this cannot be achieved (e.g. within rocky areas close to shore) then cable protection (e.g. concrete mattressing or rock placement) will be put in place. MORL undertakes to develop with the SFF and relevant fisheries stakeholders a construction method plan. The plan will be developed in close co-ordination with the commercial fisheries industry and MORL recognises the valuable role SFF will provide in supporting that.	MORL will continue to liaise and consult with the Working Group on the installation methodologies. It is noted that of particular concern will be the specific methodologies which will be deployed to achieve burial given the potentially different impacts which can arise depending on the techniques used within different ground conditions. This could therefore effect the mitigation required e.g. the requirement for or level of intensity of effort in over trawling to break up berms.	Relevant Consent Plan: **OfTI Cable Plan (CaP)**: Section 10 of the OfTI CaP details the Cable Burial Risk Assessment (CBRA) that has been undertaken and Section 12 details the cable installation methodology. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection. It is not anticipated that any extensive sections of cable will require cable protection. Additional information: Since 2012 Moray East have shortened the export cable route corridor from 105 km to 52 km as a result of securing an alternative grid connection agreement. Details of proposed cable installation and burial techniques to achieve target burial depth to minimise the need for cable protection as developed by Moray East has been discussed at the MFOWDG-CFWG in September 2018 and March 2019. The results of the CBRA combined with the proposed installation methods suggest that target burial depths (depth of lowering (DoL)) will be achieved along the route. Post-installation surveys to confirm cable burial and as-laid co-ordinates will be

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
				undertaken within one month of the completion of cable installation. Export cable installation is currently scheduled to complete in October 2020. At this stage, should the results identify that the minimum DoL has not been achieved and substantial lengths of OEC require mechanical protection, and this is considered to pose a hazard to fishing activities, any requirement for overtrawlability surveys and the appropriate methodologies will be discussed with the local fishing industry and agreed with Marine Scotland Licensing Operations Team.
5	The SFF expects that where burial is deemed impossible, rock dumping, using rocks of an appropriate grade, built to an acceptable gradient will be the first choice for mitigation.	MORL will always consider the option of rock placement for cable protection and has assessed this form of protection in the ES as it will usually be the preferred cable protection measure. However, it may not be feasible or desirable in all cases depending on water depth, navigational and ecological concerns. For example, in shallower water in inshore areas it may be impossible to rock dump due to vessel access and in this case MORL would consider other means of cable protection such as rock bags or articulated pipes. MORL also has to ensure that it minimizes its impacts on navigable water depths due to MCA concerns and in fact the MORL wind farm and Fraserburgh TI marine licences say MORL cannot reduce that depth by more than 5%	MORL recognises that this is a key area of concern and it is necessary that the appropriate mitigation is deployed to minimise effects on commercial fisheries. MORL undertakes to consult with SFF the selection and design of any cable protection measures required. The development and finalisation of the Cable Plan will be consulted on with the SFF through the Working Group.	<u>Relevant Consent Plan:</u> **OfTI CaP**: Section 12.1.14 details the remedial protection of the OfTI cables should it be required. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection.

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
		without consultation with the MCA.MORL will also need to consider whether there are any impacts on anchorages. Ecological features also need to be factored in to these decisions e.g. the presence of reef habitats or shellfish beds. MORL would emphasise however that it understands the fishermen's concerns in regard to subsea obstructions and as responsible wind farm owners MORL needs to apply all applicable industry standards to ensure the safety of other subsea users. An example of this would be by designing any rock berms to minimise the risk to fishing gear by specific selection of rock size and berm slope.		
6	The SFF would expect a suitably experienced FLO would be onboard any cable laying ship to ensure clear and accurate communication with any fishing vessels in the vicinity.	MORL endorses this approach and considers this a necessity to ensure safety of all sea users in the vicinity of any of its works.	N/A	Additional information: Throughout the construction phase, Moray East will utilise OFLOs and guard vessels to ensure safety of all sea users in the vicinity of any of its works as well as the construction vessels themselves.
7	The SFF would expect that if for any reason an unburied section of cable is to be left unattended, the services of a guard vessel would be required, in order to protect both the cable and any fishing vessels working in the vicinity.	During installation activities a 500 m safety zone will be established to ensure the safety of all vessels. Guard vessel(s) will be deployed in the event that there is any period during which the export cable is both unburied and unprotected.	N/A	Relevant Document: **Moray East Construction Safety Zone Decision** provides clarification on the safety zones to ensure safe construction. Additional Information: Guard vessel(s) will be deployed for navigational safety in the event that of extended periods during which the export cable is both unburied and

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
				unprotected, and during periods when piles are installed and no structures are installed above sea level.
8	Upon completion of the cable installation the SFF would expect the developer to show proof that the cable is safely buried over the entirety of its route, or if not demonstrate the mitigation deployed.	MORL will carry out a post installation survey to verify the cable burial depth and where applicable alternative cable protection measures. The final methodology could be advised nearer the time via the Cable Plan.	The methodology for and outputs from these surveys will be shared through the Working Group.	Relevant Consent Plan: **OfTI CaP**: Section 10 of the OfTI CaP details the Cable Burial Risk Assessment (CBRA) that has been undertaken and Section 12 details the cable installation methodology. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection. Section 13.1 details post installation surveys that will be undertaken and Section 13.2 details the process for any further remedial protection necessary.
9	If it is shown that the installation has created any new seabed hazards, these must be remediated, including if necessary by over trawling with a chain mat constructed for the purpose of eliminating berms.	N/A	A key part of the Commercial Fisheries Working Group will be the development of construction management plans and best practices which will include commitments to and a protocol for over trawlability trials following construction. Experience that the SFF has from working with the Oil and Gas Industry will be drawn upon to develop temporary mitigation such crossing gates to facilitate transit through areas which are not yet available for trawling.	Relevant Consent Plan: **OfTI Cable Plan (CaP)**: Section 10 of the OfTI CaP details the Cable Burial Risk Assessment (CBRA) that has been undertaken and Section 12 details the cable installation methodology. Section 11 of the OfTI CaP shows indicative arrangements for the SHET HVDC cable crossing which will require protection. Section 13 discusses over trawlability surveys.

Item	SFF Response	Moray East Proposed Mitigation (2014)	MFOWDG Commercial Fisheries Working Group (2014)	2020 Update
10	Finally the SFF would expect that upon completion of the clean seabed work, that the accurate position of the buried cable and all crossing locations are disseminated by the usual means to the fishing industry.	MORL undertakes to disseminate the accurate position of the buried cable and all crossing locations prior to final commissioning of the wind farms.	MORL will provide updates throughout the construction phase to the Working Group to ensure that up to date information can be disseminated to local fisheries throughout the construction phase.	<u>Additional Information:</u> Upon the completion of works, the UK Hydrographic Office (UKHO) will be notified of the "as built" positions of any sub-sea infrastructure, for the purposes of updating nautical charts. In addition, Moray East has committed through the MFOWDG-CFWG to disseminate the as built locations of the wind farm and export cable infrastructure in formats which can be uploaded to the plotters of individual fishermen.

Appendix 1 Regulatory Information

A summary of the Moray East Section 36 Consents and Marine Licences are set out below.

- **Moray East Offshore Wind Farm Consents** – are comprised of the following:

  Section 36 Consents:

  - Section 36 consent for the Telford Offshore Wind Farm (as varied) – granted under Section 36 of the Electricity Act 1989 for the construction and operation of the Telford Offshore Wind Farm assigned to Moray East on 19 June 2018.
  - Section 36 consent for the Stevenson Offshore Wind Farm (as varied) – granted under Section 36 of the Electricity Act 1989 for the construction and operation of the Stevenson Offshore Wind Farm assigned to Moray East on 19 June 2018.
  - Section 36 consent for the MacColl Offshore Wind Farm (as varied) – granted under Section 36 of the Electricity Act 1989 for the construction and operation of the MacColl Offshore Wind Farm assigned to Moray East on 19 June 2018.

  Marine Licences

  - Marine Licence for the Telford Offshore Wind Farm (as varied) – Licence Number: 04629/20/0 – granted under the Marine (Scotland) Act 2010 & 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 United Kingdom Marine Licensing Area transferred to Moray East on 19 July 2018.
  - Marine Licence for the Stevenson Offshore Wind Farm (as varied) – Licence Number: 04627/20/0 – granted under the Marine (Scotland) Act 2010 & 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 United Kingdom Marine Licensing Area transferred to Moray East on 19 July 2018.
  - Marine Licence for the MacColl Offshore Wind Farm (as varied) – Licence Number: 04628/20/0 - granted under the Marine (Scotland) Act 2010 & 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 United Kingdom Marine Licensing Area transferred to Moray East on 19 July 2018.
  - Marine Licence for Moray Offshore Windfarm (East) Limited (as varied) – Licence Number: 07086/20/1 – granted under the Marine (Scotland) Act 2010 & Marine and Coastal Access Act 2009 (as amended), Part 4 Marine Licensing to deposit, backfill of seabed depressions within the Scottish Marine Area and the United Kingdom Marine Licensing Area

- **OfTI Licences** – are comprised of the following:
  - Marine Licence for the Offshore Transmission infrastructure – Licence Number 05340/19/0 – granted under the Marine (Scotland) Act 2010 & 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 United Kingdom Marine Licensing Area (referred to as the "OfTI Marine Licence")
  - Marine Licence for two additional distributed OSPs – Licence Number 06347/19/0 – granted under the Marine (Scotland) Act 2010 & Marine and Coastal Access Act 2009, Part 4 marine licensing for marine renewables construction, operation and maintenance works and the deposit of substances or objects in the Scottish Marine Area and the United Kingdom Marine Licensing Area (referred to as the "OSP Marine Licence")

The linkages between this CFMS and XCFMS document with other consent plans, is detailed in Table A-1 below.

Table A-1: CFMS and XCFMS consent conditions and document reference

Consent Document	Condition Reference	Condition Text	Reference in this CFMS and XCFMS
Section 36 Consents	31	The Company must continue its membership in the Moray Firth Offshore Wind Developers Group - Commercial Fisheries Working Group ("MFOWDG-CFWG"), or any successor group formed to facilitate commercial fisheries dialogue to define and finalise the draft Commercial Fisheries Mitigation Strategy (dated 1st July 2013 (Revision C)).	Sections 3 and 4
		As part of the finalised Commercial Fisheries Mitigation Strategy ("CFMS"), the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they will be adversely affected by the Development.	See Section 4
		Should it be deemed necessary by the MFOWDG-CFWG, investigations into alternative gear for the scallop fishing industry in the Moray Firth must form part of the CFMS. The CFMS to be implemented must be approved in writing by the Scottish Ministers.	See Section 4 and Appendix 6
		The Company must implement all mitigation measures committed to be carried out by the Company within the CFMS, so far as is applicable to the Development. Any contractors, or sub-contractors working for the Company, must co-operate with the fishing industry to ensure the effective implementation of said CFMS.	See Section 3
OfTI Licences	3.2.1.4	The Licensee must continue its membership in the MFOWDG-CFWG, or any successor group formed to facilitate commercial fisheries dialogue to define and finalise the draft Commercial Fisheries Mitigation Strategy (dated 1st July 2013 (Revision C)) ("CFMS") and define and finalise the draft Export Cable Commercial Fisheries Mitigation Strategy (dated 27th August 2014 (Revision B)) ("XCFMS").	Sections 3 and 4
		As part of the finalised CFMS and XCFMS, the Licensee must produce and implement a mitigation strategy for each commercial fishery that can prove to the Licensing Authority that they will be adversely affected by the Works.	See Section 4
		Should it be deemed necessary by the MFOWDG-CFWG, investigations into alternative gear for the scallop fishing industry in the Moray Firth must form part of the CFMS and XCFMS.	See Section 4 and Appendix 6
		The CFMS and XCFMS to be implemented must be approved in writing by the Licensing Authority. The Licensee must implement all mitigation measures	See Section 3

Consent Document	Condition Reference	Condition Text	Reference in this CFMS and XCFMS
		committed to be carried out by the Licensee within the CFMS and XCFMS, so far as is applicable to the Works. Any agents or their contractors or sub-contractors working for the Licensee, must co-operate with the fishing industry to ensure the effective implementation of said CFMS and XCFMS.	

The linkages between this CFMS and XCFMS document with other consent plans, is detailed in Table A-2 below.

Table A-2: CFMS and XCFMS linkages to other consents documents

Condition	Consent Plan	Consistency with and linkage to CFMS and XCFMS
Section 36 Condition 3, OfTI Marine Licence Condition 3.2.2.2	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 CFMS and XCFMS document. The detailed information which will be contained within the DP is not repeated within this CFMS and XCFMS document, but the decommissioning methods will be undertaken in compliance with the detailed procedures set out in the DP as revised from time to time.
Section 36: Conditions 9 and 10, OfTI Marine Licence Conditions 3.2.2.3 and 3.2.2.4	Construction Method Statement (CMS) and Construction Programme (CoP)	The CMS and CoP document provides more detailed specification of the construction procedures and good working practices for installing the Development, adding to the information contained within this CFMS and XCFMS document. The detailed information contained within the CMS and CoP is not repeated within this CFMS and XCFMS document, but the construction procedure described in this CFMS and XCFMS document will be undertaken in compliance with the more detailed procedures set out in the approved CMS and CoP document.
Section 36 Condition 12, OfTI Marine Licence Condition 3.2.2.6	Development Specification and Layout Plan (DSLP)	The DSLP provides detailed information on the Development's layout and specifications, adding to the information contained within this CFMS and XCFMS document. The detailed information contained within the DSLP is not repeated within this CFMS and XCFMS document, but the layout described in this CFMS and XCFMS document will be undertaken in compliance with the more detailed procedures set out in the approved DSLP.
Section 36 Condition 17 and OfTI Marine Licence Condition 3.2.2.9	Navigational Safety Plan (NSP)	The NSP sets 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 NSP also sets out emergency response procedures. The NSP will apply to all vessels undertaking the activities described in this CFMS and XCFMS document. This CFMS and XCFMS document

Condition	Consent Plan	Consistency with and linkage to CFMS and XCFMS
		will therefore be implemented in accordance with the approved NSP for the Development.
Section 36 Condition 18 & OfTI Marine Licence Condition3.2.2.10	Wind Farm Cable Plan (CaP) and OfTI CaP	The Wind Farm CaP and OfTI CaP 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 CFMS and XCFMS document. The detailed information contained within the CaPs is not repeated within this CFMS and XCFMS document, but the cable installation operations described in this CFMS and XCFMS document will be undertaken in compliance with the more detailed procedures set out in the approved CaPs.
Section 36 Condition 19; OfTI Marine Licence Condition: 3.2.2.14; & OSP Marine Licence: Condition 3.2.2.5	Lighting and Marking Plan (LMP)	The LMP provides details of lighting and marking of the Wind Farm and OfTI structures (where applicable) during construction and operation of the Development. This detail is not repeated within this CFMS and XCFMS document; however this CFMS and XCFMS document will be implemented in accordance with the approved LMP for the Development.
n/a	Safety Zone Application	The Safety Zone Application outlines the types of safety zone which has been applied for (and subsequently awarded at the time of writing) and provides a summary of the various infrastructure and works which shall be undertaken whilst safety zones are in place. This detail is not repeated within this CFMS and XCFMS document; however this CFMS and XCFMS document will be implemented in accordance with the approved Safety Zone Application for the Development.

Relevant statements from the Environmental Statements (ESs) have been included below. Information that appeared in the ESs and draft CFMS or XCFMS has not been repeated as clear linkages have been made between the draft CFMS and XCFMS and this document in Section 4.

Table A-3: ES Commitments

Source	Details of Commitment	Section in CFMS and XCFMS
Moray East ES 2012	All infrastructure installed during the construction phase will be marked and lit, in line with standard industry practice. The information will be distributed to fishermen through the agreed channels as defined in the construction management programme.	See Section 4
Moray East ES 2014	Engagement with the creel fishery for offshore surveys has already been undertaken and gear removal successfully negotiated to reduce interference to those fishing activities. This engagement will continue into the construction, operation and decommissioning phases.	See Section 4 and Appendix 6
Moray East ES 2014	MFCFWG has been established and will continue to facilitate future engagement with the fishing industry. Working practices will also be agreed to achieve any possible reduction	See Sections 3 and 4

	in interference. A construction management plan will be defined in consultation with fishing interests which clearly establishes protocol for engagement between Moray Offshore Renewables Limited (MORL) and fishermen throughout the construction period. Where necessary, a mitigation strategy will be devised through the means of the Moray Firth Commercial Fisheries Working Group (MFCFWG). MORL has committed to a draft Commercial Fisheries mitigation strategy as part of the applications for the Project (i.e. the three consented wind farms and export cable route to Fraserburgh). This strategy is referred to in the conditions in the Section 36 consents for the three wind farms and addresses both Wind Farm and transmission infrastructure.	
Moray East ES 2014	In line with standard industry practice, dialogue will be ongoing with fishermen prior to and during the construction and operational phases to ensure that project information is effectively disseminated to fishermen, as well as allowing for issues to be raised by the fishing community. This will be assisted by Fishing Industry Representatives (FIRs) and a Fisheries Liaison Officer (FLO). Additionally, all information regarding activities at sea will be disseminated through Notice to Mariners (NtMs) published in Kingfisher and distributed to the wider fishing community.	See Sections 3 and 4

Appendix 2 Cooperation Payment Methodology

In accordance with section 7 of the FLOWW (2014[6]) guidance, coexistence of the Development with the fishing community is the clear preference of Moray East followed by appropriate and feasible mitigation. The strategies for achieving co-existence are discussed throughout this document. However, it is possible that during construction Moray East 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 cooperation payments may be provided.

Static gear causes a safety concern to the survey and construction vessels operating within the site boundary from the increased risk of snagging or entanglement. As such Moray East, consider that it is in both Moray East's and static gear fishermen's best interests to arrange clearance of static gear from the cable installation area prior to vessel activity commencing to ensure positive coexistence and avoid damage or loss of any fishing gear. In these circumstances compensation to remove the static gear is considered appropriate.

The objective of cooperation 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 East 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 cooperation agreements. Moray East intend to use a number of different methods to calculate cooperation payments in accordance with the FLOWW 2015[7] guidance, depending on the fishery involved and the information which is obtainable. Once agreed, the payments will be provided to vessel owners on the condition of agreeing to the terms listed within the cooperation agreement, which will be signed by both Moray East and the vessel owner. For extended closure cooperation payments may be paid to the vessel owner until a completion notice is issued to the vessel owner by Moray East or the CFLO confirming that the work within the clearance area has completed and the area is open to fishing again.

The information which may be requested in order to reach a cooperation agreement may include:

- 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;
- MCA safety certificate;
- Fishing Licence;
- Vessel registration; and
- Additional corroborating evidence as required to verify accounts and fishing grounds.

Since Moray East does not anticipate requesting the relocation of mobile fishing gear or activity from within the construction site boundary, cooperation payment agreements are not currently proposed for the mobile fishing fleet. Mobile gear fishing vessels do not leave their fishing gear unattended and are less tied to a single specific location having the flexibility to alter course slightly during fishing to avoid a construction vessel, similar to what they do on a daily basis while fishing in close proximity to other

[6] FLOWW (2014) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison

[7] FLOWW (2015) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds

fishermen. Moray east is committed to following FLOWW guidance in respect of the mobile fishing fleet.

During construction there may be up a maximum of eight concurrently active 500m safety zones[8] established around each wind farm or OfTI structure (both WTGs and OSPs) and/or their foundations whilst construction works are in progress in the wind farm site (which apply to all vessels). There will also be pre-commissioning 50m safety zones established around each wind farm or OfTI structure when construction works have been completed but prior to the commissioning of the Development or where construction works have only been partially completed. Up to 103 of the 50 m safety zones are allowed (as the Development comprises 100 WTGs and three OSPs).

The implementation of temporary rolling safety zones may have potential to result in a discrete loss of access to fishing grounds. It is important to note, however, that these safety zones would be localised and short term and would only apply to small areas (i.e., up to 500m radius each). For reference, eight concurrently active safety zones would account for approximately 3% of the Moray East wind farm site as a whole, meaning that the significant majority of the site would not be affected by these safety zones. As approximately 97% of the wind farm site will remain accessible for fishing activity during the construction phase, and Moray East does not anticipate requesting the relocation of mobile fishing gear or activity from within the construction site boundary (unlike with the static fleet), cooperation payment agreements are not proposed for the mobile fleet.

[8] At the time of writing, Moray East has consent for up to three safety zones, however an application to increase this to eight safety zones has been submitted and is currently being determined by MS-LOT. The reference to eight safety zones here is to illustrate the potential worst case scenario

Appendix 3 Code of Good Practice for Contracted Vessels

The following code of good practice will be provided to Moray East 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 East contracted vessels in relation to fishing vessels and their gears, and to aid positive coexistence with the fishing community.

- All Moray East contracted vessels must adhere to the International Regulations for Preventing Collisions at Sea (COLREGs, International Maritime Organisation (IMO), 1972);
- Moray East contracted vessels will not engage in any commercial or recreational fishing activities whatsoever while mobilised and on shift for Moray East;
- All Moray East 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 East contracted vessel has an OFLO on board, all communications with commercial fishermen at sea should be via the OFLO;
- All Moray East contracted vessels which do not have an OFLO on board should maintain polite, proactive and professional communications with fishing vessels at all times;
- All Moray East 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 East should be aware of the commercial fishing interaction Standard Operating Procedure (see Appendix 8) 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; and
- Where appropriate, for vessels using anchored positioning, contractors should endeavour to adopt anchor release procedures to minimise the size of anchor mounds.
- All Moray East contracted vessels are required to maintain contact with the marine coordinator

Appendix 4 Indicative Transit Routes to Site and Shelter Areas

Indicative Transit Routes from Ports to Site

The indicative transit routes for the major construction vessels between the Development and other relevant ports directions are presented in Section 12 of the VMP. This includes indicative transit routes entering the Moray Firth for vessels delivering components direct to the Development and for delivery of components to marshalling ports. These indicative transit routes align with those followed by the majority of the large commercial shipping entering and leaving the Moray Firth. Impacts on third party mariners within the Moray Firth will be mitigated by compliance with COLREGs (IMO, 1972) and effective promulgation of information via the MCC. These indicative transit routes will also notify local users of areas where they are likely to encounter vessels associated with the Development.

In addition to this, following concerns raised by individuals who fish with static gear in the Moray Firth, Moray East has elected to include within this CFMS further information specifically on indicative transit routes from local ports to the Development site. The information included here relates to construction works in 2020 (i.e. completion of piling activity on the wind farm site, export cable installation, jacket installation, OSP topsides installation and inter-array cable installation and will be reviewed and updated (if required) in advance of the next phase of works (including WTG installation) in 2021. If the review does not identify any material changes required then this version of the CFMS will remain valid.

The indicative transit routes shown in Figure A4.1 have been developed with Moray East's main Contractors following consultation with representative creelers in the northern and southern coasts of the Moray Firth with the goal of avoiding areas of highest static gear densities and aiding coexistence between the fishing industry and the Development. These indicative transit routes should be assessed by each individual vessel as part of their required passage planning process including consultation with nautical publications and local notices to mariners.

It should be noted that COLREGs will remain the navigational priority for Moray East vessels at all times, and deviation from the indicative transit routes shown in Figure A4.1 may therefore be necessary under certain circumstances (e.g. in adverse weather conditions or collision avoidance). On this basis the indicative transit routes are not intended to be prescriptive from a navigational safety perspective.

Construction vessels transiting to site from the Cromarty Firth when safe to do so will depart the limits of the Cromarty Firth Port Authority via the ports designated deep water route south of the Fairway buoy, before altering north east when safe to do so entering the site via the western boundary to the south of the Beatrice Offshore Wind Farm (noting that precise entry/exit points were not deemed necessary as identified within the VMP and NSP). It should be considered that any activities (e.g., surveys) associated with Moray West may necessitate minor deviations to the route shown, however as above each vessel will assess all relevant factors prior to departure and passage plan accordingly.

Construction vessels transiting to the landfall area (this may include the export cable lay vessel) from the Cromarty Firth will depart the limits of the Cromarty Firth Port Authority south of the Cromarty Bank lateral mark and north of the Fairway buoy bound east north east (noting water depth, tidal state and weather conditions), and maintain a safe distance from the Moray coast (including consideration of near shore water depths), prior to turning south to access the landfall area at Boyndie Bay.

Vessels bound to site from Fraserburgh (where the Marine Coordination Centre is based) are anticipated to depart Fraserburgh harbour using the outer entrance channel and when safe to do (based on draught, water depth and weather conditions) head northwest, accessing the site via the southern boundary.

Vessels bound to site from Wick are anticipated to depart Wick harbour and when safe to do so head southeast, accessing the site via the north-western boundary. These vessels will need to transit through or around the operational Beatrice Offshore Windfarm and therefore may need to adjust their transit route from that shown below depending on weather conditions or any maintenance activity within the Beatrice site.

Moray East contracted vessels should at all times keep a good lookout for fishing vessels and creel marker buoys with consideration of the information provided on known fishing activity by the CFLO or FIR, and as stated above ensure that requirements under COLREGS remain the navigational priority at all times.

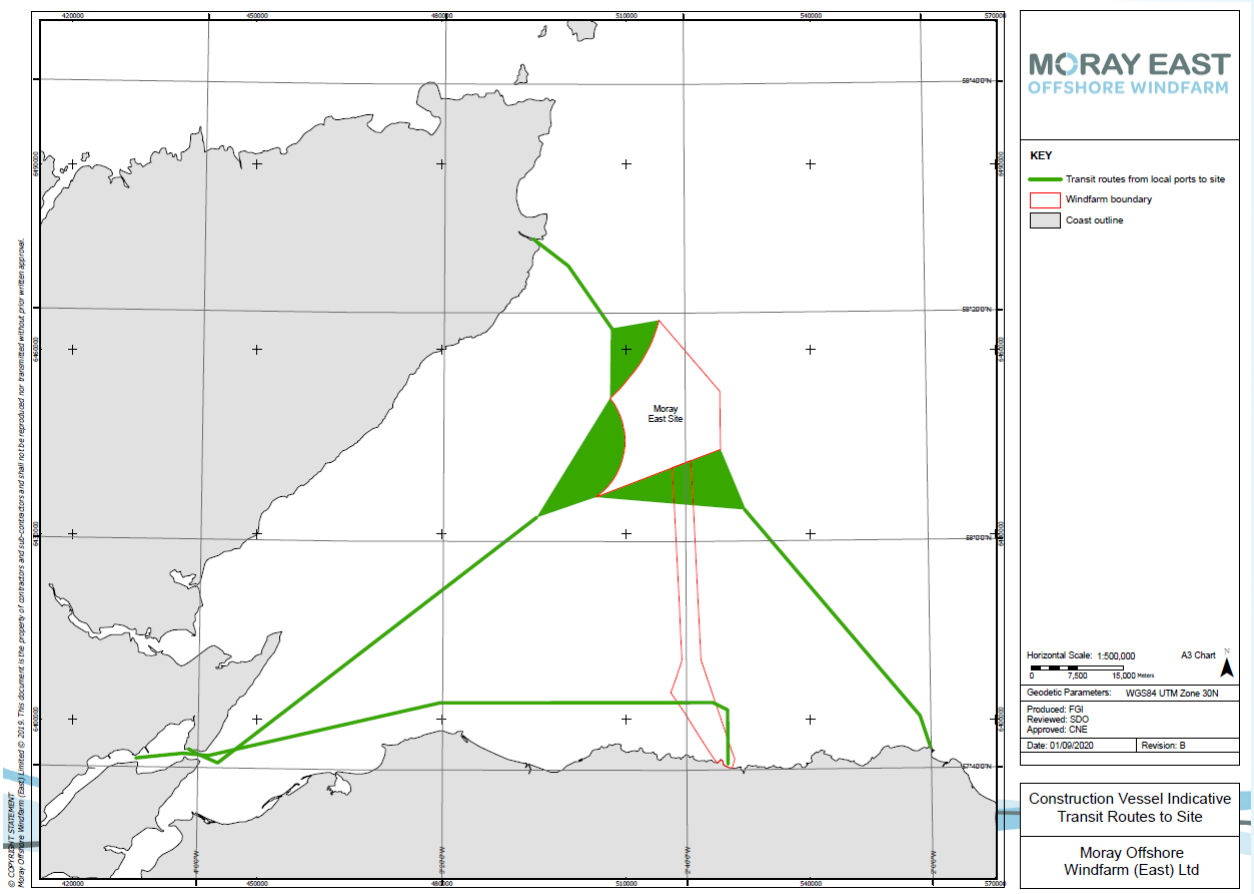


Figure A4.1 Construction vessel indicative transit routes to site

Weather Downtime and Shelter Areas

There is the potential that any shelter areas or barges may be required for the construction works. The expected 'base case' approach (as described in the Construction Method Statement) remains that barges are not anticipated to be used for delivery of components to the Development site, although they are likely be used for delivery of components from locations outside the Moray Firth to construction laydown ports at Invergordon and/or Nigg. When possible, construction vessels will either weather down within the Development site or return to port in periods of poor weather. If necessary, guard vessels will take refuge in an appropriate area of the Moray Firth and will at all times maintain lookout for fishing vessels and creel marker buoys.

Moray East has undertaken consultation with members of the MFOWDG-CFWG (including FIRs) to identify suitable potential shelter areas that may be used by construction vessels during periods of poor weather, if they do not either weather down within the Development site or return to port (see Figure A4.2). These areas have been developed in consultation with the fishing industry to be suitable for providing shelter in certain wind directions whilst remaining away from areas with high densities of static fishing gear.

Shelter Area 1 has been selected due to the close proximity to site, however this area would not be suitable in inclement weather conditions. Areas 2 and 3 were selected due to being out with static gear locations and within an area currently being used as a transit routes for vessels heading to and from the Cromarty and Dornoch Firth, also provides shelter for strong to gale force south east to south west winds.

Further areas were proposed but were removed as a result of feedback received during the consultation process.

The identification of preferential shelter areas 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 East cannot commit that any construction vessel will always use these shelter areas, and therefore contractors are requested to use these areas when safe and possible, rather than instructed to only ever use these areas.

Moray East also recognises that static fishing gear may be located anywhere in the Moray Firth and there is no expectation from Moray East that these shelter areas will be cleared of static fishing gear. Moray East contracted vessels will always maintain a lookout for, and avoid, appropriately marked fishing gear. In this context, appropriately marked fishing gear is considered to be gear marked in compliance with the relevant requirements: The Marking of Creels (Scotland) Order 2020, and the Marine Management Organisation guidance on other requirements for marking of fishing gear, retrieval and notification of lost gear (https://www.gov.uk/guidance/marking-of-fishing-gear-retrieval-and-notification-of-lost-gear).

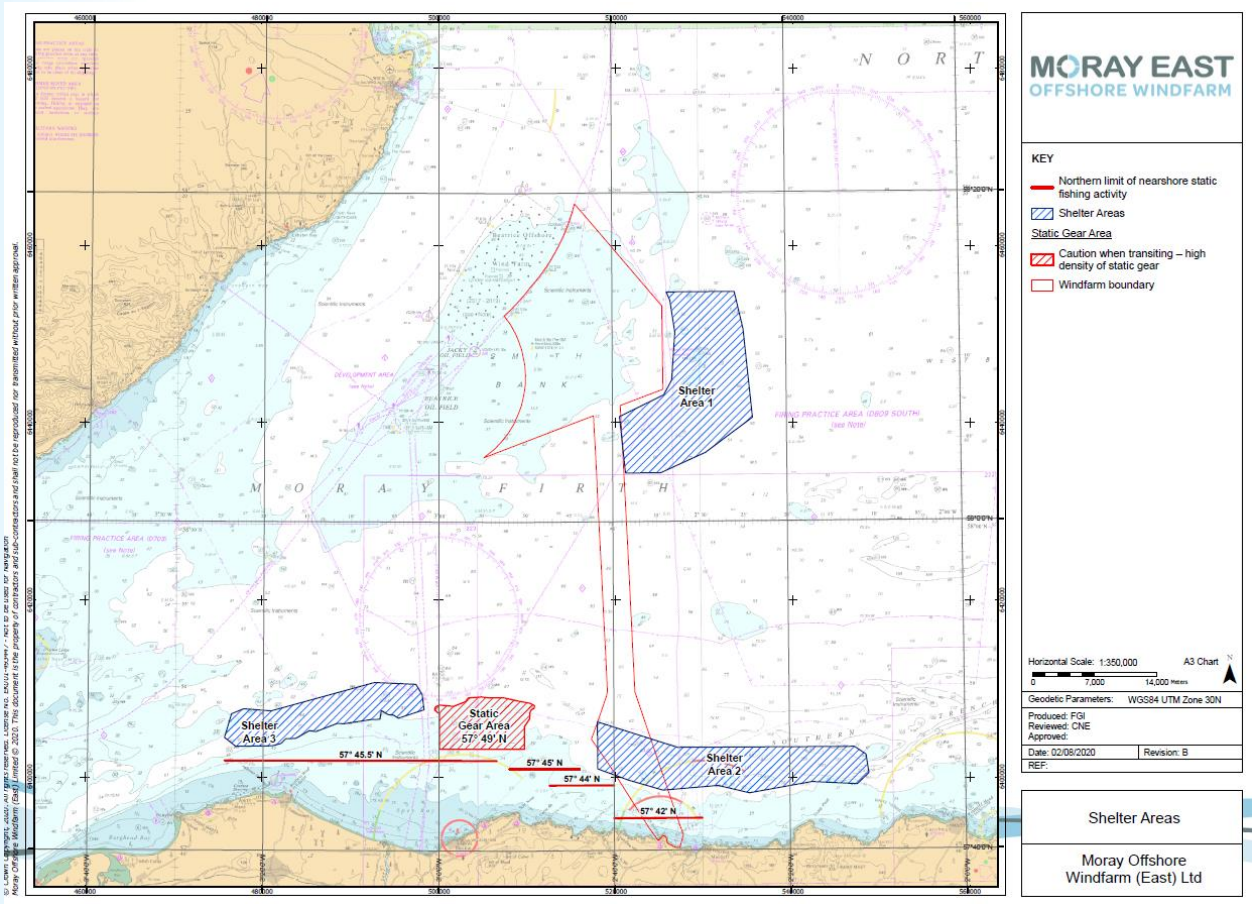


Figure A4.2 Shelter Areas

Appendix 5 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 believe this is as a consequence of Moray East 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 East.

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 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 East will review the information provided and carry out appropriate further investigations in a transparent manner. Moray East 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 East commit to evaluate these claims in a transparent fashion.

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

Moray East expect a revision to the FLOWW best practice guidance to be published and made available for use during 2021, although at the time of writing this document is not available. Moray East 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, overleaf, to streamline the claim process for both fishermen and Moray East. When the guidance is published, Moray East will re-submit a revision of the CFMS to Marine Scotland.

GEAR LOSS / DAMAGE CLAIM FORM 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 East Offshore Windfarm	**Official Use Only** Ref. No. Operator Block No.

SECTION 1: To be completed by the Skipper			
1.1 Vessel Information:			
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	
1.2 Incident Information:			
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.			

Please complete either section A or B depending on gear type used:				
A) Non-static Gear				
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) Static Gear (coordinates of all gear lost / damaged)				
Conditions	Wind Force (mph)		Wind Direction (°)	
Number of fleets				
Fleet lengths				
Number of pots per fleet				
	Start Position (DD°MM.M')		**End Position** (DD°MM.M')	
Fleet 1	Latitude:		Latitude:	
	Longitude:		Longitude:	
Fleet 2	Latitude:		Latitude:	
	Longitude:		Longitude:	
Fleet 3	Latitude:		Latitude:	
	Longitude:		Longitude:	
If more than 3 fleets were used please add details here:				

Number and description of surface markers used:			
1.3 Details of implicated party (if available):			
Name of Vessel		Registration No.	
Name and Address of Skipper		Name and Address of Company	
Evidence to support this party caused the damage			
Where can the debris be inspected			
Photographs attached? (Yes/No)		AIS information attached? (Yes/No)	
Any other evidence to support damage or loss. Please add all relevant evidence			

1.4 Supporting evidence of vessels witnessing the incident: (if none write "NONE")

Name of Vessel(s)		Statement(s) are: (attached or to follow)	

1.5 Details of Damaged Gear:

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:	£	
			Total:	**£**	

1.6 Details of Lost Gear:

Full details of vessel damage or gear lost:	

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:	£	
			Total:	**£**	

1.7 Details of Insurance:

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	£

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

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	
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 6 Commercial Fisheries Engagement

Since identification of the wind farm site Moray East has undertaken a significant programme of engagement with the fishing industry and is committed to continuing to explore and develop practical coexistence and mitigation options in consultation with the industry. This engagement has continued since Moray East was granted its consents in 2014. Table A-4 below sets out the engagement which Moray East has undertaken since their consents were granted.

As set out in section 4.5.3 significant engagement has been undertaken with the scallop industry. Moray East remains committed to engaging with the industry to define and support an appropriate study which will support the industry in the Moray Firth.

Through both the MFOWDG-CFWG and in direct meetings with representatives of the local fishing industry Moray East 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 A-4: Engagement Summary (note this does not include one on one meetings that have been held with individual fishermen)

Date	Consultee	Discussion
26/02/2013	MFOWDG-CFWG	Inaugural MFOWDG-CFWG meeting, discussion on Moray East and BOWL project updates
06/06/2013	MFOWDG-CFWG	Discussion on maintaining an up to date baseline, employment opportunities and potential gear modifications and EMFs.
12/11/2013	MFOWDG-CFWG	Discussion on updates to new data and fishermen's register, Moray East and BOWL project updates and over trawlability surveys.
15/09/2014	MFOWDG-CFWG	Discussion on Moray East and BOWL project updates.
24/09/2015	MFOWDG-CFWG	Discussion on Moray East and BOWL project updates and BOWL CFMS.
01/12/2017	SFF, SFF Services	Project update with representatives from Moray East's engineering team focusing on cable installation and Cable Burial Risk Assessment and engagement on potential opportunities for construction services.
03/07/2018	SFF, SWFPA	Project update and discussion on scallop gear trials including the approved proposed Moray East study. SFF and SWFPA informed Moray East that there is no appetite from the industry for these trials due to changes in personnel and these trials were driven by the Scallop Association which is no more. As such, it was confirmed that the preference would be to explore a contribution towards MSC accreditation work once the UK FIP Action Plan is finalised and surveys can be planned.
22/08/2018	SWPFA	Discussion on scallop industry MSC accreditation work.

Date	Consultee	Discussion
13/08/2018	SFF, SWFPA	Project update with representatives from Moray East's engineering team to present on the inter-array cables: installation, burial and the Wind Farm CaP.
18/09/2018	MFOWDG-CFWG	Discussion on draft Terms of Reference and Moray East project updates. OfTI cable: representatives of Moray East's engineering team presented the proposed OfTI cable route, installation methodology and the programme for works and answered queries from attendees. Inter-array cables: representatives of Moray East's engineering team presented the proposed inter-array cables layout, installation methodology and the programme for works and answered queries from attendees. Scallop dredge gear surveys: following meeting of 03/07/18, it was formally agreed by attendees that the scallop dredge gear trials should not proceed and instead there should be a focus on possible contributions to MSC accreditation work.
07/11/2018	Landfall FIR	Following action raised at MFCWG, follow up meeting held to discuss landfall works.
20/12/2018	MSC, SWFPA	Call to discuss options for Moray East contributing to MSC FIP work.
30/01/2019	MFOWDG-CFWG Squid FIR	Following action raised at MFCWG, follow up meeting held to discuss landfall works.
04/03/2019	MSC FIP Steering Group	Attendance at part of steering group meeting to discuss Moray East's possible contribution to the FIP work.
07/03/2019	SFF, SWFPA, MSC	Meeting to discuss current status of MSC FIP and study options for Moray East to consider.
21/03/2019	MSS, MS-LOT	Meeting to discuss MSC FIP to discuss options for Moray East contributing to FIP: what studies were required and how these could be developed and undertaken.
26/03/2019	MFOWDG-CFWG	Start of construction: an update was provided on construction buoyage deployed around the site and of planned construction activities throughout 2019. Marine Coordination Centre: representatives of Moray East's engineering team presented details of the Marine Coordination Centre (MCC) team based in Fraserburgh. Vessel transit routes to site: representatives of Moray East's engineering team presented the work that is underway with contractors to define transit routes to/from ports and to/from site and how this will be included within the VMP and CFMS. Nearshore works for OfTI cable: representatives of Moray East's engineering team presented details of the proposed works at the landfall in 2019.

Date	Consultee	Discussion
24/04/2019	Static gear fishermen (13 in total) around landfall	Moray East project update including 2019 programme for nearshore works and routing to site of HDD pipes.
25/04/2019	FIR and offshore export cable contractors	Meeting to discuss transit routes of vessels to landfall site.
01/05/2019	Fisherman (now squid FIR)	Meeting at MCC to discuss concerns about impacts of construction on squid trawlers
22/01/2020	MFOWDG-CFWG	Provided an project update including: • Construction started May 2019 • 90% of piling completed. • HDD at landfall now complete • Consultation carried out in regards to transit routes to wind farm site and duct transit routes to the landfall • Received CFMS response from MS on 9 January 2020 • Once submitted to MSLOT they will then be issued to the respondees • Letter of intent has been sent to Mike Kaiser at Heriot-Watt University to undertake the scallop study
12/02/2020	FIR and nearshore creelers	Meeting at harbour with updates on boulder clearance programme and CPT works and cable installation
Various	Various individuals	Throughout, various meetings have been held with individual fishermen from the southern and northern Moray Firth coasts to discuss the project and specific concerns raised by these individuals.

Appendix 7 CFLO Contact Details

Moray East CFLO: Alex Winrow-Giffin
Email: alex@brownmay.com
Telephone: 01379 872148 / [Redacted]

Appendix 8 Commercial Fisheries Guidance and Standard Operating Procedures

Introduction

The purpose of this appendix is to facilitate coexistence with the commercial fisheries industry. An approach of avoiding and reducing impacts to the fishing industry is considered to be the most sustainable approach to coexistence. In order to ensure the skippers and crew of Moray East contracted vessels are aware of the type of fishing vessels they may come across and at what times of year this document will outline:

- the fisheries practices that are undertaken in the vicinity of the Development site and the export cable and the key seasons of such fishing
- the potential interactions that Moray East vessels may have with commercial fishing vessels, their crew and fishing gear, and the key steps required when such an interaction occurs.

Please contact the Moray East Company Fisheries Liaison Officer (CFLO; see Appendix 2 for contact details) for any fisheries related queries regarding the Development.

Fishing Activity

Overview

The potential fishing activity methods in the vicinity of the Moray East windfarm site and export cable route are reviewed in order to assess possible interaction scenarios, both spatially and temporally. This section provides a summary of the key types of fishing that may be encountered during site investigation surveys and construction activities, with descriptions, drawings and photos of the various types of vessels and fishing gear. For further detail on seasonality please contact the CFLO.

The fishing activity most likely to be encountered in the export cable and windfarm site include:

- Creeling (crabs and lobster);
- Mackerel jigging;
- Demersal trawling (Nephrops, squid and whitefish);
- Scallop dredging

Creeling (including mackerel jigging)

Creels are static traps commonly baited with low value fish such as mackerel, herring, and dogfish and are the principal method used to target active scavenging crustaceans such as brown crab, velvet crab, lobster and whelk. A number of pots are set on a main line anchored to the seabed and marked with varying types of static gear markers at either end e.g. with a ‘dahn’ (flag and buff) or buoys/corks.

Many vessels work this gear in the nearshore export cable route and a lower number within the windfarm site. The number of creels per string can vary from between 5 - 30. Vessels generally work between 500 - 1,000 creels at sea, which are fished on a continuous cycle to maintain cover of the ground.

Creeling for lobster peaks during July, August and September, trailing off towards the end of the year and creeling for crab peaks during the winter months.

Please note that at certain times of year the creel vessels may be hand lining or jigging for mackerel, however this tends to be focused on nearshore locations.

Demersal Trawling

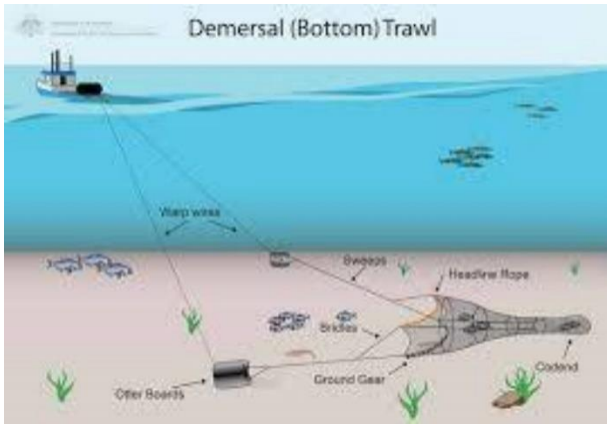
Squid

Squid fishing has become very popular since the early 2000s due to restrictions on quotas and days at sea; squid is a non-quoted 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 often will all be fishing in a very small confined area once a good catch is found.

Due to the high number of vessels who now fish for squid, and the unpredictable nature of the catch, vessels generally turn off their AIS transmitters to keep their exact location private. Vessels normally return to port every night or second night to maximise the market value of a fresh catch. One day there may be only one vessel fishing for squid in the area, if a good catch is landed this could change to 15 vessels being in that area in the space of 24 hours. Fishing gear is normally 100 - 250m behind the vessel while fishing due to operating in shallower water.

The peak activity occurs between June to October with some vessels starting in May and continues on until November.



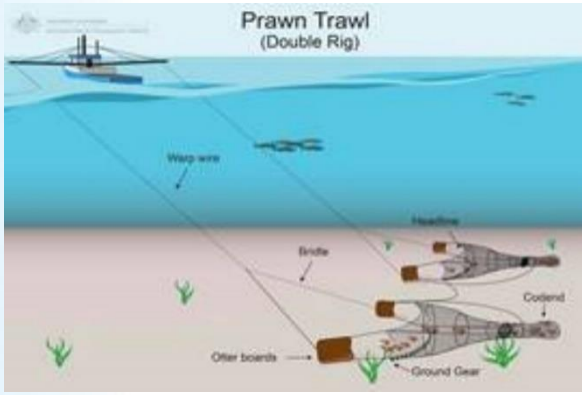
Nephrops (Prawns)

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.

Inshore vessels that operate all year round range from 10 - 15m with larger offshore vessels operating in the area during summer seasonal highs. Fishing areas are determined by the soft muddy seabed where Nephrops bury into the seabed. Vessel normally trawl in the same direction for several hours (5 - 7 hours) only altering course to turn around or to avoid seabed hazards e.g. hard ground or a seabed wreck.

Vessels will operate for two to five days before returning to harbour to land their catch. Fishing gear would normally be 200 – 300m behind the vessels surface position while fishing and vessels would normally be transmitting on AIS.

The peak fishing season generally occurs from May 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.



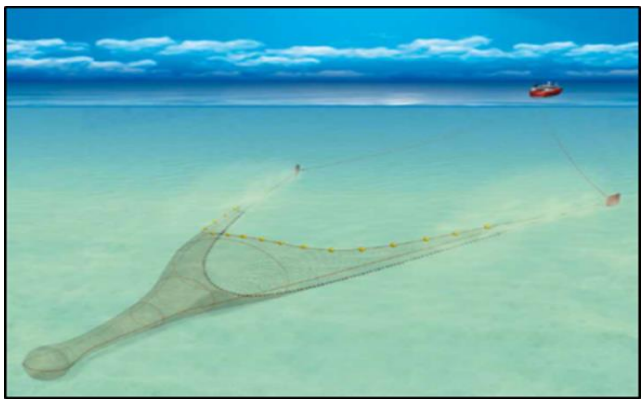
Whitefish

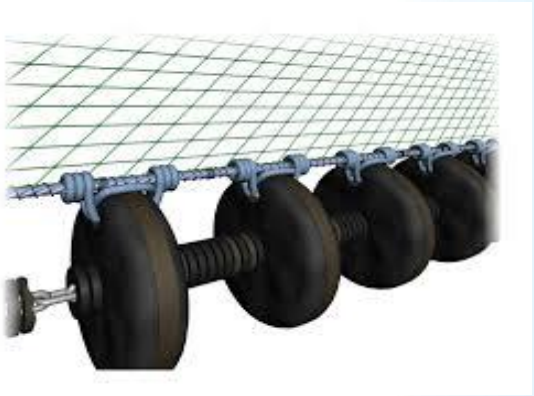
Vessels use a single or multi rig set up to target whitefish species using one or two nets towed along the seabed. Otter boards (trawl doors) are used to give the nets width to maximise the ground coverage during fishing.

Vessels targeting white fish species with focus on rocky outcrops, deep water trenches and areas of firmer seabed. Inshore vessels that operate all year round range from 12 - 18m with larger offshore vessels operating in the area during seasonal highs. Vessel normally trawl in a direction to keeping to a hard edge of ground or maintaining a certain water depth only altering course to turn around or to avoid seabed hazards e.g. seabed wreck or known large boulders and hazards.

Vessels will operate for two to five days before returning to harbour to land their catch. Fishing gear would normally be 300 – 500m behind the vessels surface position while fishing and vessels would normally be transmitting on AIS.

This fishing method is very similar to nephrops fishing, the main difference in the fishing gear is additional height at the mouth (entrance) of the net as haddock, whiting and cod often swim just off the seabed. Also, larger rockhoppers very similar to the squid net due to operating in firmer, rockier seabed conditions.



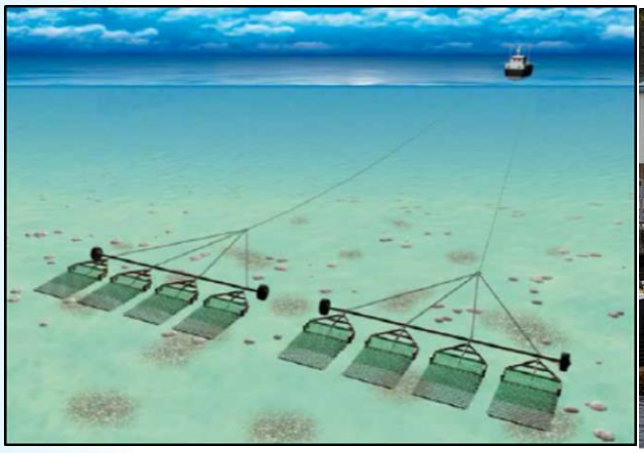


Scallop Dredging

Each dredge consists of a ruggedly constructed triangular steel frame and a tooth bar, behind which a mat of linked steel rings is secured. Heavy netting is laced into the frame to form a bag into which the catch is retained. As scallops usually lie recessed in sand and fine gravel, they are raked out by teeth and swept into the bag.

A number of dredges are attached to a bar fitted with bridles, and is towed using a single warp. The dredges are usually deployed from outrigger booms. The number of dredges deployed varies with the size of the vessel and regional limits.

A number of local and larger visiting vessels target scallops, mainly in the vicinity of the wind farm and offshore section of the export cable route. Peak landings occur in June, July and August, however scallop activity is recorded throughout the year.



Potential Interactions

Static Fishing Gear

Static fishing gear (almost exclusively creels) is deployed at the highest densities within the nearshore export cable corridor and within the windfarm site. Competition for space between static gear and construction/ survey vessels is likely to be a source of conflict.

Mobile Fishing Methods

Mobile gear such as trawling for squid, scallops and white fish is more prominent within the windfarm site than the export cable, however squid fishing will also take place in the nearshore areas of the export cable. Trawling for Nephrops predominantly occurs in areas relevant to the export cable.

Early and clear communication between the Offshore Fisheries Liaison Officer (OFLO), guard vessel, construction vessels and fishing vessels is paramount to ensure no negative interactions occur.

Moray East has committed to consider phasing of construction activities to minimise interaction with the peak squid season in the windfarm site, as minuted in the Moray Firth Commercial Fisheries Working Group (MFOWDG-CFWG). The sequencing of jacket installation and inter array cable installation in 2020 was phased to minimise interaction by avoiding working in areas of the Development site that typically see the greatest intensity of squid fishing activity during the peak squid season, with construction activity taking place in these areas outside the peak squid season.

Roles and Responsibilities

All Vessels

All vessels (including Moray East contracted vessels and any third party vessels such as commercial fishing vessels) shall be expected to adhere to all elements of the International Regulations for the Prevention of Collisions at Sea (COLREGS). All mariners are requested to give all construction and support vessels a safe passing distance and contact the vessel on VHF CH16 to ascertain what distance is required dependant on their ongoing operation. Mariners are requested to navigate with caution, to use all means appropriate to aid safe navigation as defined under COLREGs Rule 7, and keep continued watch on VHF Ch. 16, 87 and 73 when navigating the area.

All fishing gear shall be expected to be marked in compliance with the relevant requirements: The Marking of Creels (Scotland) Order 2020, and the Marine Management Organisation guidance on other requirements for marking of fishing gear, retrieval and notification of lost gear (https://www.gov.uk/guidance/marking-of-fishing-gear-retrieval-and-notification-of-lost-gear).

Company Fisheries Liaison Officer

Moray East has appointed Brown & May Marine Ltd as the CFLO. The CFLO reports to the Moray East Development Team. The CFLO will liaise regularly with the OFLO, Fishing Industry Representatives (FIRs) and the Moray East Marine Coordinator.

Fishing Industry Representatives (FIRs)

Moray East has appointed a FIR to represent the creel industry relevant to the export cable route. For FIR contact details please contact the CFLO (contact details are provided in Appendix 7).

Offshore Fisheries Liaison Officer (OFLO)

Moray East will provide Offshore Fisheries Liaison Officers (OFLOs) throughout the Development's construction phase. This ensures that key Moray East construction vessel crews 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 East'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. The OFLO will be in communication with Moray East and the CFLO regarding construction progress, in order to communicate with the local fishing industry construction activities and their respective safety zones where applicable.

Guard Vessels

During construction Moray East will have guard vessel(s) on site, the role of the guard vessel is to facilitate safe construction through liaison with other sea users in the vicinity of the works. Guard vessel(s) will also be in regular communications with the OFLO and CFLO to exchange information on fishing activity and static fishing gear in the Development area.

Contact details of the CFLO are provided in Appendix 7, and contact details of the OFLO are provided within the WNoO issued each week.

Commercial Fishing Interaction Standard Operating Procedure (SOP)

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 East 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

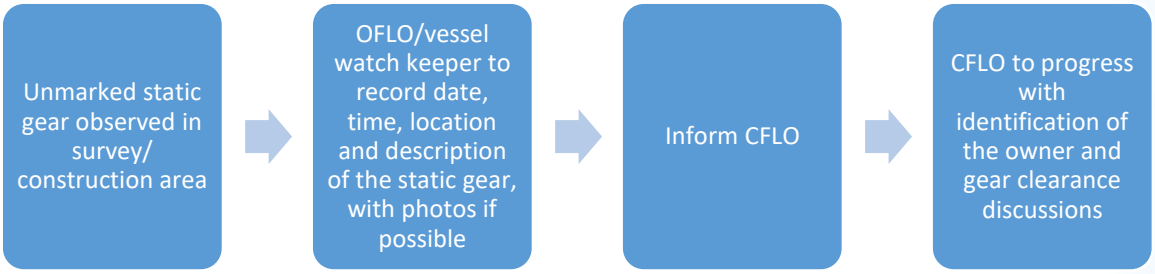
Survey/construction vessel watch keeper to maintain communications with onsite guard vessel in order to monitor fishing activity in the relevant area and record observed fishing vessel positions and static gear positions, along with any communications had with fishing vessels. This information will be 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

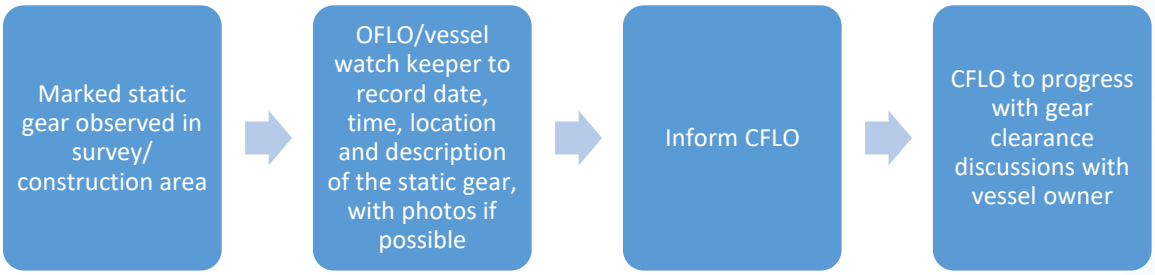
SOP 1: Snag/Damage to static fishing gear

Should any Moray East 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.

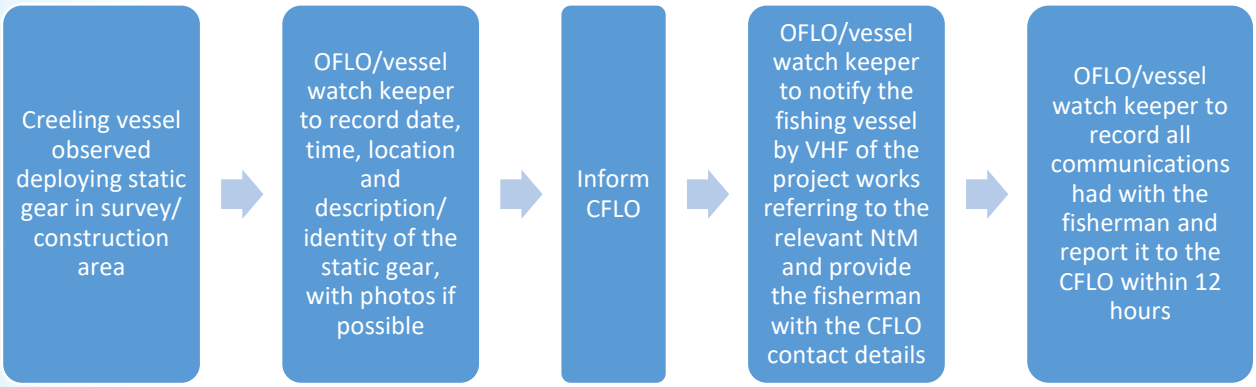
SOP 2: Unattended unmarked static gear



SOP 3: Unattended marked static gear



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



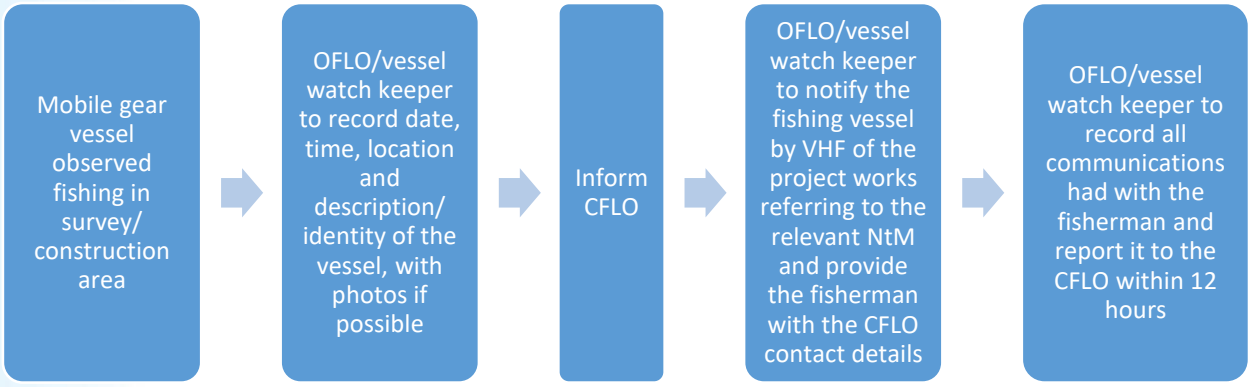
Mobile Fishing Activity

Vessels contracted by Moray East to undertake survey and construction works will be required to adhere to all elements of the International Regulations for the Prevention of Collisions at Sea (COLREGS) and the Code of Good Practice for Moray East Contracted Vessels (see below).

Many of the Moray East contracted vessels undertaking construction/survey works will be defined as restricted in their manoeuvrability (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 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. Please note that as stated above, Moray East has committed to consider phasing of construction activities to minimise interaction with the peak squid season in the windfarm site. The sequencing of jacket installation and inter array cable installation in 2020 was phased to minimise interaction by avoiding working in areas of the Development site that typically see the greatest intensity of squid fishing activity during the peak squid season, with construction activity taking place in these areas outside the peak squid season.

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



Code of Good Practice for Contracted Vessels

The following code of good practice will be provided to Moray East 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 East contracted vessels in relation to fishing vessels and their gears, and to aid positive coexistence with the fishing community.

- All Moray East contracted vessels must adhere to the International Regulations for Preventing Collisions at Sea (COLREGs, International Maritime Organisation (IMO), 1972);
- Moray East contracted vessels will not engage in any commercial or recreational fishing activities whatsoever while mobilised and on shift for Moray East;
- All Moray East 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 East contracted vessel has an OFLO on board, all communications with commercial fishermen at sea should be via the OFLO;
- All Moray East contracted vessels which do not have an OFLO on board should maintain polite, proactive and professional communications with fishing vessels at all times;
- All Moray East 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 East should be aware of the commercial fishing interaction Standard Operating Procedure 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; and
- Where appropriate, for vessels using anchored positioning, contractors should endeavour to adopt anchor release procedures to minimise the size of anchor mounds.
- All Moray East contracted vessels are required to maintain contact with the marine coordinator

MORAY EAST
OFFSHORE WINDFARM

Contact

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