



# BERWICK BANK WIND FARM OFFSHORE ENVIRONMENTAL IMPACT ASSESSMENT

Appendix 24: Outline Fisheries Management and  
Mitigation Strategy

### Document Status

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## ACRONYMS

Acronym	Description
CFWG	Commercial Fisheries Working Group
COLREGs	International Regulations for Preventing Collisions at Sea
EIA	Environmental Impact Assessment
FIR	Fishing Industry Representative
FLO	Fisheries Liaison Officer
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FMMS	Fisheries Management and Mitigation Strategy
MCC	Marine Coordination Centre
MS-LOT	Marine Scotland Licensing and Operations Team
NSP	Navigational Safety Plan
NtM	Notice to Mariners
OFLO	Offshore Fisheries Liaison Officer
OSP	Offshore Substation Platform
SOLAS	Safety of Life at Sea
SOP	Standard Operating Procedure
UK	United Kingdom
VMP	Vessel Management Plan
WNoO	Weekly Notice of Operations
WTG	Wind Turbine Generator

## UNITS

Unit	Description
GW	Gigawatt (power)
km	Kilometres (distance)
m	Metre (distance)

# 1. INTRODUCTION

## 1.1. PURPOSE

1. This document provides an Outline Fisheries Management and Mitigation Strategy (FMMS) for the Berwick Bank Wind Farm (hereafter referred to as 'the Proposed Development') and has been prepared by Brown & May Marine Ltd (BMM) on behalf of Berwick Bank Wind Farm Limited (BBWFL), which is a wholly owned subsidiary of SSE Renewables Limited (SSER) (the Applicant).
2. The purpose of this document is to outline SSER's approach to fisheries liaison and mitigation for the Proposed Development prior to the development of the final FMMS post-consent. The Outline FMMS includes a summary of the key measures proposed to facilitate co-existence with commercial fishing and to minimise potential impacts during the construction, operation and maintenance and decommissioning phases of the Proposed Development, including consideration of commitments made in the Commercial Fisheries chapter of the Offshore Environmental Impact Assessment (EIA) Report (volume 2, chapter 12).

## 1.2. PROJECT DESCRIPTION

3. The Proposed Development is situated in the North Sea in the outer Firth of Forth (Figure 1.1).
4. Key design parameters of the Proposed Development of relevance to commercial fishing are outlined below:
  - Up to 307 Wind Turbines with a minimum spacing of 1,000 m between turbines;
  - Up to 10 Offshore Substation Platforms (OSPs) / Offshore Converter with 94 km of interconnection cables;
  - Up to 1,225 km of inter-array cables;
  - Up to 8 export cables of 872 km in combined length; and
  - Cables buried to a minimum target burial depth of 0.5 m and protected where sufficient burial cannot be achieved (i.e. due to hard ground or at crossings).
5. Additional detailed information on design parameters can be found in volume 1, chapter 3 of the Offshore EIA Report.

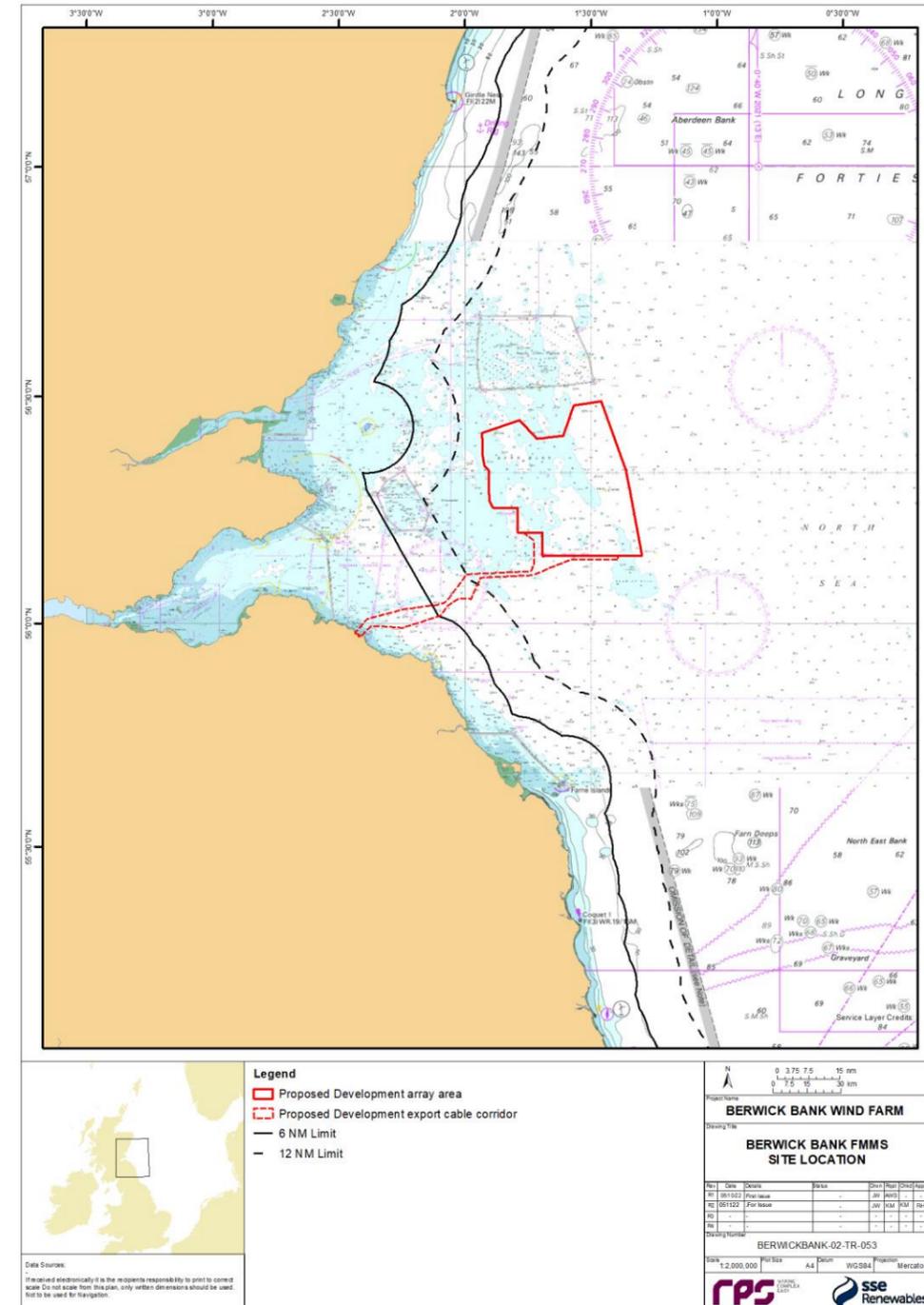


Figure 1.1: Location of the Proposed Development

### 1.3. GUIDANCE

6. The Outline FMMS has been developed with reference to the following key guidance:
- Marine Scotland Guidance on preparing a Fisheries Management and Mitigation Strategy – Draft. 2020.
  - Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) Best Practice Guidance for Offshore Renewables Developments. Recommendations for Fisheries Liaison, 2014;
  - FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds, 2015; and
  - Marine Scotland Good Practice Guidance for assessing fisheries displacement by other licensed marine activities, 2022.

## 2. FISHERIES MANAGEMENT AND MITIGATION MEASURES

7. This section provides a summary of the Applicant's approach to fisheries liaison and of the measures proposed to be implemented to facilitate co-existence and minimise impacts on fishing activities. As identified in volume 2, chapter 12 of the offshore EIA Report, commercial fisheries of relevance to the Proposed Development include the following:
- Demersal trawling – *Nephrops* and squid fishery;
  - Creeling – Lobster and crab fishery; and
  - Dredging – Scallop fishery.
8. The measures proposed in this Outline FMMS take account of the Designed in measures identified in volume 2, chapter 12, of the Offshore EIA Report with regard to commercial fisheries. These are listed in Table 2.1.
9. Unless otherwise specified, the measures proposed apply to all the fisheries identified above.

**Table 2.1: Designed in Measures Adopted as Part of the Proposed Development of Relevance to Commercial Fishing**

Designed In Measures Adopted as Part of the Proposed Development	Justification
Appointment of a Fisheries Liaison Officer (FLO).	Provides a project specific point of contact to liaise and engage with the fishing industry.
Participation in the Forth and Tay Commercial Fisheries Working Group (CFWG).	Provides a forum for information sharing and discussion of key issues with fisheries stakeholders and other developers in the region.
A Navigational Safety and Vessel Management Plan (NSVMP) (volume 4, appendix 25) will provide the details of the vessel management and navigational safety of the Proposed Development and mitigate the impact of project vessels and the navigational risk to other legitimate users of the sea. Under the NSVMP, the Applicant will ensure that details of the Proposed Development are promulgated in the Kingfisher fortnightly bulletins, as soon as reasonably practicable prior to the commencement of construction of the Proposed Development to inform the commercial fishing industry of vessels routes, timing and locations of construction works, and relevant details the construction activities. Record hazards such as subsea cables.	Facilitates awareness and helps minimising disturbance to fishing activities. timely and efficient distribution of NtM, Kingfisher notifications and other navigational warnings of the position and nature of works associated with the Proposed Development.

Designed In Measures Adopted as Part of the Proposed Development	Justification
Timely and efficient distribution of Notice to Mariners (NtM), Kingfisher notifications and other navigational warnings of the position and nature of works associated with the Proposed Development.	Facilitates awareness and helps minimising disturbance to fishing activities.
Compliance of all project vessels with international marine regulations as adopted by the Flag State, notably the International Regulations for Preventing Collisions at Sea (COLREG) and International Convention for the Safety of Life at Sea (SOLAS).	Minimises the risk introduced due to the presence of project vessels.
Adherence to appropriate guidance with regards to fisheries liaison and mitigation (i.e. FLOWW guidance).	Facilitates the establishment of productive relationships with fisheries stakeholders and the implementation of an evidence-based approach to mitigation.
Lighting and marking of the Proposed Development array area in agreement with the NLB and in line with IALA G1162 (IALA, 2021).	Maximises awareness of the Proposed Development both in both day and night conditions including in restricted visibility and assists with SAR operations.
Appropriate marking of structures (both within the Proposed Development array area and export cable corridor) on UKHO Admiralty Charts.	Maximises awareness of the Proposed Development allowing vessels to passage plan in advance.
Use of guard vessels and offshore fisheries liaison officers (OFLOs) where required and appropriate.	Facilitates engagement with fisheries stakeholders during specific project works and minimises potential for conflict between the Proposed Development and fishing activities.
Development of a FMMS for Marine Scotland Licensing and Operations Team (MS-LOT) approval and in consultation with fisheries stakeholders.	Details the Applicant's proposed approach to fisheries liaison and to facilitating co-existence, including details on the measures which are proposed to be implemented to minimise impacts on commercial fishing.
Outline NSVMP will be provided at Application (volume 4, appendix 25).	Details the Applicants proposed approach to navigation safety and vessel management to maximise safety considerations.
Cables will be buried to a minimum depth of 0.5 m where reasonably practicable. Where cable burial target depths are not met cable protection will be used.	Minimises potential interactions between fishing gear and cables.
The location, extent and nature of all deployed infrastructure will be charted and communicated to the fishing industry.	Prevents potential damage to and from fishing gear and associated safety risks.
Where rock placement is used for cable protection consideration will be given to designs that minimise potential gear snagging risk (i.e. use of graded rock and 1:3 profile berms).	Facilitates co-existence and minimises potential damage to and from fishing gear and associated safety risks.
Undertaking of assessments to determine cable burial status (including cable protection) and identify potential changes to seabed conditions. Findings would be shared with the fishing industry to discuss requirements for any further surveys.	Facilitates co-existence and prevents potential damage to and from fishing gear and minimises potential safety risks.
Anticipated vessel transit routes and shelter/holding areas for construction vessels will be identified in the NSVMP.	Facilitates co-existence and minimises potential adverse interactions between Proposed Development vessels and fishing activities.
Development of a Code of Good Practice for contracted vessels.	Facilitates co-existence between vessels undertaking works for the Proposed Development and fishing vessels and helps minimise potential negative interactions.
Development of suitable procedures to allow claims for loss or damage to gear.	Facilitates co-existence and minimises potential negative interactions between Proposed Development vessels and fishing activities.

## 2.2. COMMUNICATION AND INFORMATION TRANSFER

10. The implementation of an appropriate communication and information transfer strategy is of key importance to help in minimising interference and facilitating effective co-existence with the fishing industry.
11. Key roles and responsibilities with regard to liaison with the fishing industry and the communication and information distribution plan anticipated to be implemented for the Proposed Development are described in section 2.2.2 and section 2.2.3, respectively.

### 2.2.2. FISHERIES LIAISON ROLES AND RESPONSIBILITIES

#### The Applicant

12. The primary responsibilities of the Applicant are anticipated to include the following:
  - To identify and pro-actively engage with commercial fisheries stakeholders and statutory and non-statutory bodies and organisations that have the potential to be affected by the Proposed Development;
  - To actively continue liaison and consultation with the fishing industry through membership of the Forth and Tay CFWG, as the regional forum for engagement with commercial fishing stakeholders, in accordance with the Terms of Reference of the CFWG;
  - To formulate, agree and implement efficient communication channels for distributing project related information to stakeholders;
  - To continue to give consideration to the concerns of commercial fisheries stakeholders in the formulation of mitigation strategies;
  - To maintain employment of an FLO as the main point of contact for the Applicant and engage FIRs under the Forth and Tay CFWG as required throughout construction, operation and maintenance and decommissioning phases of the Proposed Development;
  - To promote productive co-existence through the early provision of construction and cable laying plans to fisheries stakeholders, including information on the type and location of cable protection measures where this may be required;
  - OFLOs will be used where required and appropriate during the construction, and operation and maintenance phases;
  - To produce and ensure implementation of Standard Operating Procedures (SOPs) to minimise and appropriately manage potential interactions with fishing vessels; and
  - To establish suitable and evidence-based cooperation agreement methodologies in line with FLOWW guidelines (FLOWW 2014; 2015).

#### Fisheries Liaison officer (FLO)

13. A FLO has already been appointed for the Proposed Development and will continue to be appointed through pre-construction and construction and as required during critical phases of the Proposed Development.
14. The principal role of the FLO is to establish and maintain effective communications between the Applicant, any contractors or sub-contractors, fishermen and other users of the sea during the construction and operation of the Proposed Development and to monitor compliance with good practice guidelines whilst doing so.
15. The primary responsibilities of the FLO are anticipated to include the following:
  - Provision of advice to the Applicant on fisheries liaison throughout the pre-construction and construction of the Proposed Development;

- Organisation of, preparation for and attendance at fisheries meetings including the Forth and Tay CFWG, local fisheries stakeholder events and meetings with regulators, as required;
- Provision of advice to the Applicant on ongoing delivery of FMMS;
- Act as a key point of contact for fisheries stakeholders and maintain availability to receive and respond to telephone and e-mailed enquires and statements from fishermen's representatives and individual fishermen, as well as the Applicant's enquiries;
- To maintain a fisheries stakeholder database to ensure all fisheries stakeholders are adequately informed of relevant project activities;
- Maintaining availability to resolve fisheries related issues as they arise;
- Preparation of SOPs to help avoid and minimise interactions with fishing activities;
- Gather information with regards to fishing activities within the Proposed Development and in its vicinity; and
- Assist and support the Applicant to facilitate the relocation of static fishing gear where this may be required.

#### Fishing Industry Representatives (FIR)

16. As counterpart to the FLO and often first point of contact for fishermen, the Fishing Industry Representative (FIR) will support the FLO in their duties. FIRs will make skippers of fishing vessels aware of any forthcoming project operations and other on-going activities.
17. Membership of the Forth and Tay CFWG includes nominated FIRs representing local areas in the wider Forth and Tay area. In addition to the CFWG FIRs a project specific FIR may also be in place, if appropriate.
18. The primary responsibilities of the FIR are anticipated to include the following:
  - 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 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 FLO;
  - 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 commercial fisheries database (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.

#### Offshore Fisheries Liaison Officer (OFLO)

19. OFLOs will be used where required and appropriate during the construction, and operation and maintenance phases of the Proposed Development. OFLOs will facilitate engagement with offshore

fisheries stakeholders during specific project works to minimise potential for conflict between the Proposed Development and fishing activities.

20. The primary responsibilities of OFLOs are anticipated to include:

- To maintain regular contact with the FLO and the Applicant and/or their contractors, as appropriate, concerning fishing vessel activity in and around the Proposed Development;
- To maintain a watch for marine traffic and fishing vessel activity during marine operations and maintain regular contact with guard vessels and support vessels;
- To communicate with the vessel master in respect of providing any relevant information to fishing vessels, and, when the vessel is not engaged in marine operations, work with the vessel master to avoid, where reasonably practicable, fishing vessels actively engaged in fishing operations;
- To liaise with any fishermen who may have static gear deployed in areas relevant to the Proposed Development and vessel transit routes;
- To provide the required support to the FLO in the handling of any claims by fishermen who may have static gear deployed in areas relevant to the Proposed Development and vessel transit routes;
- To develop and provide training for all vessel personnel to include induction and training for staff with specific fisheries liaison responsibilities;
- To record details of any fishing activity in and around the Proposed Development (including fishing vessels, gear and communications with fishermen) and of any events of infringement or movement or damage to static gear;
- To provide daily update reports via email to the FLO and the Applicant; and
- To attend meetings, if required, with the Applicant's personnel and the FLO.

#### The Forth and Tay Commercial Fisheries Working Group (CFWG)

21. The principal purpose of the CFWG is to provide a forum for discussion on issues relating to commercial fisheries common to all offshore wind farm projects in the Forth and Tay region. The Applicant is currently a member of the Forth and Tay CFWG and will continue to participate in the group. The FMMS, once finalised post-consent, will be shared with the CFWG for consultation prior to approval by Scottish Ministers.

#### Marine Coordination Centre (MCC)

22. The Applicant will establish a Marine Coordination Centre (MCC), which will support the Proposed Development's construction and operation and maintenance phase activities.

23. The MCC will monitor vessel activity in areas relevant to the Proposed Development. The MCC will also be responsible for compiling Notices to Mariners (NtMs), Information to Sea Users Bulletins (Kingfisher Bulletin) and weekly notices of operations (WNoO) during construction. These will be issued to the FLO who will then distribute these to the FIR and individual fishermen as required.

24. In addition, the MCC will provide a direct point of contact for fishing vessels when active in areas relevant to the Proposed Development. Fishers can contact the MCC via marine radio channels or the MCC phone line.

### 2.2.3. COMMUNICATIONS AND INFORMATION DISTRIBUTION

25. Disseminating appropriate and accurate information to all parties as early as possible and ensuring that effective lines of communication in relation to the Proposed Development are maintained, is key to fostering an ongoing productive working relationship with fisheries stakeholders.

26. Appropriate communication channels will be established with fisheries stakeholders to ensure they are kept informed of offshore activities throughout the construction, operational and maintenance and decommissioning phases of the Proposed Development. An outline of the anticipated schedule for the distribution of information to commercial fisheries stakeholders during the construction and operational and maintenance phases of the Proposed Development is given in Table 2.2.

**Table 2.2: Timescales for Distribution of Proposed Development Information to Commercial Fisheries Stakeholders**

Activity/information to be Disseminated	Timescale for Distribution
Site surveys	Notices and information distribution not less than 14 days prior to survey mobilisation (where feasible).
Construction activities	Notice and information distribution as soon as reasonably practicable prior to commencement of offshore construction activities.  For individual construction vessels, notice and information will be aimed to be provided not less than 14 days prior to vessel mobilisation (where feasible).
Consultation meetings	Consultation meetings as required throughout the project life cycle.
Forth and Tay CFWG	Meetings approximately every two months or as required during the pre-construction, construction and operational phases.
Project updates	Project update circulated by e-mail or hard copy to fisheries stakeholders on a bi-annual basis or as needed by the Proposed Development, or reasonably requested by stakeholders.
Unscheduled liaison	Additional unscheduled liaison and consultation would be undertaken by either the FLO, the Applicant or the FIR (if applicable), as required, to address any issues and fishermen's concerns as they arise.

### 2.3. SAFETY ZONES

27. It is anticipated that the Applicant will apply for the following Safety Zones to be implemented during relevant phases of the Proposed Development:

- 500 m construction phase safety zones centred at locations where construction activities are underway;
- A 50 m pre-commissioning safety zone during the construction phase, at infrastructure where construction is not on-going, prior to wind farm commissioning; and
- 500 m operational safety zones for major maintenance activities;

28. Requirements for advisory measures are anticipated to include:

- Up to 500 m advisory exclusion of fishing along vulnerable sections of cables (e.g. cables awaiting burial or protection)
- Advisory safe passing distances as defined by risk assessment, suitably promulgated to maximise awareness of ongoing construction activities;

### 2.4. GUARD VESSELS

29. It is anticipated that the provision of guard vessels will be the responsibility of the Applicant's contractors during construction activities, as appropriate. The guard vessels will support the OFLO in monitoring fishing activity and communicating with fishing vessels.

## 2.5. REPORTING OF DROPPED OBJECTS

30. A dropped objects at sea procedure which will be followed in the event that any objects are dropped at sea will be produced for the Proposed Development in the interest of ensuring safety and minimising risks to fishing. The procedure will make reference to necessary reporting requirements.

## 2.6. OFFSHORE VESSEL NAVIGATIONAL SAFETY AND VESSEL MANAGEMENT PLAN (NSVMP)

31. The Applicant will produce a Navigational Safety and Vessel Management Plan (NSVMP) to provide information on indicative transit routes to and from construction/operation and maintenance ports and the Proposed Development.
32. The document will provide information on the Applicant's approach to protecting the safety of vessels (including fishing vessels) during construction and operational phases of the Proposed Development, including details on anchoring and potential sheltering arrangements.
33. The Applicant will consult with commercial fisheries stakeholders on indicative transit routes and any potential shelter areas and will advise contractors vessels of any concerns raised.

## 2.7. CODE OF GOOD PRACTICE FOR ALL VESSELS

34. Contractors appointed by the Applicant will be required to follow a code of good practice to ensure external communication is accurate and to aid co-existence with the fishing industry. It is anticipated that the code of good practice will include the following considerations:
- Ensure that any project related debris accidentally dropped during construction / operation and maintenance activities is removed as practicably and safely, as is feasible, and reported as appropriate;
  - Ensure all vessels under contract for the Proposed Development adhere to the International Regulations for Preventing Collisions at Sea (COLREGs) and Safety of Life at Sea (SOLAS) requirements;
  - All vessels under contract with the Proposed Development will maintain polite, proactive and professional communications with fishing vessels during offshore operations;
  - All vessels under contract with the Proposed Development will monitor at all times the required VHF channels so as to receive communications directly from fishing vessels;
  - All vessels contracted to undertake work for the Proposed Development will have undertaken appropriate risk assessments in respect of potential interactions with commercial fishing vessels and their gears;
  - All vessels contracted by the Applicant will have on board fishing liaison/interaction manuals;
  - Where appropriate, suitably qualified and certified OFLOs will be on board certain survey or construction vessels; and
  - Vessels transiting to the Proposed Development shall follow transit routes as defined in the NSVMP where safe and practicable to do so.

## 2.8. PROCEDURES IN RELATION TO GEAR FASTENING OR LOSS

35. The following procedure replicates that which has been in place in respect of the UK offshore oil & gas industry and describes the steps that should be undertaken in the event of fishing gear becoming fastened within the Proposed Development:
- If the fastened gear is not easily retrieved, fishermen should not apply excessive winch, line or net hauler loads or engine powers in attempts to retrieve fastened gear.
  - The fishing vessel should advise the coastguard, giving an accurate position of the vessel and/or lost gear.

- If the coastguard confirms that the vessel is in the immediate vicinity of a cable or wind farm related infrastructure, serious consideration will be given to the slipping of the gear and buoying and recording its position.
- After buoying off the gear, the position should be confirmed with the coastguard and the FLO.
- On return to port, contact the local Fishery Office and register the incident in the normal manner.
- Complete a gear loss form and forward it to the FLO.
- On no account should skippers grapple in an attempt to recover fishing gear lost or cut away in the vicinity of the inter-array or export cables.

36. Information on navigational safety measures and a summary of emergency responses and coordination arrangements for the construction and operation and maintenance phases of the Proposed Development are expected to be included within the NSP.

## 2.9. ASSESSMENT OF BURIAL STATUS OF CABLES AND CHANGES TO SEABED

37. The Applicant is committed to the undertaking of assessments to determine the burial status of cables (including cable protection) and potential changes to the seabed. These would be aimed at facilitating co-existence with fishing and minimising snagging risk and associated loss or damage to fishing gear and safety issues. The findings of these assessments would be shared with the fishing industry and the need for further survey work will be discussed between the Applicant and the fishing industry.

## 2.10. MONITORING OF FISHING ACTIVITY

38. The Applicant will monitor fishing activity in the Proposed Development by undertaking a review of fisheries data at appropriate times. The aim of the commercial fisheries monitoring is to provide an accurate representation of fishing activity in areas of relevance to the Proposed Development. The results of the monitoring may inform updates to the FMMS.

## 2.11. LOBSTER AND CRAB FISHERY SPECIFIC MEASURES

39. The management and mitigation measures outlined in sections 2.2 to 2.10 are applicable to all fisheries active in areas relevant to the Proposed Development. This section outlines additional fishery specific measures of relevance to the lobster and crab fishery.
40. It is the intention of the Applicant to promote co-existence and minimise potential disruption to normal commercial fishing practices. It is recognised, however, that there may be instances where the relocation of static fishing gear may be necessary as a result of survey or construction works. Where this is the case, the Applicant will seek to enter into appropriate, justifiable and evidence-based cooperation agreements with affected fisherman.
41. This will be undertaken following an evidence-based approach taking account of existing good practice guidance (i.e. FLOWW guidance). As described in FLOWW guidance (FLOWW, 2014) "*Commercial compensation should only be used as a last resort when there are significant residual impacts that cannot otherwise be mitigated. 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 and VMS data) to corroborate any such claims*".

### 3. REFERENCES

FLOWW (2014). FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison.

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