

Neart na Gaoithe Offshore Wind Farm

Commercial Fisheries Management & Mitigation Strategy

June 2020

Rev 4.0

DOCUMENT REFERENCE: NNG-NNG-ECF-PLN-0008

Neart na Gaoithe Offshore Wind Farm Commercial Fisheries Management and Mitigation Strategy

Pursuant to Section 36 Consent Conditions 25 and 27 and Marine Licence
(Transmission Works) Conditions 3.2.2.20 and 3.2.2.21

For the approval of the Scottish Ministers

SIGN OFF		
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Overview

Purpose and Objectives of the Plan

This Fisheries Management and Mitigation Strategy (FMMS) has been prepared to address the specific requirements of the relevant conditions attached to the Section 36 (S36) consent and Marine Licences (collectively referred to as the Offshore Consents) issued to Neart na Gaoithe Offshore Windfarm Limited (NnGOWL).

The overall aim of the FMMS is to set out the approach to fisheries liaison and mitigation during the construction of the Wind Farm and Offshore Transmission Works (OfTW) infrastructure.

The FMMS confirms that the management procedures to be employed align with those considered in the original Application, and that mitigation measures detailed in the Application will also be applied.

All NnGOWL personnel and Contractors involved in the Project must comply with this FMMS.

Scope of the Plan

The FMMS provides information on the following:

- Details of the approach to fisheries liaison;
- The roles and responsibilities of key Project personnel, including the Company Fisheries Liaison Officer;
- Details of mitigation measures, including measures to promote coexistence and the procedures that will be employed where coexistence is not possible; and
- Confirmation that the management and mitigation measures described within the FMMS align with those considered in the original Application.

Structure of the Plan

The FMMS is structured as follows:

Sections 1 to 3 set out the scope and objectives of the FMMS, provide an overview of the Project, and set out broad statements of compliance.

Sections 4 and 5 provides an overview of the fisheries and outlines the data that has informed the preparation of this FMMS.

Section 6 sets out the strategy for fisheries liaison.

Section 7 sets out fisheries mitigation measures, identifying measures that will be taken to promote coexistence, and the procedure around disruption payments.

Section 8 demonstrates compliance with the original Application.

Plan Audience

This FMMS is intended to be referred to by personnel involved in the construction of the Project, including NnGOWL personnel and Contractors.

The FMMS is also intended to be referred to by the fishing industry, and points of contact for the industry are provided in Appendix A to this document.

Compliance with this FMMS will be monitored by the NnGOWL Consents Team, the NnGOWL Environmental Clerk of Works (ECoW), the NnGOWL Company Fisheries Liaison Officer (CFLO), and the Marine Scotland Licensing Operations Team (MS-LOT).

Plan Locations

Copies of this FMMS are to be held in the following locations:

- The NnGOWL Project office;
- All site offices dealing with marine operations including the NnGOWL Marine Coordination Centre;
- With NnGOWL's ECoW and CFLO; and
- With Fishing Industry Representatives (FIRs).

Contents

1	Introduction	11
1.1	Background.....	11
1.2	Objectives of this Plan	11
1.3	Linkages with other Consent Plans.....	13
1.4	Structure of the Plan	14
1.5	Plan Updates and Consultation	15
2	NnGOWL Statements of Compliance	15
2.1	Introduction.....	15
2.2	Statements of Compliance	15
3	Project Overview.....	15
4	Fisheries Overview	18
5	Data to Inform the FMMS	18
6	Fisheries Liaison Strategy	19
6.1	Principles of Liaison	19
6.2	Liaison to Date.....	19
6.3	Liaison Roles and Responsibilities	21
6.4	Information Dissemination.....	24
7	Fisheries Mitigation Strategy	26
7.1	Principles of Mitigation	26
7.2	Coexistence Strategy	28
7.3	Disruption Payment Strategy	30
8	Compliance with the Application and EIA Report	34
	References.....	35
	Appendix A – Contact Details	36
	Appendix B – Claim Form 1.....	37
	Appendix C – Claim Form 2.....	47

Figures

Figure 3.1	Project Overview.....	17
Figure 6.1	Team organogram including roles and responsibilities	22
Figure 7.1	Disruption settlement options (adapted from FLOWW, 2015).....	31

Tables

Table 1-1	Consent conditions for FMMS and Fisheries Liaison Officer.....	11
Table 1-2	FMMS consistency and links to other Consent Plans.....	13

Table 1-3 FMMS Document Structure	14
Table 4-1 Key fisheries identified across the project	18
Table 6-1 Consultation and liaison post submission	19
Table 6-2 Means of information dissemination	24
Table 7-1 Commitments as provided within the EIA Report, together with the relevant section of this FMMS.....	26

Acronyms and Abbreviations

TERM	DESCRIPTION
AC	Alternating current
ADR	Alternative Dispute Resolution
CaP	Cable Plan
CFWG	Commercial Fisheries Working Group
CIFA	Communities Inshore Fisheries Alliance
CFLO	Company Fisheries Liaison Officer
CMS	Construction Method Statement
CoP	Construction Programme
CTMP	Construction Traffic Management Plan
DP	Decommissioning Programme
DS	Design Statement
DSLPP	Development Specification and Layout Plan
DFA	Dunbar Fishermen's Association
ERCoP	Emergency Response Cooperation Plan
ECoW	Environmental Clerk of Works
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
FFA	Fife Fishermen's Association
FMMS	Fisheries Management and Mitigation Strategy
FIRs	Fishing Industry Representatives
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FTCFWG	Forth and Tay Commercial Fisheries Working Group
LMP	Lighting and Marking Plan
MMO	Marine Management Organisation
MS-LOT	Marine Scotland Licensing Operations Team
MW	Megawatts
N&EC RIFG	North and East Coast Regional Inshore Fisheries Group
NSP	Navigational Safety Plan
NnG	Neart na Gaoithe
NnGOWL	Neart na Gaoithe Offshore Wind Limited
NtMs	Notices to Mariners
OSPs	Offshore Substation Platforms

TERM	DESCRIPTION
OfTW	Offshore Transmission Works
WSI	Offshore Written Scheme of Investigation
OMP	Operation and Maintenance Programme
PS	Piling Strategy
FMA	Pittenweem Fishermen's Mutual Association
PEMP	Project Environmental Monitoring Programme
PAD	Protocol for Archaeological Discoveries
Q1	Quarter 1
RIFG	Regional Inshore Fisheries Group
SCFF	Scottish Creel Fishermen's Federation
SFF	Scottish Fishermen's Federation
SWFPA	Scottish White Fish Producers Association
S36	Section 36
SEIFA	South East Inshore Fishermen's Association
UKHO	United Kingdom Hydrographic Office
VMP	Vessel Management Plan
VMS	Vessel Monitoring System

Defined Terms

TERM	DESCRIPTION
Addendum	The Addendum of Additional Information submitted to the Scottish Ministers by NnGOWL on 26 July 2018.
Application	The Environmental Impact Assessment Report, Habitats Regulations Appraisal Report and supporting documents submitted to the Scottish Ministers by NnGOWL on 16 March 2018, and the Addendum of Additional Information submitted to the Scottish Ministers by NnGOWL on 26 July 2018.
Company	Neart na Gaoithe Offshore Wind Limited (NnGOWL) (Company Number SC356223). NnGOWL has been established to develop, finance, construct, operate, maintain and decommission the Project.
Consent Conditions	The terms that are imposed on NnGOWL under the S36 Consent or Marine Licenses that must be fulfilled throughout the period that the Consents are valid.
Consent Plans	The plans, programmes or strategies required to be approved by the Scottish Ministers (in consultation with appropriate stakeholders) in order to discharge conditions attached to the Offshore Consents.
Contractors	Any Contractor/Supplier (individual or firm) working on the Project.
EIA Report	The Environmental Impact Assessment Report, dated March 2018, submitted to the Scottish Ministers by NnGOWL as part of the Application as defined above.
Inter-array Cables	The offshore cables connecting the wind turbines to one another and to the offshore substations.
Interconnector Cables	The offshore cables connecting the offshore substations to one another.

TERM	DESCRIPTION
Marine Licences	The written consents granted by the Scottish Ministers under the Marine (Scotland) Act 2010, for construction works and deposits of substances or objects in the Scottish Marine Area in relation to the Wind Farm (Licence Number 06677/18/0) and the OfTW (Licence Number 06678/18/0), dated 3 December 2018.
Offshore Consents	The Section 36 Consent and the Marine Licences.
Offshore Export Cable Corridor	The area within which the offshore export cables are to be located.
Offshore Export Cables	The offshore export cables connecting the offshore substations to the landfall site.
Offshore Substations	The offshore substations that collect and export the power generated by wind turbines.
OfTW	The Offshore Transmission Works. The OfTW includes the offshore substations and offshore interconnector and offshore export cables required to connect the Wind Farm to the Onshore Transmission Works at the landfall.
OfTW Area	The area outlined in red and blue in Figure 1 attached to Part 4 of the OfTW Marine Licence.
OnTW	The onshore transmission works from landfall and above Mean High Water Springs, consisting of onshore export cables and the onshore substation.
Project	The Wind Farm and the OfTW.
Section 36 Consent	The written consent granted by the Scottish Ministers under Section 36 of The Electricity Act 1989 to construct and operate the Wind Farm, dated 3 December 2018.
Subcontractors	Any Contractor/Supplier (individual or firm) providing services to the Project, hired by the Contractors.
Wind Farm	The offshore array as assessed in the EIA Report including wind turbines, their foundations and inter-array cabling.
Wind Farm Area	The area outlined in black in Figure 1 attached to the Section 36 Consent Annex 1, and the area outlined in red in Figure 1 attached to Part 4 of the Wind Farm Marine Licence.

Consent Plans

CONSENT PLAN	ABBREVIATION	DOCUMENT REFERENCE NUMBER
Decommissioning Programme	DP	NNG-NNG-ECF-PLN-0016
Construction Method Statement and Construction Programme	CMS & CoP	NNG-NNG-ECF-PLN-0002
Piling Strategy	PS	NNG-NNG-ECF-PLN-0011
Development Specification and Layout Plan	DSLP	NNG-NNG-ECF-PLN-0003
Design Statement	DS	NNG-NNG-ECF-PLN-0004
Environmental Management Plan	EMP	NNG-NNG-ECF-PLN-0006
Operation and Maintenance Programme	OMP	NNG-NNG-ECF-PLN-0012
Navigational Safety Plan and Vessel Management Plan	NSVMP	NNG-NNG-ECF-PLN-0010
Emergency Response Cooperation Plan	ERCoP	NNG-NNG-ECF-PLN-0015
Cable Plan	CaP	NNG-NNG-ECF-PLN-0007
Lighting and Marking Plan	LMP	NNG-NNG-ECF-PLN-0009
Project Environmental Monitoring Programme	PEMP	NNG-NNG-ECF-PLN-0013
Fisheries Management and Mitigation Strategy	FMMS	NNG-NNG-ECF-PLN-0008

CONSENT PLAN	ABBREVIATION	DOCUMENT REFERENCE NUMBER
Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries	WSI & PAD	NNG-NNG-ECF-PLN-0005
Construction Traffic Management Plan	CTMP	NNG-NNG-ECF-PLN-0014

1 Introduction

1.1 Background

1. The Neart na Gaoithe Offshore Wind Farm (Revised Design) received consent under Section 36 of the Electricity Act 1989 from the Scottish Ministers on 03 December 2018 (the S36 Consent) and was granted two Marine Licences by the Scottish Ministers, for the Wind Farm and the associated Offshore Transmission Works (OfTW), on 03 December 2018 (the Marine Licences). The S36 consent and Wind Farm Marine Licence were revised by issue of a variation to the S36 Consent and Marine Licence 06677/19/0 on 4 June 2019, and the OfTW Marine Licence by the issue of Marine Licence 06678/19/1 on the 5 June 2019. The revised S36 Consent and associated Marine Licences are collectively referred to as 'the Offshore Consents'.
2. The Project is being developed by Neart na Gaoithe Offshore Wind Limited (NnGOWL). NnGOWL personnel, contractors and sub-contractors involved in the project are required to comply with this FMMS.

1.2 Objectives of this Plan

3. The S36 Consent and Marine Licences contain a variety of conditions that must be discharged through approval by the Scottish Ministers. One such requirement is the submission to the Scottish Ministers of a Fisheries Management and Mitigation Strategy (FMMS) prior to the commencement of offshore construction. An additional requirement is the appointment of a Company Fisheries Liaison Officer (CFLO).
4. The relevant conditions setting out the requirement for a FMMS and a CFLO are set out in full in Table 1-1. This document is intended to satisfy the requirements of the S36 Consent conditions by providing details of the intended approach to fisheries liaison and mitigation.

Table 1-1 Consent conditions for FMMS and Fisheries Liaison Officer

CONSENT	CONDITION NUMBER	CONDITION	FMMS SECTION
Section 36	25	The Company must no later than six months prior to the Commencement of the Development, submit a Fisheries Management and Mitigation Strategy ("FMMS"), in writing, to the Scottish Ministers for their written approval in consultation with SFF.	This document sets out the FMMS for approval by the Scottish Ministers
		The FMMS must be defined and finalised in consultation with the Forth and Tay Commercial Fisheries Working Group ("FTCFWG").	Section 6.2
		In order to inform the production of the FMMS the Company must monitor or collect data as relevant and agreed with Scottish Ministers.	Section 5
		The FMMS must include a Fishing Gear Transit Plan ("Transit Plan"). The Transit Plan must lay out guidelines for vessels operating in and around the site and transiting into the site from relevant ports.	Section 7.2.5
		As part of any finalised FMMS, the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they would be adversely affected by the Development. The Company must implement all mitigation measures committed to be carried out by the Company within the FMMS. Any contractors, or sub-contractors working for the Company, must co-operate with the fishing industry to ensure the effective implementation of the FMMS.	Section 6 and Section 7
		The Company must also remain a member of the FTCFWG, or any successor group formed to facilitate fisheries dialogue, to define and finalise the FMMS.	NnGOWL confirm they will remain a member of the CFWG or any

CONSENT	CONDITION NUMBER	CONDITION	FMMS SECTION
			successor group
Marine Licence (OfTW)	3.2.2.20	The Licensee must no later than six months prior to the Commencement of the Works, submit a Fisheries Management and Mitigation Strategy ("FMMS"), in writing, to the Licensing Authority for their written approval in consultation with SFF and any such other fisheries representatives as may be required at the discretion of the Licensing Authority. Commencement of the Works may not take place until such approval is granted.	This document sets out the FMMS for approval by the Scottish Ministers
		The FMMS must be defined and finalised in consultation with the Forth and Tay Commercial Fisheries Working Group ("FTCFWG").	Section 6.2
		In order to inform the production of the FMMS the Licensee must monitor or collect data as relevant and agreed with the Licensing Authority.	Section 5
		The FMMS must include a fishing gear Transit Plan. The Transit Plan must lay out guidelines for vessels operating in and around the site and transiting into the site from relevant ports.	Section 7.2.5
		As part of any finalised FMMS, the Licensee must produce and implement a mitigation strategy for each commercial fishery that can prove to the Licensing Authority that they would be adversely affected by the Works. The Licensee must implement all mitigation measures committed to be carried out by the Licensee within the FMMS. Any contractors, or subcontractors working for the Licensee, must co-operate with the fishing industry to ensure the effective implementation of the FMMS.	Section 6 and Section 7
		The Company must also remain a member of the FTCFWG, or any successor group formed to facilitate commercial fisheries dialogue, to define and finalise the FMMS.	NnGOWL confirm they will remain a member of the CFWG or any successor group
Section 36	27	<p>Prior to the Commencement of the Development, a Fisheries Liaison Officer ("FLO"), must be appointed by the Company and approved, in writing, by the Scottish Ministers (following consultation with SFF and the FTCFWG. The FLO must be appointed by the Company for the period from Commencement of the Development until the Final Commissioning of the Development. The identity and credentials of the FLO must be included 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 must include, but not be limited to:</p> <ul style="list-style-type: none"> (a) Establishing and maintaining effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Development and any amendments to the CMS and site environmental procedures; (b) The 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. 	<p>Section 6.3.2</p> <p>Note that the identity and credentials of the FLO are identified in both the FMMS and EMP</p> <p>Note that FLO appointment has been approved by the Scottish Ministers</p>

CONSENT	CONDITION NUMBER	CONDITION	FMMS SECTION
Marine Licence (OfTW)	3.2.2.21	<p>Prior to the Commencement of the Works a Fisheries Liaison Officer ("FLO") must be appointed by the Licensee and approved, in writing, by the Licensing Authority (following consultation with SFF and the Forth and Tay Commercial Fisheries Working Group. The FLO must be appointed by the Licensee for the period from Commencement of the Works until the Completion of the Works. The identity and credentials of the FLO must be included in the EMP (referred to in condition 3.2.2.10). The FLO must establish and maintain effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Works, and ensure compliance with best practice guidelines whilst doing so.</p> <p>The responsibilities of the FLO must include, but not be limited to:</p> <ul style="list-style-type: none"> (a) Establishing and maintaining effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Works and any amendments to the CMS and site environmental procedures; (b) The provision of information relating to the safe operation of fishing activity on the site of the Works; 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. 	<p>Section 6.3.2</p> <p>Note that the identity and credentials of the FLO are identified in both the FMMS and EMP</p> <p>Note that FLO appointment has been approved by the Scottish Ministers</p>

1.3 Linkages with other Consent Plans

- This FMMS sets out specific procedures relating to mitigation of effects on commercial fisheries. It will form part of a suite of approved documents that will provide the framework for the management of the construction and operation of the Project – namely the other Consent Plans required under the Section 36 Consent and Marine Licences. The consent conditions relating to the development of this FMMS do not explicitly require cross reference to other Consent Plans. However, where they are relevant to the mitigation described in this FMMS, other Consent Plans are referred to. Linkages are also summarised in Table 1-2 below.

Table 1-2 FMMS consistency and links to other Consent Plans

CONSENT REFERENCE	CONSENT PLAN	CONSISTENCY WITH AND LINKAGE TO FMMS
Section 36 Consent, Condition 12 OfTW Marine Licence, Condition 3.2.2.17	Development Specification and Layout Plan (DSLPL)	Set out the final design and layout parameters associated with the Wind Farm and the Offshore Transmission Works (OfTW).
Section 36 Consent, Condition 14 OfTW Marine Licence, Condition 3.2.2.10	Environmental Management Plan (EMP)	Sets out the environmental management framework for the construction and operation of the Project. Of relevance to the FMMS, it confirms the role of the Fisheries Liaison Officer within the wider Project team and sets out procedures for reporting of dropped objects and pollution response procedures.
Section 36 Consent, Condition 20 OfTW Marine Licence, Condition 3.2.2.19	Lighting and Marking Plan (LMP)	Provides details of lighting and marking of the Project during construction and operation. Of relevance to the FMMS, it confirms how the Project will be marked and lit in terms of aiding safe marine navigation.

CONSENT REFERENCE	CONSENT PLAN	CONSISTENCY WITH AND LINKAGE TO FMMS
Section 36 Consent, Condition 19 OfTW Marine Licence, Condition 3.2.2.8	Cable Plan (CaP)	Provides details on cable specifications, routing, installation method and protection. Of relevance to the FMMS, it confirms cable burial and protection details.
Section 36 Consent, Condition 17 OfTW Marine Licence, Condition 3.2.2.12	Navigational Safety Plan (NSP), which includes the Vessel Management Plan (VMP) and are jointly referred to as the NSVMP	Provides details on the navigational safety measures to be employed during the construction and operation of the Project. Of relevance to the FMMS, it describes Project-related vessel activity and how it will be managed, covering use of Safety Zones, promulgation of information to marine users, and a de-confliction notice.
Section 36 Consent, Condition 10 OfTW Marine Licence, Condition 3.2.2.13	Construction Programme (CoP), which includes the Construction Method Statement (CMS)	Provides details on the timing and sequencing of construction works and commissioning of the Project. Of relevance to the FMMS, it confirms when offshore works will commence and cease.
Section 36 Consent, Condition 23 OfTW Marine Licence, Condition 3.2.2.14	Project Environmental Monitoring Programme (PEMP)	Provides details of the environmental monitoring to be undertaken in relation to the Project. Of relevance to the FMMS, it includes consideration of commercial fisheries monitoring.

1.4 Structure of the Plan

8. This FMMS has been structured in response to the specific requirements of the S36 Consent condition, and the document structure is set out in Table 1-3 below.

Table 1-3 FMMS Document Structure

SECTION	SUMMARY OF CONTENT
1	Introduction Identifies the requirement in the Offshore Consents for a FMMS, and confirms the scope and structure of this FMMS, and its relationship to other Consent Plans.
2	NnGOWL Statements of Compliance Sets out the NnGOWL statements of compliance in relation to the FMMS.
3	Project Overview Provides an overview of the Project.
4	Fisheries Overview Provides an overview of the fisheries operating across the Project.
5	Data to Inform the FMMS Provides an overview of the data collection that will be undertaken to inform the implementation of the FMMS.
6	Fisheries Liaison Strategy Sets out the NnGOWL approach to ongoing liaison with the fishing industry and other relevant stakeholders.
7	Fisheries Mitigation Strategy Sets out the NnGOWL approach to mitigation, focused on enabling coexistence.
8	Compliance with the Application and EIA Report Confirms that the details set out in this FMMS are in accordance with those presented in the Application and assessed in the EIA Report.

1.5 Plan Updates and Consultation

9. The Forth and Tay Commercial Fisheries Working Group (CFWG) and Marine Scotland have been consulted on the development of this FMMS (see Section 6.2: Liaison to Date). This FMMS will be revised should any updates be required during the development of the Project, taking in to account updates in commercial fisheries activity, Project or Guidance updates and to reflect any lessons learnt.
10. NnGOWL will submit the updated FMMS to MS-LOT. The CFWG will be consulted on any significant changes to the FMMS as determined by MS-LOT.

2 NnGOWL Statements of Compliance

2.1 Introduction

11. This section is intended to re-affirm the NnGOWL commitment to ensuring that the Project is constructed and operated in such a manner as to meet the relevant legislative requirements set out by the S36 Consent and Marine Licences.
12. This section also provides a summary of the commitments provided within the Environmental Statement (Chapter 10 Commercial Fisheries), linkages to other consent plans and an outline of the construction programme.

2.2 Statements of Compliance

13. In undertaking the final design and construction of the Project, NnGOWL will comply with this FMMS and any updates to it, as approved by the Scottish Ministers. Similarly, NnGOWL will comply with any relevant limits and commitments set out in the Application, the Environmental Impact Assessment Report (EIA Report), and the Addendum of Environmental Information (the Addendum) and referred to in Annex 1 of the S36 Consent insofar as they apply to this FMMS.
14. NnGOWL will require compliance with the approved FMMS (and all other relevant, approved Consent Plans) by Contractors through condition of contract and by an appropriate auditing process. Similarly, NnGOWL will require compliance with any relevant limits and commitments set out in the Application, the Environmental Impact Assessment Report (EIA Report), and the Addendum of Environmental Information (the Addendum) and referred to in Annex 1 of the S36 Consent insofar as they apply to this FMMS.
15. To satisfy conditions attached to the NnGOWL offshore consents, an Environmental Clerk of Works (ECoW) has been appointed. This ECoW has been approved by MS-LOT. During the construction phase the ECoW is responsible for monitoring and reporting on compliance with the offshore consents and ensuring that commitments made in Consent Plans are adhered to by NnGOWL. The ECoW will audit compliance with the FMMS and is obliged to report on compliance to MS-LOT on a monthly basis. MS-LOT have providing a monthly reporting template to the ECoW and will determine whether compliance reporting is appropriate.

3 Project Overview

16. The Wind Farm Area is located to the northeast of the Firth of Forth, 15.5 km directly east of Fife Ness on the east coast of Scotland (see Figure 3-1). The Wind Farm Area covers approximately 105 km². Offshore Export Cables will be located within the 300 m wide Offshore Export Cable Corridor, running in an approximately southwest direction from the Wind Farm Area, making landfall at Thorntonloch beach to the south of Torness Power Station in East Lothian. Figure 3-1 shows the Wind Farm Area and Offshore Export Cable Corridor.
17. The Offshore Consents allow for the construction and operation of the following main components, which together comprise the Project:
 - 54 wind turbines generating a maximum output of around 450 Megawatts (MW);
 - 54 jacket substructures installed on pre-piled foundations, to support the wind turbines;

- Two alternating current (AC) substation platforms, referred to as Offshore Substation Platforms (OSPs), to collect the generated electricity and transform the electricity from 66kV to 220 kV for transmission to shore;
 - Two jacket substructures installed on piled foundations, to support the OSPs;
 - A network of inter-array subsea cables, buried and/or protected, to connect strings of turbines together and to connect the turbines to the OSPs;
 - One interconnector cable connecting the OSPs to each other;
 - Two buried and/or protected subsea export cables to transmit the electricity from the OSPs to the landfall at Thorntonloch and connecting to the onshore buried export cables for transmission to the onshore substation and connection to the national grid network; and
 - Minor ancillary works such as the deployment of metocean buoys and permanent navigational marks.
18. It is currently anticipated that offshore construction will take two to three years and will commence in Quarter 2 (Q2) 2020. Details of the construction programme are provided in the NnGOWL Construction Programme and Construction Method Statement (CoP & CMS).

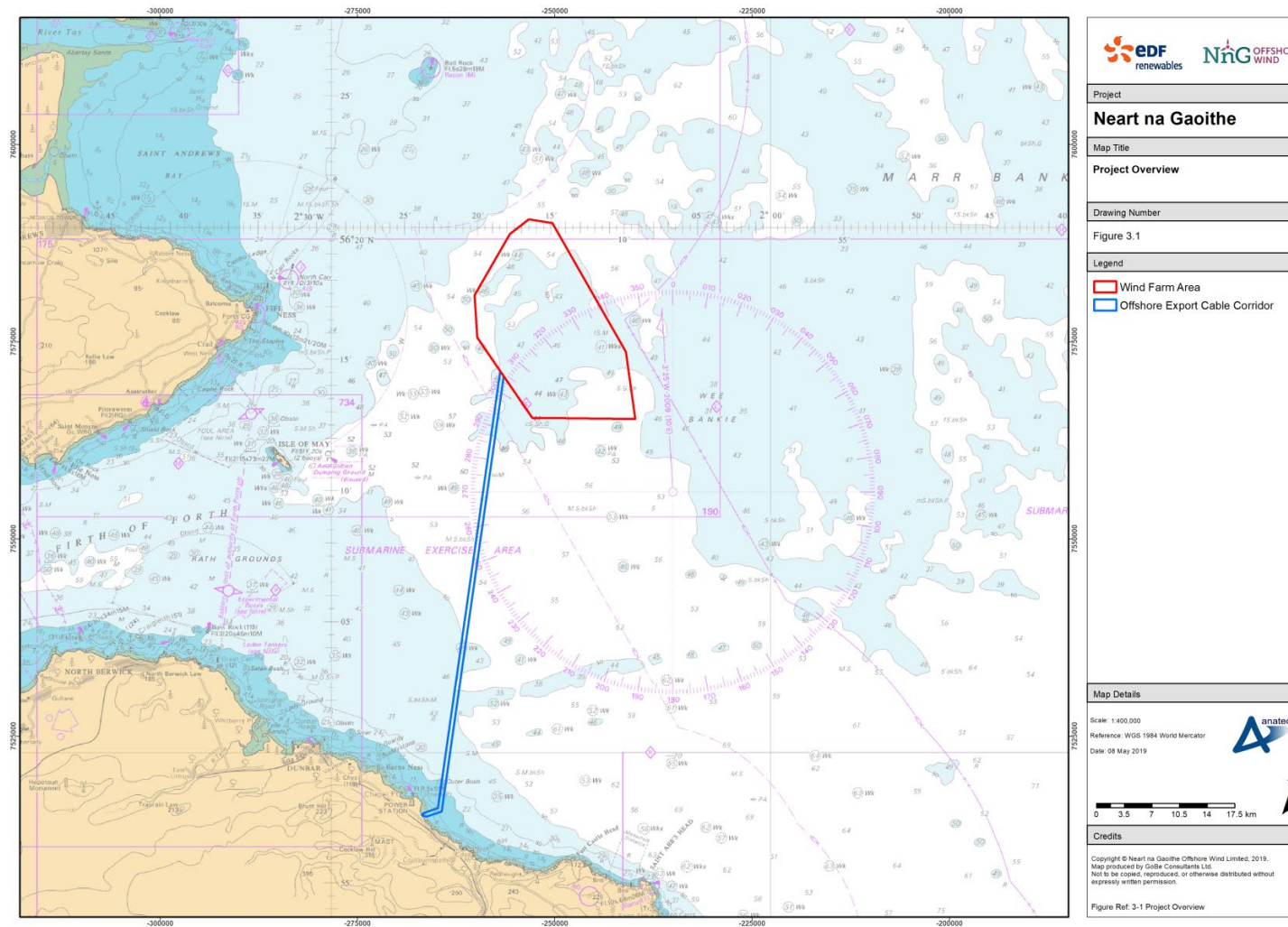


Figure 3.1 Project Overview

4 Fisheries Overview

19. Commercial fisheries operating within and around the project area are detailed within:
 - The Environmental Impact Assessment Report, Chapter 10, Commercial Fisheries (NnGOWL, 2018a¹); and
 - The Commercial Fisheries Technical Report, Appendix 10.1 of the Environmental Impact Assessment Report (NnGOWL, 2018b²).
20. The key fisheries identified across the project are summarised in Table 4-1. It is emphasised that no fisheries are excluded from the liaison strategy set out in Section 6 or the mitigation strategy defined in Section 7.
21. An assessment of the likely interactions between fisheries and development stages, based on defined impacts, is provided in the Environmental Impact Assessment Report, Chapter 10, Commercial Fisheries.

Table 4-1 Key fisheries identified across the project

GEAR		TARGET SPECIES	WIND FARM	INTER-ARRAY CABLES	EXPORT CABLES
Passive	Pots / creels	Lobster (and brown crab, velvet crab)	✓	✓	✓
	Hook and line	Mackerel	✓	✓	✓
Mobile	Demersal trawl	Nephrops	✓	✓	✓
	Demersal trawl	Squid	✓	✓	✓
	Dredge	King scallop	✓	✓	✓
	Dredge	Razor shell and soft-shelled clam	✓	✓	✓

5 Data to Inform the FMMS

22. This FMMS has been informed by the data collected to support the EIA Report, together with subsequent consultation undertaken with commercial fisheries industry stakeholders, and the results of a marine traffic radar and Automatic Information System (AIS) survey undertaken across the Wind Farm Area in summer 2019 (Anatec, 2019). Knowledge on geographic extent of fisheries operations for vessels that do not operate VMS or AIS systems have been and will continue to be informed by direct discussion between vessel owners / skippers and the project FLO.
23. To inform the procedures and mitigation outlined within this FMMS the following data collation and monitoring is proposed:
 - Update/validation of the commercial fisheries baseline using the most recently available annual datasets (i.e. 2017, note that 2018 annual datasets are not expected to be available until October 2019);
 - Collation of Fisheries Liaison Officer reporting during recent and planned pre-construction surveys, with details on all sightings of fishing vessels; and
 - Long-term monitoring of monthly landings data by port, available from the Marine Management Organisation (MMO) iFISH database, from January 2018 onwards.
24. Further details of proposed data collation and monitoring, including reporting frequency, will be provided within the Project Environmental Monitoring Programme (PEMP) (Table 1-2).

¹ NnGOWL (2018a) Environmental Impact Assessment Report: Chapter 10 Commercial Fisheries. Poseidon Aquatic Resource Management Ltd. March 2018. Available at: <https://nngoffshorewind.com/downloads/environmental-impact-assessment-report/volume-1-main-text/>

² NnGOWL (2018b) Environmental Impact Assessment Report: Appendix 10.1 Commercial Fisheries Technical Report. Poseidon Aquatic Resource Management Ltd. December 2017 Available at: <https://nngoffshorewind.com/downloads/environmental-impact-assessment-report/volume-4-appendices/>

6 Fisheries Liaison Strategy

6.1 Principles of Liaison

25. In line with the FLOWW (2014) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison, the principles of liaison are that:

- NnGOWL will undertake regular and routine communications via Notices to Mariners (NtMs) to provide reasonable time (covering adverse weather etc.) to enable operational fishing business decisions to be made; and
- Continued engagement and constructive communication between the local fishermen and NnGOWL is desired and is advantageous to all parties.

6.2 Liaison to Date

26. Pre-application consultation is provided in the Environmental Statement (Chapter 10, Commercial Fisheries). Consultation undertaken post submission of the application, including pre and post-determination, is summarised in Table 6-1.

Table 6-1 Consultation and liaison post submission

DATE	STAKEHOLDER	PURPOSE OF CONSULTATION AND DISCUSSION POINTS
Regularly as needed	All	Circulation of Notice to Mariners (NtMs) and Kingfisher Bulletin notices, providing details of forthcoming surveys, including location, timing and duration.
18 February 2019	North and East Coast Regional Inshore Fisheries Group (N&EC RIFG) (formally the South East Inshore Fisheries Group)	Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure. It was reiterated by the consultee that the remit of the South East IFG is focused on fisheries inshore management.
18 February 2019	Cove fishermen	Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure. The fishermen present discussed the creeling activity undertaken across the nearshore section of the export cable route. The consultees were satisfied with an evidence based procedure for disruption payment and discussed approaches to document /evidence their fishing locations in the instances where GPS plotters are not on-board vessels.
19 February 2019	South East Inshore Fishermen's Association (SEIFA) ³ and Scottish Creel Fishermen's Federation (SCFF)	Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure.

³ SEIFA is now defunct.

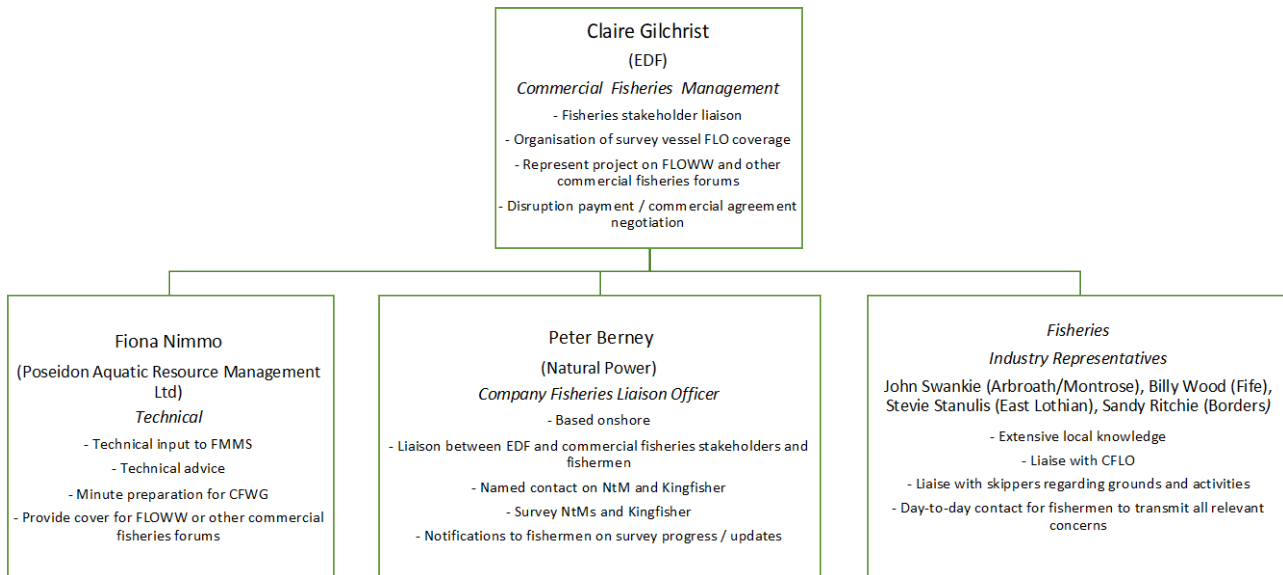
DATE	STAKEHOLDER	PURPOSE OF CONSULTATION AND DISCUSSION POINTS
		Details of the SEIFA which formed in January 2019 were provided, including numbers of members and their home port across the region. The consultee was satisfied with an evidence-based approach to disruption payment.
20 February 2019	Scottish Creel Fishermen's Federation (SCFF)	<p>Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure.</p> <p>Discussion around approach to disruption payment and common good funds.</p>
22 February 2019	<p>Scottish Fishermen's Federation (SFF),</p> <p>Scottish White Fish Producers Association (SWFPA),</p> <p>Fife Fishermen's Association (FFA),</p> <p>Pittenweem Fishermen's Mutual Association (FMA), and</p> <p>Anglo-Scottish Fishermen's Association.</p>	<p>Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure.</p> <p>There were mixed views on the disruption payment procedure and requirement for an evidence base to support claims. Some consultees consider landing statistics proportioned for the area of reporting (ICES rectangle) and the development (NnG array and cable) should be sufficient. Further discussion on the need to evidence locations of fishing.</p>
26 February 2019	<p>Pittenweem FMA,</p> <p>FFA,</p> <p>Under 10m Association.</p>	<p>Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure.</p> <p>The consultees were satisfied with an evidence base approach to disruption payment. The consultees confirmed interest in reviewing those consent plans provided for consultation via FTWG, but noted time inputs required for this.</p> <p>Frustration raised on progress of negotiating disruption payment and lack of finalised details of the project. Negotiations were not planned for the meeting and all available details of the project were provided.</p> <p>Consultees requested an example of the calculation methodology for determining disruption payment.</p>
26 February 2019	Dunbar Fishermen's Association (DFA) and	Provision of an update on the consented project, timeline of upcoming surveys and

DATE	STAKEHOLDER	PURPOSE OF CONSULTATION AND DISCUSSION POINTS
	Communities Inshore Fisheries Alliance (CIFA)	discussion on the development of the FMMS, including disruption payment procedure. The consultees were satisfied with an evidence base approach to disruption payment. Options for payment procedure were discussed i.e. case-by-case or consistent across the group of fishermen.
27 February 2019	Forth and Tay Commercial Fisheries Working Group (CFWG)	Update provided by all developers on this group.
13 March 2019	Port Seton Fishermen's Mutual Association	Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure. The consultees were satisfied with the information provided and noted that NnG is likely to have less impact on the Port Seton fleet compared to the other local renewable energy development. The consultees were satisfied with an evidence base approach to disruption payment.
13 March 2019	Eyemouth Fishermen's Mutual Association	Provision of an update on the consented project, timeline of upcoming surveys and discussion on the development of the FMMS, including disruption payment procedure. The consultees were satisfied with the information provided and with an evidence base approach to disruption payment.
21 January 2020	Forth and Tay Commercial Fisheries Working Group (CFWG)	Update provided by all developers on this group. Discussion on comments received on this FMMS.

6.3 Liaison Roles and Responsibilities

- The following sections outline the relevant roles and responsibilities of NnGOWL, the Company Fisheries Liaison Officer (CFLO) and Onshore Fishing Industry Representatives (FIRs). Contact details are provided in Appendix A. It is noted that consent condition 27 requires appointment of a CFLO (see Table 1-1).

Figure 6.1 Team organogram including roles and responsibilities



6.3.1 NnGOWL

28. The responsibilities of NnGOWL in relation to this FMMS are:

- Progress the construction of NnG with the least disturbance practicable to the local fishing activities;
- Maintain the employment of a CFLO throughout the lifetime of NnG;
- Aid in the prevention of conflict through the timely provision of information to the CFLO, FIR and fishermen; and
- Provide a detailed level of information to the fishing community in relation to construction plans and the timing of construction works.

6.3.2 Company Fisheries Liaison Officer (CFLO)

29. The responsibilities of the CFLO are to:

- Communicate with the fishing industry, any contractors or sub-contractors, other developers and other users of the sea through appropriate channels;
- Provide information relating to the safe operation of fishing activity on the site of the Development
- Develop and maintain a strong positive working relationship with the local fishing industry;
- Have and maintain a strong knowledge of the fishing industry local to NnG;
- Understand the interactions likely to occur between the local fishing industry and NnG, and any potential impacts on the fishing industry during construction (and until final commissioning of the Development); and
- Ensure that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.

30. To this end, the CFLO's duties are therefore to:

- Maintain the fisheries stakeholder database that contains information on fishing vessel operations (e.g. vessel name, registration and port base, skipper and crew details etc.) within and around NnG;

- In instances where several fishermen are represented by a group it may be agreed that communication will come via a nominated representative rather than individual vessel owners;
 - Prepare and distribute (via the FIR) the required information and notices of all NnGOWL activities which could affect fishing stakeholders;
 - In collaboration with the FIRs, instruct contractors on the fishing activities in the areas of work and provide details on the fishing activities and gear types that may be present, any relevant fishermen's sensitivities and channels and contact details for communicating with the fishing vessels at sea;
 - Manage and coordinate offshore FLOs that are supporting surveys and works at sea, including liaising on any fisheries issues at sea;
 - Communicate details of any dropped objects to the fishing industry. A dropped objects procedure is set out in detail in the NnG Environmental Management Plan. The procedure is in line with the Marine Scotland dropped objects policy guidance and involves use of the DROPOB1 - Offshore Wind & Marine Renewables Dropped Objects Form, as provided by MS-LOT. In line with both of these documents, dropped objects should be reported to MS-LOT and other stakeholders as identified on the form within 24 hours of the event occurring (or as soon as possible);
 - Communicate details of exposed cables and any other safety hazards to the fishing industry; and
 - Coordinate the activities and responsibilities of the Onshore FIR.
31. It is noted that where relevant the Onshore FIR will assist with the scope of work outlined for the CFLO.
32. The CFLO will be contracted by NnGOWL subject to a Terms of Reference and contract Terms and Conditions.

6.3.3 Fisheries Industry Representative

33. To further aid the establishment of effective communication channels and to benefit from extensive local knowledge, one or more FIR(s) will be employed. The primary responsibilities of the role are:
- Liaise with fishing skippers with the objective to provide details of fishing activities in the area and particular sensitivities;
 - Be the day-to-day point of contact for fishermen to transmit all their relevant concerns in relation to activities associated with the Project to NnGOWL;
 - Log all concerns raised by the fishermen, including date, individual and details related to the type, nature and location of the concern;
 - Assist NnGOWL representatives to identify areas of concern or conflict at an early stage so that as far as is possible appropriate measures can be implemented to address these;
 - Assist with the liaison between offshore FLOs and CFLO where necessary, including liaising on any fisheries issues at sea;
 - Assist in the distribution of notices and relevant project information to local fisheries stakeholders and;
 - Regularly update the contacts database.
34. The FIR(s) will be contracted by NnGOWL subject to a Terms of Reference and contract Terms and Conditions. The FIR Terms of Reference will be agreed in consultation with the FTFCWG. While a FIR may be associated a specific organisation or association, they will not be acting to the sole benefit of that association. Should an instance arise whereby an industry association or individual fishermen does not wish to communicate via the FIR for that area, the CFLO will undertake such direct responsibilities to ensure that the association/fishermen still has a line of communication to NnGOWL and CFWG and vice versa. The FIRs and CFLO will be in attendance at FTFCWG meetings.

6.3.4 Offshore Fisheries Liaison Officer

35. An Offshore FLO stationed on a survey/works/guard can communicate directly with fishermen and request them to keep works locations and transit routes free from gear / not trawl across the area and risk themselves or the works.

36. The reasons to use an Offshore FLO rather than the skipper or master of the survey/construction vessel are well understood, and in recent years use of Offshore FLO's has come to be regarded as best practice during offshore construction works for the following primary reasons:

- Offshore FLOs understand fishing practices and limitations of fishing vessels in terms of manoeuvrability, which Vessel Masters may not;
- Offshore FLOs can more easily communicate with fishermen as they understand fishing terms, which Vessel Masters may not; and
- Offshore FLO's can often identify fishing gear, who it belongs to and arrange for the owner or his/her representative to have it moved (through communication via the FIR or CFLO). Further details on this are provided in Section 7.3.6.
- The Offshore FLO should also record fishing activity within and adjacent to the site in order to improve the understanding of fishing activity. This will contribute to the longer term understanding of which fishermen may be affected during the construction works.

6.3.5 Marine Coordinator

37. In addition to CFLO, FIR(s) and offshore FLO, Specialist Marine Consultants have been appointed to provide the role of Marine Coordinator. The Marine Coordinator will be based at Eyemouth and operate 24/7. The Marine Coordinator coordinates all marine operations during construction; including monitoring and managing all construction vessel activity.

6.4 Information Dissemination

38. NnGOWL will disseminate information to the fishing community via the CFLO, Marine Coordinator, Offshore FLO (as appropriate) and appointed onshore FIRs. Notices and information for fishermen (including survey and construction schedules, notification of any major maintenance activity, notices and activity specific information) will be distributed to all relevant fisheries interests. Offshore FLOs that accompany survey and works vessels will communicate directly with fishing vessels as appropriate. Details of information dissemination by activity type is provided in Table 6-2.

Table 6-2 Means of information dissemination

ACTIVITY	MEANS OF INFORMATION DISSEMINATION	TIMING AND FREQUENCY	RESPONSIBLE FOR ISSUE
Pre-construction surveys (e.g. geophysical survey)	<p>Notice to Mariners</p> <p>Kingfisher Bulletin</p> <p>Offshore Wind and Marine Renewables Dropped Object Form</p> <p>Offshore Fisheries Liaison Officer</p>	<p>Issued prior to survey mobilisation, as required during survey, and upon completion of survey.</p> <p>Dropped Objects reporting as required.</p> <p>Provision of information to fishing vessels at sea as required.</p>	CFLO, supported by FIR
Pre-construction activities (e.g. seabed clearance, dropped object notification and recovery)	<p>Notice to Mariners</p> <p>Kingfisher Bulletin</p> <p>Offshore Wind and Marine Renewables Dropped Object Form</p>	<p>Issued prior to activity mobilisation, as required during activity, and upon completion of activity.</p> <p>Dropped Objects reporting as required.</p>	Marine Coordinator or CFLO, supported by FIR

ACTIVITY	MEANS OF INFORMATION DISSEMINATION	TIMING AND FREQUENCY	RESPONSIBLE FOR ISSUE
	Offshore Fisheries Liaison Officer	Provision of information to fishing vessels at sea as required.	
Construction activities (e.g. foundation installation, turbine installation, confirmation of final installed locations)	Notice to Mariners Kingfisher Bulletin Weekly Notices of Operations / Vessel Reports Offshore Wind and Marine Renewables Dropped Object Form Offshore Fisheries Liaison Officer	Issued prior to activity mobilisation, as required during activity, and upon completion of activity. Weekly construction status updates. Dropped Objects reporting as required. Provision of information to fishing vessels at sea as required.	Marine Coordinator or CFLO, supported by FIR
Confirmation of final installed locations	Provided to UKHO	On completion of works	NnGOWL Consents Team
Post-construction surveys (e.g. geophysical survey, overtrawl survey if required)	Notice to Mariners Kingfisher Bulletin Offshore Wind and Marine Renewables Dropped Object Form Survey report issued as relevant Offshore Fisheries Liaison Officer	Issued prior to survey mobilisation, as required during survey, and upon completion of survey. Dropped Objects reporting as required. Survey report issued as relevant. Provision of information to fishing vessels at sea as required.	CFLO, supported by FIR
Operation and Maintenance activities (e.g. scheduled or unscheduled maintenance)	Notice to Mariners Kingfisher Bulletin Offshore Wind and Marine Renewables Dropped Object Form Offshore Fisheries Liaison Officer	Issued prior to activity mobilisation, as required during activity, and upon completion of activity. Dropped Objects reporting as required. Provision of information to fishing vessels at sea as required.	CFLO, supported by FIR

7 Fisheries Mitigation Strategy

7.1 Principles of Mitigation

39. In line with the FLOWW (2014) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison, the principles of mitigation are that:

- NnGOWL will minimise the size and duration of advisory safety distances during surveys and other works where safe and practicable to do so;
- Safe working practices underpinned by appropriate safety management systems are expected from all vessels undertaking operations related to NnGOWL. Vessels employed by NnGOWL will only undertake activities prescribed in their line of work;
- NnGOWL will provide local fisheries stakeholders with procedures for registering disruption payment claims for loss of/damage to fishing gear in association with surveys, construction activities and during the operational phase of NnGOWL; and
- Vessels involved in the construction, and operation and maintenance of NnGOWL, including guard vessels and survey vessels, will be provided with the relevant lines of communication (as outlined within this document) to minimise interaction with fishing vessels undertaking their normal activities.

40. As part of the project design process, a number of designed-in measures were provided within the EIA Report, to which NnGOWL remain committed (see Table 7-1).

Table 7-1 Commitments as provided within the EIA Report, together with the relevant section of this FMMS

TOPIC	COMMITMENT (AS PROVIDED WITHIN EIA REPORT AND APPLICATION)	FMMS
Commercial Fisheries Mitigation Strategy	Setting out, for approval, the mitigation strategy for each commercial fishery in the area that the Scottish Ministers agree may be adversely affected by the Project.	This document
Fisheries Liaison Officer	Appointment of a Project Company Fishing Liaison Officer (CFLO) to establish and maintain effective communications with fishery industry.	Table 1-1 Section 6.3.2
Cable Plan	Details of the location and cable laying techniques for the cables; The results of survey work (including geophysical, geotechnical and benthic surveys) which help inform cable routing; Technical specifications of cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding; A burial risk assessment to ascertain burial depths and, where necessary, alternative suitable protection measures; Methodologies for surveys of the cables through the operational life of the wind farm where mechanical protection of cables laid on the sea bed is deployed; and Methodologies for cable inspections with measures to address and report any cable exposure.	Table 1-2 Section 7.2.1
Commercial Fisheries Working Group	Continued membership of, and participation in the Forth & Tay Commercial Fisheries Working Group to assist with the following: To define and finalise this FMMS in consultation with the FTCFWG;	Section 6

TOPIC	COMMITMENT (AS PROVIDED WITHIN EIA REPORT AND APPLICATION)	FMMS
	<p>Dissemination of Project information;</p> <p>Application of safety zones and implications for fisheries;</p> <p>Navigation of Wind Farm Area 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);</p> <p>Procedures in the event of interactions between Wind Farm Area construction and fishing activities (i.e. claims for lost and/or damaged gear);</p> <p>Burial and protection of inter-array, inter-connector and export cabling;</p> <p>Removal of seabed obstacles during and post-construction; and</p> <p>Post-construction surveys and seabed rectification procedures.</p>	
Monitoring and Mitigation	<p>Participation in the Forth and Tay Regional Advisory Group (FTRAG) established by the Scottish Ministers for the purposes of advising the Scottish Ministers on monitoring and mitigation of, among other things, commercial fish.</p> <p>Participation in the Scottish Strategic Marine Environment Group (SSMEG) established by the Scottish Ministers for the purposes of advising the Scottish Ministers on monitoring and mitigation of, among other things, commercial fish.</p>	Section 6
Navigational Safety	<p>Navigational Safety Plan setting out, for approval, the navigational safety measures to mitigate navigational risk to commercial fisheries operating in the area;</p> <p>Notify the UKHO prior to the commencement of construction to facilitate the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners System;</p> <p>Issue local Notice to Mariners to ensure local mariners, fishermen's organisations and HM coastguard are aware of the Licensable Marine Activities;</p> <p>Consult with local harbour masters as appropriate;</p> <p>Ensure that details of the works are promulgated in the Kingfisher Fortnightly Bulletin [KIS- ORCA], prior to the commencement of the works to inform the Sea Fish industry of vessel routes, timings and the locations of Project activities;</p> <p>Ensure appropriate notifications are made following completion of the works to all relevant stakeholders including UKHO, the Maritime Rescue and Coordination Centre Aberdeen and all mariners and fishermen's organisations;</p> <p>Ensure appropriate notifications are made through the Kingfisher Fortnightly Bulletin to inform the Sea Fish Industry; and</p> <p>All infrastructure installed will be marked and lit, in line with standard industry practice, and relevant information will be distributed to fishermen through the agreed channels.</p>	<p>Table 1-2</p> <p>Section 7.2.2 and 7.2.4</p>

TOPIC	COMMITMENT (AS PROVIDED WITHIN EIA REPORT AND APPLICATION)	FMMS
Lighting and Marking and signals of the Works	<p>Lighting and Marking Plan setting out, for approval, the navigational lighting strategy to be installed at the site to ensure safe marking of the structures and Development Area to mitigate the navigational risk to commercial fisheries operating in the area;</p> <p>Ensure that the Project is lit in accordance with the requirements of the relevant statutory stakeholders including marking of the site with appropriate construction buoyage during construction and continued lighting of the site following completion of construction as required by the MCA and NLB; and</p> <p>Ensure that any vessels engaging in the work are marked in accordance with the International Rules for the Prevention of Collisions at Sea if under way and in accordance with the UK Standard Marking Schedule for Offshore Installations if secured to the seabed.</p>	<p>Table 1-2</p> <p>Section 7.2.3</p>

7.2 Coexistence Strategy

41. NnGOWL regards coexistence as the continuation of both NnGOWL and fishing industry activities at the same time within and around the Wind Farm Area and along the offshore export cable corridor. NnGOWL believes that offshore wind farms and the fishing industry can co-exist successfully. NnGOWL has not applied for restrictions on fishing activity within the Wind Farm Area or along the offshore export cable corridor other than for specific safety zones during the construction, operation and maintenance, and decommissioning phases.
42. Commitments relevant to coexistence are embodied in a number of relevant conditions attached to the Offshore Consents; commitments made by NnGOWL are set out in detail in other Consent Plans (see Section 1.3 above) but are summarised below as key elements of the FMMS. Specifically, these commitments relate to:
 - Project design, including wind farm layout and cable burial and protection;
 - Appropriate notification of construction activities to other marine users and the appointment of a CFLO;
 - Appropriate lighting and marking of the Project and construction vessels;
 - Appropriate charting of the Project and notification of any hazards; and
 - The adoption of safety zones and a process for marine coordination of all vessel activity.
43. Where coexistence cannot be achieved, NnGOWL provide for further mitigation as presented in Section 7.3.

7.2.1 Wind Farm Layout and Cable Burial

44. The requirement to set out Project design details and construction methods is set out in the Offshore Consents particularly the requirement to prepare, for approval, a Development Specification and Layout Plan, a Construction Method Statement and Construction Programme, and a Cable Plan.
45. The DSLP confirms the layout of the Wind Farm, and minimum spacing between turbines, and the arrangements on the seabed of all cables. The CMS/CoP and CaP confirm the installation methods that will be used during construction to install all Project components, and the duration of installation activities. The CaP provides additional detail on the final routing on the seabed of all cables, and confirms target cable burial, and protection measures where target burial cannot be achieved. The CaP sets out an approach to surveys of cables and any protection during the operational life of the Project.
46. The approved DSLP, CMS/CoP and CaP must be referred to in designing and installing the wind farm structures.
47. All Contractors will be required to comply with the approved DSLP, CMS/CoP and CaP.

7.2.2 Notifications and Fisheries Liaison

48. A successful coexistence strategy will require open and continuous communication between NnGOWL and the fishing industry. All details pertaining to fisheries liaison are outlined in Section 6 of this document.

7.2.3 Lighting and Marking

49. The requirement to set out procedures relating to the marking and lighting of the Project is set out in the Offshore Consents particularly the requirement to prepare, for approval, a Lighting and Marking Plan.
50. The LMP is intended to ensure that the Project is lit and marked in such a way as to mitigate the navigational risk to other users of the sea. This will include appropriate measures to mark or light partially completed structures during the construction phase. The LMP requires that the Project is lit and marked in accordance with standard industry guidelines.
51. The approved LMP must be referred to in designing and installing the wind farm structures and in manoeuvring vessels in the vicinity of the wind farm.
52. All Contractors will be required to comply with the approved LMP.

7.2.4 Charting, Hazard Reporting, Safety Zones and Marine Coordination

53. The requirement to set out procedures relating to safety of navigation is set out in the Offshore Consents, particularly the requirement to prepare, for approval, a Navigational Safety Plan and Vessel Management Plan.
54. The NSP and VMP are intended to ensure that the vessel operations are managed in such a way as to mitigate the navigational risk to other legitimate users of the sea.
55. The approved NSP and VMP must be referred to in planning and conducting all marine vessel operations to ensure that the approved mitigation and management procedures are applied.
56. The NSP and VMP set out requirements related to:
- Navigational safety measures;
 - Construction safety zones and use of guard vessels;
 - Notices to other marine users, including Notice(s) to Mariners, Kingfisher Bulletins and Radio Navigation Warnings;
 - Vessel movements, anchorage areas and marine coordination measures;
 - Emergency response and coordination arrangements; and
 - Buoyage of the construction area.
57. All Contractors will be required to comply with the approved NSP and VMP.
58. The requirement to set out procedures relating to dropped objects is set out in the Offshore Consents particularly the requirement to prepare, for approval, an Environmental Management Plan. The EMP confirms that any objects dropped on the seabed during works associated with the Project will be reported and objects will be recovered where they pose a hazard to fishing or safe navigation, and where recovery is possible. Further details on the dropped objects reporting procedure are provided in the EMP. All Contractors will be required to comply with the approved EMP.
59. In line with consent requirements and as confirmed in the NSP and VMP, all installed infrastructure will be marked on United Kingdom Hydrographic Office (UKHO) Admiralty Charts.

7.2.5 Transit Plan

60. The FMMS conditions, as set out in Section 1.2, require the FMMS includes a Fishing Gear Transit Plan ('Transit Plan'), which is defined by the Offshore Consents as a 'plan which sets out measures to be taken to avoid or reduce the impact of vessel movement on the local fishing industry and to promote a sustainable co-existence. It will include indicative transit routes for vessels operating in and around the Works and transiting to the site from relevant ports.

61. The Navigational Safety and Vessel Management Plan (NSVMP) sets out a series of measures that seek to manage any impact of vessel movement on fisheries activity (and indeed all marine users) and promote coexistence. These collective measures can be considered to form the 'Transit Plan'. They can be summarised as follows and are described in full in the NSVMP:
- Navigational safety measures during construction – the NSVMP sets out safety measures to be adopted by NnGOWL during Project construction and operation, including lighting and marking, safety zones, management of the construction area (e.g. via a Permit to Work system and use of defined entry/exit gates) and of specific operations associated with Restricted in the Ability to Manoeuvre (RAM) vessels,.
 - Promulgation of information – the NSVMP lists the notifications about Project activity that will be promulgated, including Notice to Mariners and Kingfisher Bulletins;
 - Emergency response – the NSVMP confirms the content of the Emergency Response Cooperation Plan (ERCoP), which confirms the marine incident management and reporting process, as agreed between NnGOWL and the Maritime and Coastguard Agency (MCA);
 - Location of working ports and indicative transit routes – the NSVMP identifies proposed working ports and associated indicative vessel transit routes (see Figure 12-1 in the NSVMP);
 - Anchorage areas – the NSVMP identifies recommended anchoring areas, and areas which should be avoided;
 - Management and coordination of Project vessels – the NSVMP describes how vessel activity will be coordinated by a Marine Coordinator; and
 - Numbers and movements of Project vessels – the NSVMP presents the numbers and types of vessels to be used during Project construction and operation and maintenance, and the anticipated number of vessel movements between the Project area and working ports.
62. Further to these measures, where coexistence is for any reason not achieved, procedures for disruption settlement, gear loss and gear relocation are presented in Section 7.3 below.

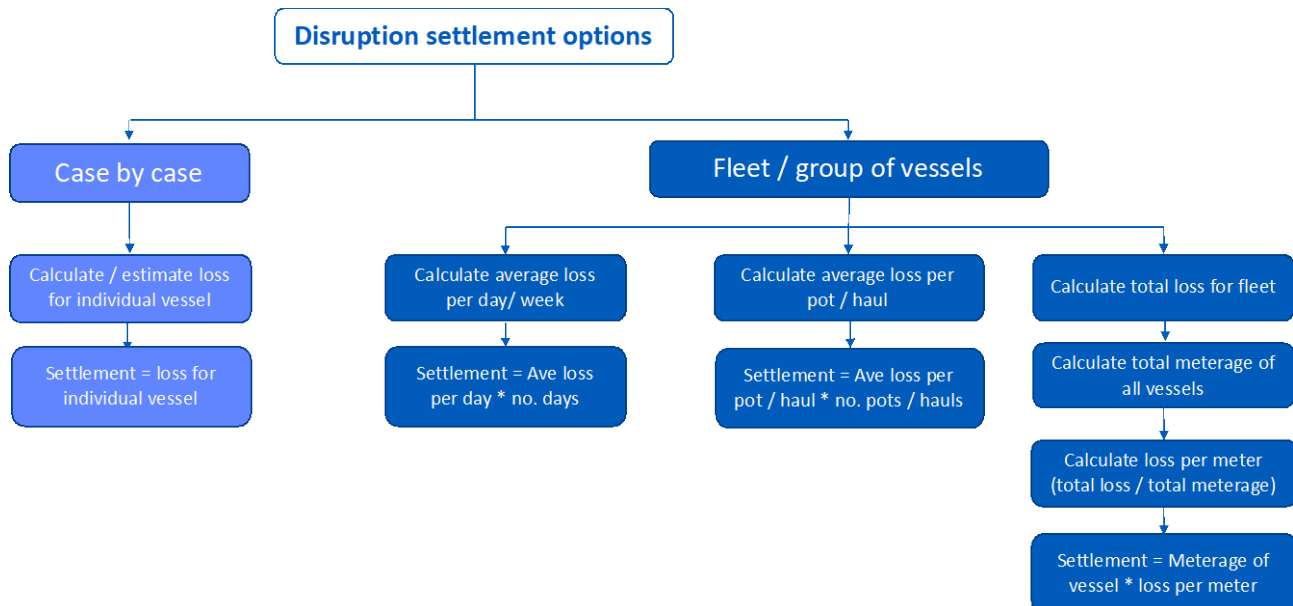
7.3 Disruption Payment Strategy

63. As per the FLOWW guidance, if co-existence is not possible, mitigation for disruption and displacement of fishing during construction is considered in the first instance, with commercial disruption payment only being used as a last resort when there are significant residual impacts that cannot otherwise be mitigated. Disruption payment should only be paid on the basis of factually accurate and justifiable claims. There is therefore an obligation upon affected fishermen to provide evidence to corroborate any claims (FLOWW, 2014).

7.3.1 Disruption Settlement Options

64. As per the FLOWW guidance (FLOWW, 2015), a range of disruption settlement options are available and outlined in Figure 7.1. In summary, the options allow for payment on a case by case basis, or on a fleet / group of vessels basis. These options have been discussed with the commercial fisheries associations, which has highlighted no one consistently cited a preferred option. All options therefore remain possible and will be decided upon by each association/organisation and/or individual fishermen as appropriate.
65. Whichever option is followed, the disruption amount will be based on economic loss forecasted per individual vessel, supported by the evidence base listed in section 7.3.4 for each individual vessel.

Figure 7.1 Disruption settlement options (adapted from FLOWW, 2015)



7.3.2 Quantifying Economic Loss

66. At present, there is no accepted standard methodology for quantifying loss or disturbance to commercial fishing activity which may occur from offshore construction activities. However, NnGOWL has committed to follow standard procedures as outlined in the FLOWW guidance (2014) which provides guidelines for mitigation and co-existence, the FLOWW guidance (2015) which provides guidance for disruption settlements and Seafish (2012) which provides an overview of methodologies for financial and economic impact assessments. As recognised in FLOWW guidance (2015), disruption payment should be paid on the basis of factually accurate and justifiable claims. There is therefore an obligation upon affected fishermen to provide evidence (including historic and current catch records and/or VMS data e.g. for up to a 3 year period) to corroborate any such claims.
67. Guidance on the process of compensating commercial fisheries is available for other sectors, specifically related to oil spills. The International Oil Pollution Compensation Funds (IOPC) provides guidance on procedure and methodology for quantifying economic loss to fisheries (see Box 1). NnGOWL proposes following this methodology where possible and appropriate to do so.
68. The evidence base required to identify legitimate recipients and support claims for disruption payment is detailed in section 7.3.4, and is consistent with FLOWW (2015) guidance.
69. In accordance with the FLOWW (2015) guidance if a mutually agreed settlement is not reached then both parties should seek to undertake Alternative Dispute Resolution (ADR). The ADR will need to be undertaken by a third party mutually agreed to by both sides of the dispute.

BOX 1: QUANTIFYING ECONOMIC LOSS (IOPC, 2018)

Lost profit normally arises when revenues are reduced and the level of gross profit (revenue less direct costs such as wage costs and costs of sale) is less than it would normally be expected to be under normal operations.

Documentation and evidence is required to demonstrate the expected economic loss due to construction of NnG array area and export cable. This should be based on three years of evidence (2016-2018), or where this is not possible, two years of evidence.

Operating costs, referred to as variable costs, such as fuel and ice costs differ across fishing practices. Any loss of revenue will lead to a reduction in variable costs and this saving needs to be taken into account. The calculation for the economic loss will therefore be:

A	Loss of revenue
B	Saving of variable costs
C	Loss of gross profit (A – B)
D	Additional costs
E	Subtotal (C + D)
F	Additional income
G	Economic loss (E – F)

Explanatory notes:

A Loss of revenue: This should be demonstrated by showing the difference between revenues in the claim period and those normally generated in a comparable period of the previous years.

B Variable costs: This could include costs of fuel saved from not fishing or from fishing in a closer fishing ground than normal, ice for storage, bait, packaging, maintenance and other costs incurred.

C Loss of gross profit: Loss of revenue less variable costs (A – B)

D Additional costs incurred: This may include additional fuel costs incurred to visit alternative fishing grounds, measures taken to prevent or minimise pure economic loss, or the cost of advisors to prepare the claim if necessary.

Please explain the reason for the additional costs.

E Subtotal: Loss of revenue plus additional costs incurred (C + D).

F Additional income: This may include additional income earned during the claim period, or paid employment for other tasks.

G Economic loss: Subtotal less additional income (E – F).

7.3.3 Procedure for Disruption Payment

70. Claimants will be asked to submit two claim forms:

- Claim Form 1 (Appendix B): provides details of the claimant, the claimant's vessel, fishing grounds and evidence base; and
- Claim Form 2 (Appendix C): provides details on the forecasted loss in revenue and calculation used to determine economic loss.

71. All claims must satisfy the following points:

- Claims will be paid only for losses caused due to the construction of NnG Offshore Wind Farm and export cable.
- There must be a close link between the construction of the project and the claimant's losses e.g. due to exclusion from fishing grounds and/or disruption to normal activities.
- All claims should be reasonable and justified based on demonstrable economic loss.
- Evidence must be provided to support the claim.
- Disruption payment will be paid only if business is being carried out within the relevant legislation (i.e. the vessel is licenced to operate as a commercial fishing vessel and adheres to fisheries legislation, including the Sea Fish (Conservation) Act 1967 and the Inshore Fishing (Scotland) Act 1984).

7.3.4 Evidence base

72. The following documentation and data are required to form an evidence base to support any claim for disruption payment. The purpose of the evidence base is to document active fishing across the area of works and demonstrate the level of economic loss that is expected over the period of works.
- (a) Copy of certificate of registry for each vessel for which a claim is being made;
 - (b) Copy of a valid MCA certification or equivalent;
 - (c) Copy of the relevant vessel fishing licences and entitlements;
 - (d) Sight of vessels fishing charts or GPS plotter records to provide clear historic evidence of potential disruption in the area of the operations. Alternatively, where such data is not attainable, provide annotated admiralty charts indicating areas fished, this may be undertaken with assistance from the CFLO who will provide graphics and work with the claimant to understand the areas fished;
 - (e) Evidence of monthly sales notes for the three-year time period prior to the claim, i.e. 2017-2019;
 - (f) Annual fishing accounts of the vessels concerned for a three year time period or equivalent evidence of annual earnings e.g. self-assessment tax return;
 - (g) Monthly fishing vessel landings data or and/or fisheries landings data held by fisheries authorities (requiring declaration from vessel owner for release of individual records – a declaration sheet for this is provided within Claim Form 1).
73. There is some flexibility in the level of evidence provided, depending on what is available to the claimant. If the claimant believes they will suffer economic loss, but do not have all aspects required under the evidence base, the CFLO can provide advice more tailored to the claimant's specific circumstances in order to assist the claimant in submitting a claim.

7.3.5 Procedure for Incidents of Gear Loss

74. The Kingfisher Information Service - Offshore Renewable & Cable Awareness project (KIS-ORCA) is a joint initiative between Subsea Cables UK and RenewableUK and is being managed by the Kingfisher Information Service of Seafish. All NnG project details will be provided within KIS-ORCA data (as detailed in Table 6-2), which should be downloaded onto a vessel's fishing plotter. To reduce the risks of fishing near offshore structures, it is essential to be up to date with KIS-ORCA information.
75. As per the Seafish et al. 2016 guidance on reducing the risks while fishing:
- "In the interests of fishing safety and to prevent damage to subsea structures, fishermen are advised to exercise caution when fishing in the vicinity of subsea cables and renewable energy structures. If it is suspected that gear has snagged a subsea cable, DO NOT endanger vessel and crew by attempting to recover gear. If gear is snagged and it is thought prudent to slip, or cut the fishing gear in an attempt to clear a subsea structure, the gear should always be lowered to the seabed first. To slip or cut anything bearing excessive weight should never be attempted."*
76. Claims for loss of gear should be made within 24 hours of arrival in port. Full particulars of the incident should be given and full details recorded in the vessel's official log, date and exact time, the vessel's position (VMS if suitable), depth of water and a description of the cable or infrastructure if sighted.
77. The claim procedure developed by Marine Scotland should be followed. This procedure is provided in Appendix D and is titled: Claim for compensation for damage or loss of fishing gear, loss of fishing time, or damage to vessel by offshore renewable activity.

7.3.6 Procedure for Gear Relocation or Removal

Procedure for gear relocated / removed by gear owner

78. During construction and operational maintenance works, Safety Zones around construction and maintenance works will be determined and communicated to the commercial fishing industry. The owner of gear within the offshore Safety Zones will be requested by NnGOWL and/or its related parties or its contractors to relocate or remove gear from within the Safety Zone provided that:

- Safety Zones are communicated to the affected recipients at the earliest possible time, and within a reasonable period to allow gear to be relocated / removed prior to works being undertaken;
- The gear owner is reimbursed for gear relocation / removal based on acceptable evidence, where it appears to be justifiable, fair and reasonable.

Procedure for gear relocated / removed from within Safety Zone

79. Should fishing gear belonging to a recipient be located in the offshore Safety Zone during the exclusion period (i.e. the owner that has entered an agreement with NnGOWL to relocate gear has not done so as requested), then NnGOWL and/or its related parties or its contractors (e.g. a guard vessel) shall seek to make arrangements for such fishing gear to be moved/relocated provided that:
- The gear owner is notified of the discovery of located gear and subsequent action;
 - The vessel carrying out the removal is equipped with appropriate hauling equipment;
 - All reasonable care is taken to remove the fishing gear in a manner that minimises the risk of damage to the fishing gear or any damage to the catch, which will be immediately returned to the sea.
 - The location, detail of gear (e.g. number of pots/fleets), condition of fishing gear, date and time when recovered is recorded, including photographic evidence of gear condition;
 - Arrangements are made to relocate the fishing gear outwith the offshore exclusion area or to store gear in a secure location onshore; the gear owner is notified of the relocation of the gear as soon as possible, or if onshore, of a time it can be collected from secure storage; and
 - The gear owner is reimbursed for damage to fishing gear, if caused during recovery, based on acceptable evidence, where it appears to be justifiable, fair and reasonable.

8 Compliance with the Application and EIA Report

80. The Application and EIA Report set out a number of commitments in relation to various aspects of the Development (design, monitoring, mitigation etc). The effects of the Development on commercial fishing activities were assessed in the EIA on the basis that these commitments would be implemented. The commitments were made to ensure that the Development followed good practice in relation to its interaction with commercial fisheries interests. Table 7-1 provides an overview of the commitments made in the Application and EIA Report with respect to commercial fisheries, and highlights where these commitments are carried through in this FMMS.

References

Anatec (2019) Neart na Gaoithe Offshore Wind Farm Marine Traffic Survey.

FLOWW (2014) Best Practice Guidance for Offshore Renewable Developments: Recommendations for Fisheries Liaison. Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW). Available online: <https://www.thecrownestate.co.uk/media/1775/ei-km-in-pc-fishing-012014-floww-best-practice-guidance-for-offshore-renewables-developments-recommendations-for-fisheries-liaison.pdf> [Accessed on 26 March 2019]

FLOWW (2015) FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds Fisheries Liaison with Offshore Wind and Wet Renewables Group (FLOWW). Available online: <https://www.thecrownestate.co.uk/media/1776/floww-best-practice-guidance-disruption-settlements-and-community-funds.pdf> [Accessed on 26 March 2019]

International Oil Pollution Compensation Funds (IOPC, 2018). Guidelines for presenting claims in the fisheries, mariculture and fish processing sector. Available online: https://www.iopcfunds.org/uploads/tx_iopcpublications/IOPC_Fisheries_ENGLISH_2018_WEB.pdf [Accessed on 26 March 2019]

NnGOWL (2018a) Environmental Impact Assessment Report: Chapter 10 Commercial Fisheries. Poseidon Aquatic Resource Management Ltd. March 2018

NnGOWL (2018b) Environmental Impact Assessment Report: Appendix 10.1 Commercial Fisheries Technical Report. Poseidon Aquatic Resource Management Ltd. December 2017

Seafish (2012) Best Practice Guidance for Fishing Industry Financial and Economic Impact Assessments. Available online: <http://www.seafish.org/media/634910/ukfen%20ia%20best%20practice%20guidance.pdf> [Accessed on 26 March 2019]

Seafish, The Kingfisher Information Service and DONG Energy (2016). Reducing the risks while fishing. Available online: http://kis-orca.eu/media/9284/Barrow_LRes.pdf

Appendix A – Contact Details

Commercial Fisheries Management
Claire Gilchrist
Offshore Consents Manager

Claire.Gilchrist@nngoffshorewind.com

EDF Renewables, UK
NnG Offshore Wind
Atria One, Level Six,
144 Morrison Street,
Edinburgh, EH3 8EX
Skype: +44 131 376 9929

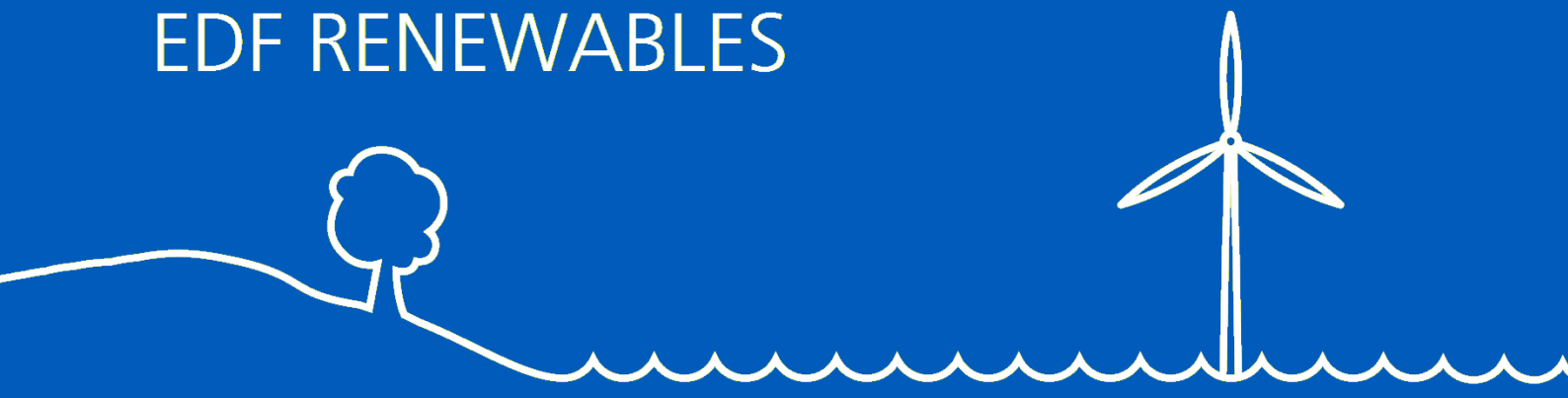
Company Fisheries Liaison Officer
Peter Berney
Senior Consultant - Offshore

nng.flo@naturalpower.com

Unit 5 Stevenson House
Horsley Business Centre
Horsley
Northumberland, NE15 0NY
Tel: +44 (0) 16610 212109
Mobile: +44 (0) 7948 223410

Appendix B – Claim Form 1

EDF RENEWABLES



Neart na Gaoithe Offshore Wind Farm

Claim Form 1 **Economic Loss in Fisheries**

DOCUMENT REFERENCE: NNG-NNG-ECF-AFO-0011

How to fill in your claim form

Please read these notes carefully.

This claim form is in four sections.

Section 1: Details of the claimant – person(s) or business making the claim.

Section 2: Details of the claim – loss suffered as a result of the works.

Section 3: Declaration – claimants are required to make a declaration that the information provided is true and forms an accurate reflection of their fishing practises. Claimants are required to sign this declaration which is to be found at the end of the claim form (section 3).

Section 4: Data Authorisation – claimants are requested to sign authorisation for Marine Scotland to provide landings data for their vessel.

You must complete and return sections 1 to 3 for your claim to be considered; completion of section 4 is recommended, but not mandatory.

If submitting your claim electronically, you should print and sign the declaration (section 3) and data authorisation (section 4) before scanning and attaching it to your claim. The original signed declaration and data authorisation should also be sent by post together with original supporting documentation being provided.

Evidence to support your claim

Claimants must demonstrate their fishing activities by providing appropriate evidence.

Further details on the appropriate evidence are provided under the Checklist section and Evidence base to support claim section.

When filling in this claim form

1. The claim form may be completed electronically or by hand. If completing by hand, please ensure you write clearly (please use BLOCK CAPITALS, using black ink).
2. If submitting your claim electronically, the boxes provided will expand as you enter the details of your claim, however additional pages and spreadsheets can be added, provided it is clearly indicated to which question they relate. If completing your claim form by hand you are advised to use extra blank sheets of paper if there is not enough space for your answer, but again please indicate clearly to which question they relate.
3. **Your claim will only be assessed if you provide sufficient information to demonstrate and justify your loss.** If you are unable to provide such evidence, please contact the company Fisheries Liaison Officer (FLO) for

advice on the most appropriate method of presenting your claim.

4. If a question gives a choice of answer of **YES** or **NO**, please enter a X next to the relevant answer.
5. You are strongly advised to **keep a photocopy of everything you send us**, in case it gets lost in the post, or in case it is required at a later stage. Please note supporting documents will only be returned upon request and normally only on settlement of the claim.
6. If you would like any help with filling in this form, please contact the company FLO. They will be happy to answer your questions and help you prepare your claim.
7. You must complete the claim form as fully and accurately as possible to avoid any delay in processing your claim.

Once you have completed the claim form

This form, once completed, should be sent either electronically to the following email address:

Claire.Gilchrist@nngoffshorewind.com

or by post to:

Claire Gilchrist
EDF Renewables, United Kingdom
6th Floor, Atria One, 144 Morrison Street
Edinburgh, EH3 8BE

You only need to send your claim form to one of these addresses.

Electronic submission

If completing the form electronically you should print and sign the declaration in section 3, scan the signed declaration and attach it to the email together with the rest of the completed claim form (sections 1 and 2). You will then be sent a claim number by return email. Once you have compiled all required supporting documents, you should label each of them with your name and vessel number. Send any electronic files to the email address and any original documents, together with the original signed section 3, to the postal address, both provided above. You should quote your claim number whenever you contact us from then on. **If you do not hear from us with your claim number within two weeks, you are advised to contact us.**

Submission by post

If completing the form by hand you should sign the declaration in section 3 and send the entire form (sections 1, 2 and 3) by post to the above address. You will be sent a claim number in return. Once you have compiled the required original supporting documents, you should clearly label these with your name and vessel number and post them.

You should quote your claim number whenever you contact us from then on.

If you do not hear from us with your claims number within six weeks, you are advised to contact us.

In either case, **please send the form, together with all supporting documents and the signed declaration, as soon as possible.**

What happens next

Your claim will be reviewed on the basis of the information given by you in these forms. A second Claim Form (Form 2) will then be issued to you which will facilitate further collation of details on the expected economic loss, this is likely to be followed by a meeting to discuss the details of your claim.

It is not possible to tell you how long it will be before your claim is assessed. It will depend on whether you have provided sufficient details to help assess your claim. Your claim will be given our best attention to ensure as fair and accurate an assessment as possible. Should you have any queries on your claim, please contact the company FLO or Fiona Grubb.

Completing a claim for economic loss in the fisheries sector

You must provide documents or other evidence in support of your claim. The documents submitted should include accounts or tax returns of the individual claimant for three years before the works period.

If you are claiming as an individual or business/ corporation, please provide details of all taxes/ levies paid, including the amounts paid and the recipient.

There is some flexibility in the level of evidence provided, depending on what is available to the claimant. If you think you will suffer economic loss, but do not have all aspects required under the evidence base, the FLO can provide advice more tailored to your specific circumstances in order to assist you in submitting a claim.

Checklist

- Type of vessel
- Size of vessel
- License number
- Landing base
- Fishing area
- Number of fishing days per month
- Type of species caught

Evidence base to support claim

- (a) Copy of certificate of registry for each vessel for which a claim is being made;

- (b) Copy of a valid MCA certification or equivalent;

- (c) Copy of the relevant vessel fishing licenses and entitlements;

- (d) Sight of vessels fishing charts or GPS plotter records to provide clear historic evidence of potential disruption in the area of the operations. ALTERNATIVELY, where such data is not attainable, provide annotated admiralty charts indicating areas fished, this may be undertaken with assistance from the FLO who will provide graphics and work with you to understand your fishing grounds;

- (e) Evidence of monthly sales notes for three year time period (2016-2018);

- (f) Annual fishing accounts of the vessels concerned for a three year time period OR equivalent evidence of annual earnings e.g. self-assessment tax return;

- (g) Monthly fishing vessel landings data or and/or fisheries landings data held by fisheries authorities (requiring declaration from vessel owner for release of individual records).

Confidentiality Statement

All details within the claim form and supporting evidence will remain confidential.

Neither NnGOWL / EDF Renewables nor the claimant / representatives of the claimant, shall without the prior consent of the other knowingly disclose or publish or permit or cause to be disclosed or published or discuss the Project or any details provided within this Claim Form, other than to its professional advisors, insurers, insurance brokers, loss adjusters and agents, or solely in the case of NNG to any Affiliate, save only:

- To the extent necessary in order to comply with the requirements of H M Revenue and Customs;
- To the extent necessary to comply with statutory obligations;
- To the extent necessary for audit purposes;
- To the extent ordered to do so by a court or any other competent authority.

General Data Protection Regulation (GDPR) – Privacy Notice

Neart na Gaoithe Offshore Wind Limited is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your claim, in accordance with the GDPR.

It applies to all claimants.

Neart na Gaoithe Offshore Wind Limited is a “data controller”. This means that we are responsible for deciding

how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. Neart na Gaoithe Offshore Wind Limited is a company based in the United Kingdom.

We have engaged Natural Power to assist us with the collection and processing of your claim. Natural Power is a “data processor”. This means that Natural Power act on behalf of, and only on the instructions of, Neart na Gaoithe Offshore Wind Limited as the relevant “data controller”.

We may update this notice at any time but if we change anything important about it (e.g. the information we collect, how we use it or why) we will highlight those changes to you as soon as reasonably practical. If you have any questions please get in touch with our Data Protection Officer at dpo@edfenergy.com or EDF Energy, 90 Whitfield Street, London, W1T 4EZ.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

We wish to collect the information about you requested on this form, which includes your name, address, date of birth, business details, details of fishing activity, copies of certification, sales notes and details of revenue from you.

We would like to collect your personal data from you in order to assess and process your claim and we may use this information to contact you. The lawful basis for this is legitimate interest.

We may have to share your data with third parties, including without limitation other entities in the EDF Group, ESB, lenders, Offshore Transmission Owner tenderers and their advisers and lenders, and any third party with an interest in the NNG Project, in order to process successful claims. We require third parties to respect the security of your data and to treat it in accordance with the law.

We will store your personal data for the duration of the operational life of the Neart na Gaoithe offshore wind farm and until 7 years following the decommissioning of the wind farm. You can contact us to ask us to correct or receive a copy of your personal data that we hold. If you would like, you can ask us to delete your personal data at any time by contacting dpo@edfenergy.com or EDF Energy, 90 Whitfield Street, London, W1T 4EZ.

If you want to get in touch about our use of your personal data please contact us at dpo@edfenergy.com or EDF Energy, 90 Whitfield Street, London, W1T 4EZ. You also have the right

to complain to the relevant supervisory authority, the Information Commissioner’s Office (“ICO”).

Section 1: Claimant's details

Claim Number (for internal use only):

1. Title	
2. First/Given name(s)	
3. Surname/Family name(s)	
4. Date of Birth (day/month/year)	
5. Name of Business/Partnership/Association/ Cooperative/Company/Company number/Other	
6. Are you the sole owner of the business or the sole appointed representative, which is the subject of the claim?	
If NO, please describe the relationship of the claimant to the business	
7. Contact details (please specify the address at which you wish to be contacted by entering X in relevant checkbox)	
(a) <input type="checkbox"/> Claimant's address	Address:
Claimant's telephone number, mobile and email address	Tel: Mob: Email:
(b) <input type="checkbox"/> Business address (if different to above)	Address:
Business telephone number, mobile and email address	Tel: Mob: Email:

Section 2: Economic Loss in Fisheries

Claim Number (for internal use only):

Summary of your claim

1. Brief description of the type of activity/operation conducted that is being claimed for e.g. creel fishing targeting crab and lobster
2. Location of your homeport (i.e. port to which you most frequently land your catch)
3. Name of vessel, and Vessel PLN (Port letters and number):
4. Type and size (m) of vessel
5. Details of the gear /rig used e.g. total number of creels operated or type of trawl (such as twin-rig)
6. Cooperative/fishing association membership (if applicable)
7. Is your business subject to a quota? Yes ☐ No ☐
If YES, please provide further details
8. Total number of days fished per month, including any seasonal variations:
9. Location of your fishing grounds and operational range. Please also provide separately the location(s) on a map or chart giving co-ordinates
10. Details of any alternative fishing ground(s) in which you intend to operate

Evidence base

11. Please submit as much of the supporting documentation as is available to you.

- (h) Copy of certificate of registry for each vessel for which a claim is being made;
- (i) Copy of a valid MCA certification or equivalent;
- (j) Copy of the relevant vessel fishing licenses and entitlements;
- (k) Sight of vessels fishing charts or GPS plotter records to provide clear historic evidence of potential disruption in the area of the operations. ALTERNATIVELY, where such data is not attainable, provide annotated admiralty charts indicating areas fished, this may be undertaken with assistance from the FLO who will provide graphics and work with you to understand the areas fished;
- (l) Evidence of monthly sales notes for three year time period (2016-2018);
- (m) Annual fishing accounts of the vessels concerned for a three year time period OR equivalent evidence of annual earnings e.g. self-assessment tax return;
- (n) Monthly fishing vessel landings data or and/or fisheries landings data held by fisheries authorities (requiring declaration from vessel owner for release of individual records).

There is some flexibility in the level of evidence provided, depending on what is available to the claimant. If you think you will suffer economic loss, but do not have all aspects required under the evidence base, the FLO can provide advice more tailored to your specific circumstances in order to assist you in submitting a claim.

Section 3: Declaration

Claim Number (for internal use only):

My claim is, to the best of my knowledge and belief, a true and accurate reflection of the fishing practises undertaken across the NnG array area and/or export cable.

I am aware that NnGOWL and EDF Renewables takes the presentation of fraudulent documentation seriously and if they become aware that such documentation has been submitted in support of my claim, they reserve the right to inform the appropriate national authority should that be the case.

Full name of claimant (printed):

Signature of claimant:

Date

By signing the declaration, claimants are deemed to have agreed to the disclosure of the information contained within the claim form and any supporting evidence produced in support to the relevant parties directly involved with the payment of compensation.

Section 4: Data Authorisation

I give permission to Marine Scotland to provide NnGOWL and EDF Renewables with data specific to my registered fishing vessel(s). Specifically, I give authorisation for landings and sales data to be provided for my vessel(s) for the years 2016 to 2019 inclusive with detail on the following: Year; Month; ICES Rectangle; Port of Landing; Gear Category; Species; Live Weight (tonnes); and Value (£).

I understand that this is subject to the Confidentiality Statement and GDPR Statement as follows:

Confidentiality Statement

All data provided will remain confidential. Neither NnGOWL / EDF Renewables nor the claimant / representatives of the claimant, shall without the prior consent of the other knowingly disclose or publish or permit or cause to be disclosed or published or discuss the Project or any details provided within a Claim Form or data provided as supporting evidence, other than to its professional advisors, insurers, insurance brokers, loss adjusters and agents, or solely in the case of NNG to any Affiliate, save only:

- To the extent necessary in order to comply with the requirements of H M Revenue and Customs;
- To the extent necessary to comply with statutory obligations;
- To the extent necessary for audit purposes;
- To the extent ordered to do so by a court or any other competent authority.

Full name of vessel owner (printed):

Vessel name:

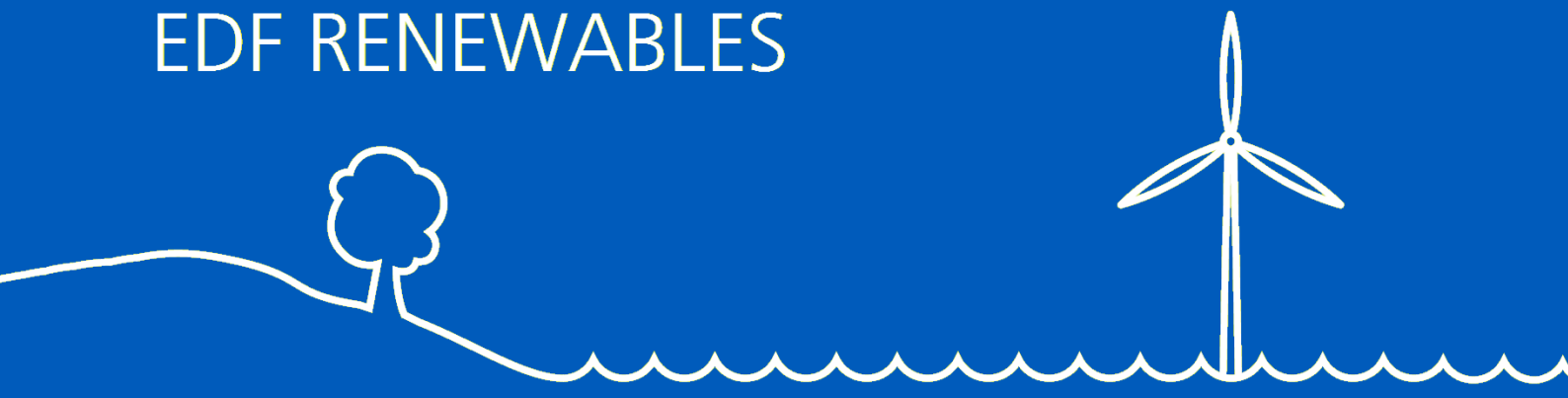
Vessel PLN (Port letters and number):

Signature of vessel owner:

Date:

Appendix C – Claim Form 2

EDF RENEWABLES



Neart na Gaoithe Offshore Wind Farm

Claim Form 2 **Economic Loss in Fisheries**

DOCUMENT REFERENCE: NNG-NNG-ECF-AFO-0012

How to fill in your claim form

Please read these notes carefully.

This claim form is in two sections. You must complete and return each section:

Section 1: Economic Loss in Fisheries – loss suffered as a result of the works.

Section 2: Declaration – claimants are required to make a declaration that their claims are a true and accurate reflection of their losses.

If submitting your claim electronically, you should print and sign the declaration before scanning and attaching it to your claim. The original signed declaration should also be sent by post together with original supporting documentation being provided.

Evidence to support your claim

Claimants must justify their loss by providing appropriate evidence.

Further details on the appropriate evidence are provided under the Checklist section.

When filling in this claim form

8. The claim form may be completed electronically or by hand. If completing by hand, please ensure you write clearly (please use BLOCK CAPITALS, using black ink).
9. If submitting your claim electronically, the boxes provided will expand as you enter the details of your claim, however additional pages and spreadsheets can be added, provided it is clearly indicated to which question they relate. If completing your claim form by hand you are advised to use extra blank sheets of paper if there is not enough space for your answer, but again please indicate clearly to which question they relate.
10. **Your claim will only be assessed if you provide sufficient information to demonstrate and justify your loss.** If you are unable to provide such evidence, please contact the company Fisheries Liaison Officer (FLO) for advice on the most appropriate method of presenting your claim.
11. If a question gives a choice of answer of **YES** or **NO**, please enter a X next to the relevant answer.
12. You are strongly advised to **keep a photocopy of everything you send us**, in case it gets lost in the post, or in case it is required at a later stage. Please note supporting documents will only be returned upon request and normally only on settlement of the claim.

13. If you would like any help with filling in this form, please contact the company FLO. They will be happy to answer your questions and help you prepare your claim.

14. You must complete the claim form as fully and accurately as possible to avoid any delay in processing your claim.

Once you have completed the claim form

This form, once completed, should be sent either electronically to the following email address

Claire.Gilchrist@nngoffshorewind.com

or by post to:

Claire Gilchrist
EDF Renewables, United Kingdom
6th Floor, Atria One
144 Morrison Street
Edinburgh, EH3 8BE

You only need to send your claim form to one of these addresses.

What happens next

Your claim will be reviewed on the basis of the information given by you in these forms; this is likely to include a meeting to discuss the details of your claim.

A decision on your claim will be made and you will then be informed of the assessed amount. You will be required to sign a Receipt and Release form so that you may be paid the compensation.

It is not possible to tell you how long it will be before your claim is assessed. It will depend on whether you have provided sufficient details to help assess your claim. Your claim will be given our best attention to ensure as fair and accurate an assessment as possible. Should you have any queries on your claim, please contact the company FLO or Fiona Grubb.

Completing a claim for economic loss in the fisheries sector

You must provide documents or other evidence in support of your claim. The documents submitted should include accounts or tax returns of the individual claimant for three years before the works period.

If you are claiming as an individual or business/ corporation, please provide details of all taxes/ levies paid, including the amounts paid and the recipient.

There is some flexibility in the level of evidence provided, depending on what is available to the claimant. If you think you will suffer economic loss, but do not have all aspects

required under the evidence base, the FLO can provide advice more tailored to your specific circumstances in order to assist you in submitting a claim.

Checklist

- Number of fishing days per month
- Monthly breakdown of income for the period of the loss and over the previous three years
- Commission sales records over the previous three years
- Type of species caught
- Where possible, monthly breakdown of the quantity (kilograms) of each marine product caught for the period of the loss and over the previous three years
- Saved overheads or other normal variable expenses (sales commission, cost of fuel, gas and electricity, ice, packaging, maintenance)
- Saved labour costs (if labourers have been released from employment)
- Method of calculation of loss

Evidence base to support claim (if not already submitted)

- (h) Copy of certificate of registry for each vessel for which a claim is being made;
- (i) Copy of a valid MCA certification or equivalent;
- (j) Copy of the relevant vessel fishing licenses and entitlements;
- (k) Sight of vessels fishing charts or GPS plotter records to provide clear historic evidence of potential disruption in the area of the operations. ALTERNATIVELY, where such data is not attainable, provide annotated admiralty charts indicating areas fished, this may be undertaken with assistance from the FLO who will provide graphics and work with you to understand your fishing grounds;
- (l) Evidence of monthly sales notes for three year time period (2016-2018);
- (m) Annual fishing accounts of the vessels concerned for a three year time period OR equivalent evidence of annual earnings e.g. self-assessment tax return;
- (n) Monthly fishing vessel landings data or and/or fisheries landings data held by fisheries authorities (requiring declaration from vessel owner for release of individual records).

Confidentiality Statement

All details within the claim form and supporting evidence will remain confidential.

Neither NnGOWL / EDF Renewables nor the claimant / representatives of the claimant, shall without the prior

consent of the other knowingly disclose or publish or permit or cause to be disclosed or published or discuss the Project or any details provided within this Claim Form, other than to its professional advisors, insurers, insurance brokers, loss adjusters and agents, or solely in the case of NNG to any Affiliate, save only:

- To the extent necessary in order to comply with the requirements of H M Revenue and Customs;
- To the extent necessary to comply with statutory obligations;
- To the extent necessary for audit purposes;
- To the extent ordered to do so by a court or any other competent authority.

General Data Protection Regulation (GDPR) – Privacy notice

Neart na Gaoithe Offshore Wind Limited is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your claim, in accordance with the General Data Protection Regulation (GDPR).

It applies to all claimants.

Neart na Gaoithe Offshore Wind Limited is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice. Neart na Gaoithe Offshore Wind Limited is a company based in the United Kingdom.

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We wish to collect the information about you requested on this form, which includes your name, address, date of birth,

business details, details of fishing activity, copies of certification, sales notes and details of revenue from you.

We would like to collect your personal data from you in order to assess and process your claim and we may use this information to contact you. The lawful basis for this is legitimate interest.

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If you want to get in touch about our use of your personal data please contact us at dpo@edfenergy.com or EDF Energy, 90 Whitfield Street, London, W1T 4EZ. You also have the right to complain to the relevant supervisory authority, the Information Commissioner's Office ("ICO").

Section 1: Economic Loss in Fisheries

Claim Number:

Claimant details

1. Full name of claimant	
2. Vessel name	
3. Vessel PLN (Port letters and number)	

Claim period and effort seasonality

4. Claim period: From: (dd/mm/yyyy) To: (dd/mm/yyyy)											
5. Total number of days fished per month (please provide seasonal variations):											
J	F	M	A	M	J	J	A	S	O	N	D
6. Number of days fished per month across the works area (please provide seasonal variations):											
J	F	M	A	M	J	J	A	S	O	N	D

Revenues by month for the period of loss claimed and in the preceding three years of fishing.

The example table below should be completed for the previous three years (2016-2018), as well as for the expected values during the claim period. If necessary, please use additional pages clearly marking them, to show to which table heading and time period they relate. Templates of this table are available as a spreadsheet.

Date or period of activity		Species caught	Weight caught	Price per kilogram	Income per month	
Month	Year				Gross	Net
				Total		

7. Total net loss during claim period (from table above):

Details of any savings

<p>8. Saved overheads or other normal variable expenses during claim period including:</p> <p>Fuel cost:</p> <p>Gas and electricity:</p> <p>Packaging:</p> <p>Vessel maintenance:</p> <p>Landing fees:</p> <p>Other (specify):</p>
<p>9. Saved labour costs (if labour/staff have been released or have worked reduced hours)</p>
<p>10. Details of any costs related to measures taken to prevent or minimise pure economic loss, including description and cost e.g. fuel costs due to additional steaming to alternative grounds</p>

Calculation of the total amount of the claim

You may wish to use the following table as an example of how to calculate the total amount of the claim. Whichever method you use, you must provide an explanation of the method you have used to calculate the total amount of the claim.

Item 7: Amount of loss during claim period		
Item 8: Saved overheads or other normal variable costs	–	
Item 9: Saved labour costs	–	
Item 10: Costs incurred to minimise loss	+	
Total	=	

In order to calculate your loss:

The estimated loss of revenue is the difference between the revenue (excluding taxes) over the claim period and the revenue that would have been obtained over the same period, if the period of works had not occurred. The revenues used in this calculation should be based on actual revenues attained in the business during previous years fishing across the area being disrupted.

Have you submitted additional pages/documents to this claim form? ☐ Yes ☐ No Please specify

Section 2: Declaration

Claim Number:

My claim is, to the best of my knowledge and belief, a true and accurate reflection of the actual loss attributable to the location and duration of works.

I am aware that NnGOWL and EDF Renewables takes the presentation of fraudulent documentation seriously and if they become aware that such documentation has been submitted in support of my claim, they reserve the right to inform the appropriate national authority should that be the case.

Full name of claimant (printed):

Signature of claimant:

Date

By signing the declaration, claimants are deemed to have agreed to the disclosure of the information contained within the claim form and any supporting evidence produced in support to the relevant parties directly involved with the payment of compensation.

All details within the claim form and supporting evidence will remain confidential.

Appendix D – Gear Loss or Damage Claim Form

Note that this Gear Loss or Damage Claim Form follows a template provided by Marine Scotland.

COMPENSATION CLAIM FORM	Official Use Only	
Claim for compensation for damage or loss of fishing gear, loss of fishing time, or damage to vessel by offshore renewable activity	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			

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*			

**Note that for GDPR purposes photographs should not include individuals unless their identifying features are distorted such that they cannot be identified personally.*

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:

Fishermen should provide evidence, where possible, of e.g. fishing licence, MCA safety cert, photo plotter, photos of damage 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 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:	

This form, once completed, should be sent either electronically to the following email address

Claire.Gilchrist@nngoffshorewind.com

or by post to:

Claire Gilchrist
EDF Renewables, United Kingdom
6th Floor, Atria One
144 Morrison Street
Edinburgh, EH3 8BE

You only need to send your claim form to one of these addresses.

General Data Protection Regulation (GDPR) – Privacy Notice

Neart na Gaoithe Offshore Wind Limited is committed to protecting the privacy and security of your personal information.

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