



**Scottish & Southern  
Electricity Networks**

## How Scottish Hydro Electric Power Distribution co-exists with other marine users

[ssen.co.uk](http://ssen.co.uk)



## Who we are

Scottish and Southern Electricity Networks (SSEN) is responsible for maintaining the electricity networks across the north of Scotland as well as central southern England. With over 3.7 million customers across the UK, including some 740,000 in Scotland, SSEN ensures a safe and reliable supply for homes and businesses through a series of transmission and distribution networks.

The Scottish and Southern Electricity Networks (SSEN) brand operates under two distinct businesses:

### 1. Scottish Hydro Electric Transmission plc (SHE Transmission)

SHE Transmission owns and maintains the higher voltage network (132kV and above), which has the primary function of transporting electricity from multiple generation sources (including hydro and windfarms) to the load centres across the country.

SHE Transmission will engage on a project by project basis with those likely to be affected by the project. This reflects the unique nature of each Transmission project and the specific needs of other marine users in proximity to each of these projects.

### 2. Scottish Hydro Electric Power Distribution plc (SHEPD)

Our operating region covers a quarter of the UK landmass which attracts unique challenges both in terms of distance and location. As well as the major towns and cities across the north of Scotland, we connect to most Scottish islands with over 100 subsea cable links, including the Inner and Outer Hebrides, Arran and the Orkney Islands. We also serve the Shetland Islands, which runs as a separate electrical system without a connection to the mainland.

This document relates only to SHEPD.

## How we operate

**We are embarking on a significant programme of investment to ensure that the fifty-nine Scottish islands who depend on us continue to receive a safe, reliable and secure supply of electricity.**

Whilst we realise the importance of our work in maintaining the electricity network, we also appreciate the need to interact with other people and businesses who may be impacted by our work, including marine users and fishermen.

Scottish and Southern Electricity Networks has a safety licence – if it's not safe, we don't do it – which covers both our work and the environment we operate in. This includes ensuring the safety of marine users and fishermen. To ensure we carry out our work safely, we must co-exist with marine users and appreciate their work and requirements. We are committed to communicating effectively to understand any concerns and where possible plan our work in such a way that we look to minimise its impact.

This document describes how we will plan to co-exist with other marine users as we carry out these works and follows on from the recent consultation with fishermen in early 2019<sup>1</sup>.



## Principles of co-existence

**As a responsible operator, Scottish and Southern Electricity Networks secures consents required to install, maintain, operate and remove submarine electricity cable infrastructure in the marine environment.**

Through good communication and understanding of viewpoints we aim to minimise any potential impacts by agreeing mitigation strategies before we begin the works. This approach continues through all phases of the project for each submarine electricity cable, thus enabling co-existence with other marine users as we carry out our activities.

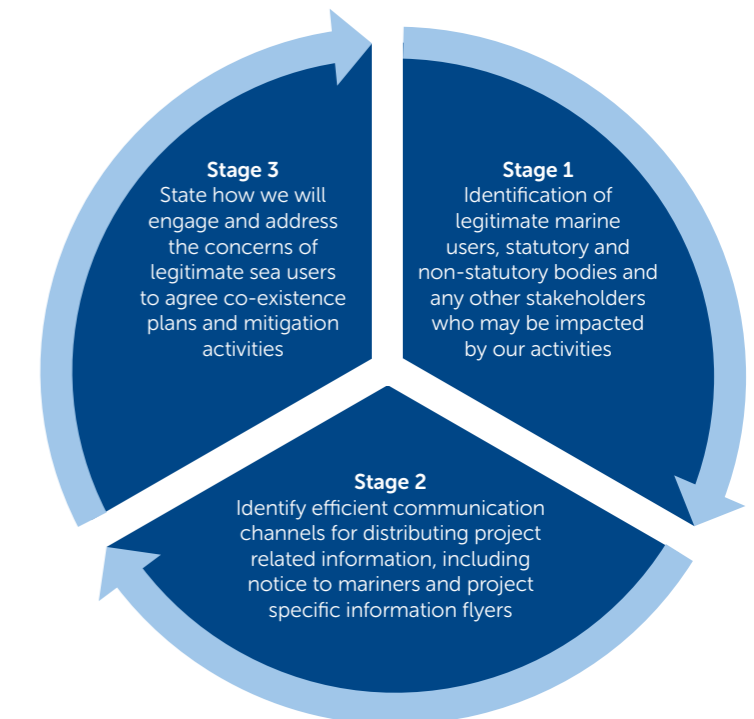
Works are planned to keep unnecessary interference with other legitimate sea users to a minimum. We achieve this by actively engaging with legitimate sea users and those with consented development rights close to our operations.

Our consultations and agreements are tracked through our Fishing Liaison Mitigation Action Plan (FLMAP) for each cable. This is a key document which shows the associated risks to the commercial fishing industry and other legitimate sea users, addresses the potential effects and identifies how to minimise and mitigate potential impacts.

We will give as much notice as is practicably possible for our planned operations and provide updates when things change.


### Approach to co-existence with legitimate sea users

Our approach to communicating operations for each cable:




# Mitigations


Mitigations, detailed within the Fishing Liaison Mitigation Action Plan, can cover a variety of tasks including:



**Managing our cable works to minimise any potential effects on the marine environments, habitats and static gear fishing by carrying out scouting surveys to identify potting areas and any other relevant static gear areas**



**Raising awareness of the danger of fishing near submarine electricity cables**



**Taking account of legitimate sea users concerns when deciding on the most appropriate methods of submarine electricity cable installation and protection**

## Co-existence commitment through our contractors

Contractors who carry out work for us, also have to embrace our approach to co-existence and safety.

**Compliance with:**

- the relevant Code of Good Practice for Vessels
- procedures in relation to gear fastening or loss
- safety zones around in-water activities areas
- interaction Standard Operating Procedures
- agreements contained within the Fishing Liaison Mitigation Action Plan as well as cable proximity agreements

**Contractors are instructed to:**

- organise the works as far as is practicably possible to reduce the potential combined loss of fishing area during their operations
- adhere to agreements to mitigate risks
- maintain communications through Company Fishing Liaison Officer (and Fishing Industry Representative where appropriate)
- give a minimum of 20 days' notice for planned operations where possible to allow for gear removal

### Vessels used for operations:

- adhere to the International Regulations for Preventing Collisions at Sea, 1972 and the International Convention for the Safety of Life at Sea, 1974 requirements
- maintain polite, proactive and professional communications with fishing vessels and other legitimate sea users during offshore operations
- monitor the required VHF channels at all times so as to receive communications directly from fishing vessels and other legitimate sea users
- undertake project specific appropriate risk assessments in respect of potential interactions with commercial fishing vessels and their gear
- where possible, adopt anchor release procedures to minimise the size of anchor mounds and where necessary undertake remedial actions to level any significant anchor mounds
- recover any debris/equipment accidentally dropped during construction and maintenance activities where practicable and safe to do so

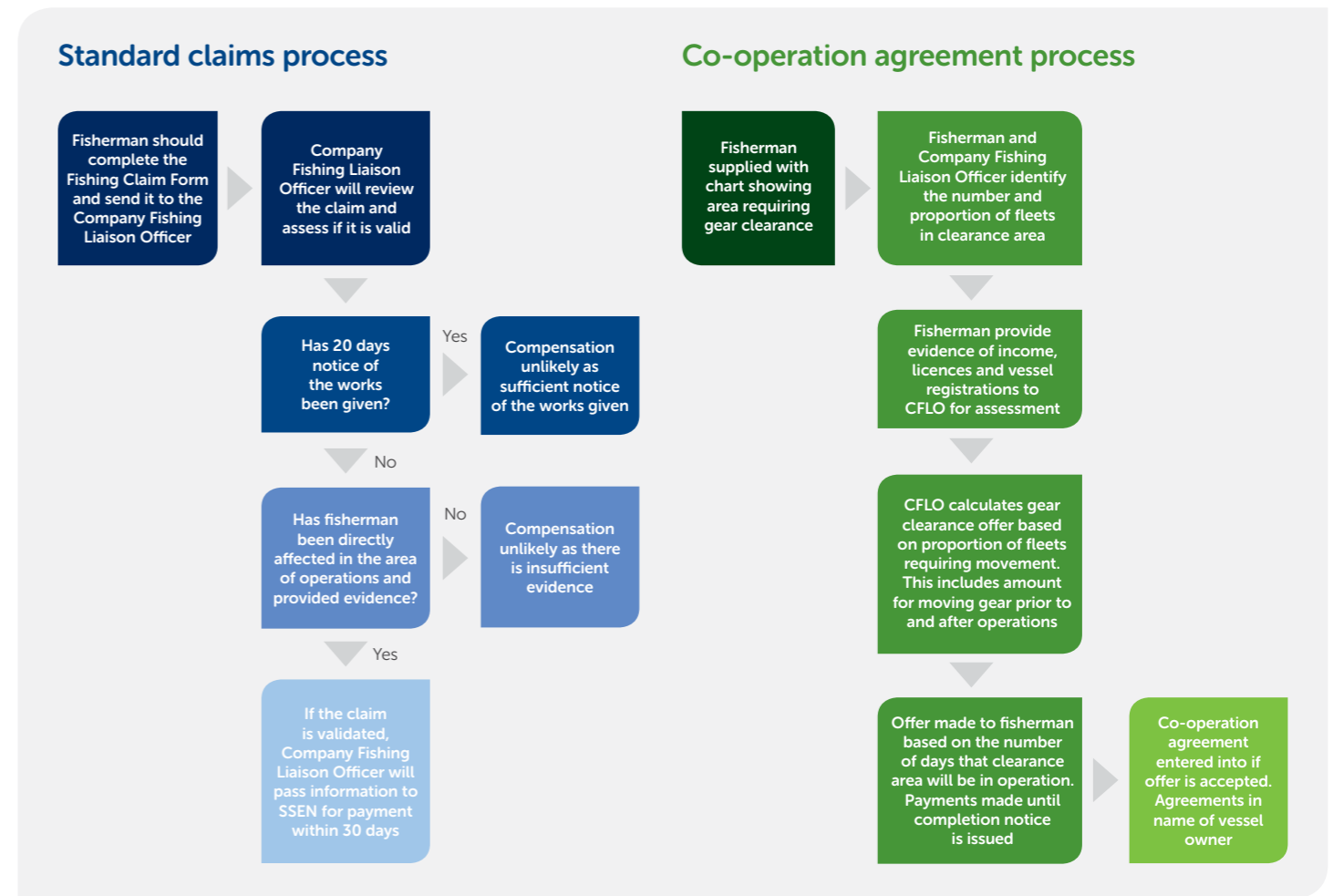
# Being fair and reasonable

**Whilst we will always try to advise of operations 20 days in advance, sometimes we have to carry out work quickly to restore or maintain electricity supplies to our customers. This can lead to circumstances where fishermen are impacted by our work and are unable to remove gear from our operations area.**

We want to be fair in these situations and will consider compensating marine users and fishermen when they have, through no fault of their own, been impacted leading to a loss of gear or earnings which cannot be mitigated. Compensation payments will only be considered where there are significant residual impacts that cannot be mitigated, for example gear loss claims.

A Fishing Claim Form<sup>2</sup> should be filled out within 30 days of the operations and evidence produced in order to assess the loss claimed. All claims are passed to our Company Fishing Liaison Officer for assessment. Should we fail to agree the matter with the claimant, the claim may be referred to an independent surveyor or arbiter.

Our Fishing Industry Mitigation and Co-existence Consultation confirmed that payment within 30 days of a claim being assessed and validated was deemed acceptable by the vast majority of fishermen.



Sometimes we may require extensive clearance of fishing gear from an area due to the equipment being used during survey or installation operations. Gear clearance is necessary to ensure that the operations are completed safely. As this may be requested in areas where fishing is highly prevalent, we will consider offering a co-operation agreement to compensate fishermen. These proportion-based agreements may factor in time spent moving gear prior to and following our operations as well as payments during the operations period.

<sup>2</sup> See 'Fishing Claim Form' attached at back of document

## How the compensation is assessed

As a member of the European Subsea Cables Association our approach is consistent with industry best practice and summarised in the table below.

**Table 1:** Fisheries claim and our response

Fisheries Claim	Our response
Snagging and subsequent loss of fishing gear on "live" cables	Claims for loss of fishing gear will be predominantly from vessels working mobile gear.
Snagging and subsequent loss of fishing gear on "decommissioned" cables	Such claims should be submitted using the Fishing Claim Form.  Incidents will be investigated on a case by case basis. Claims will be considered only where evidence to support consultation of Cable Awareness Charts on board the vessel concerned, together with evidence that the vessel complied with recommended procedures during the incident. Vessel position data e.g. plotter and AIS should be supplied (where available) with the claim, demonstrating vessel position/ track 12 hours prior to and 12 hours after the incident.  The relevant maritime authority may be asked to assist in the verification of any claim. This will be determined on a local basis.  Verified claims will compensate for actual loss.
Loss of earnings due to disruption to fishing activity during cable inspection, survey, installation, protection, maintenance and decommissioning activities - day boats	Claims for loss of earnings as a result of exclusion from an area or loss of/damage to fishing gear will be predominantly from vessels working static gear. Compensation will be paid on an exceptional basis only and at our sole discretion.  Fishermen will need to demonstrate exceptional circumstances.  Evidence of loss will be required to be produced through the local fishing association (e.g. past catches, regular tows etc.).  The relevant maritime authorities may be asked to comment on the credibility of claims. This will be determined on a local basis.
Static Gear – Movement and repair	Static gear removal operations represent a worst case scenario which would only be considered in the event of all other avenues of negotiation having been exhausted.  Compensation may be considered for repositioning of static gear from a cable works area during inspection, survey, installation, protection, maintenance and decommissioning operations.

If static gear is encountered, the legal as well as the health and safety implications will have to be considered before the gear is removed without permission.

As Scottish and Southern Electricity Networks will not compensate mobile or towed gear fishermen for planned operations, any interactions will be considered under the International Regulations for Preventing Collisions at Sea 1972.

## Process in the event of snagging gear

As our cables are marked on admiralty charts, mariners should show reasonable care and avoid towing gear near to or across them. If our cables are damaged by gear and reasonable care hasn't been demonstrated, the mariner may be held liable for the damage.

In some circumstances, where the mariner is deemed to have shown reasonable care and wasn't negligent, compensation may be considered where they have sacrificed gear to avoid damage to the cable. Again, the Fishing Claim Form should be completed within 30 days of the incident.

### Approach to be taken if gear becomes snagged

If gear strikes or becomes fastened to a cable, the following approach is recommended, based on Seafish and KISORCA guidance<sup>3</sup>.

- if the fastened gear is not easily retrieved, fishermen should not apply excessive winch, line or net hauler loads or engine powers in attempts to retrieve fastened gear
- fishermen are to advise the coastguard and the Company Fishing Liaison Officer immediately, giving an accurate position of the vessel and/or lost gear
- if the coastguard confirms that the vessel is in the immediate vicinity of a cable, serious consideration will be given to the slipping of the gear and buoying and recording of its position
- if the gear is slipped, after buoying off the gear, the position should be confirmed with the coastguard and the Company Fishing Liaison Officer
- on return to port, the skipper is to contact the local Fishery Office and register the incident in the normal manner
- on no account should skippers grapple in an attempt to recover fishing gear lost or cut away in the vicinity of a submarine electricity cable.

## Making a claim for loss or damaged gear

If, through no fault of their own, a fisherman snags or damages gear in the vicinity of one of our cables, the vessel skipper should follow a process to allow a claim to be made efficiently and assessed without delay.



All details of the incident should be recorded in the vessels' logbook as soon as the situation is made safe. Date, time and location of the occurrence and description of the gear lost or the damage sustained.



A record of the vessel position/course for 12 hours before and 12 hours after working the damaged or lost gear.



Upon return to port the skipper should report the incident to a Fishery Officer.



The Company Fishing Liaison Officer should be notified of the incident as soon as possible but within 5 days at the latest.

**The Company Fishing Liaison Officer will provide a Fishing Claim form which should be completed and returned with evidence within 30 days. The Company Fishing Liaison Officer will assess what notices were sent out and may ask for further information from the claimant.**

- Any claim for loss of earnings while waiting for replacement creels to be produced will need to be supported by:
- fishing accounts as submitted for tax purposes for the last three years
  - total sales notes provided to support the three years' annual accounts
  - copies of vessels fishing license and where appropriate shellfish entitlements
  - completed Marine Management Organisation Subject Access Form
  - copy of certificate of British Registry for each vessel for which a claim is being made
  - copy of a valid Maritime and Coastguard Agency certification
  - permission for the Fishing Industry Representative/Company Fishing Liaison Officer to view vessels GPS plotters to verify fishing in the area. In the absence of these, independent evidence would be required from a reputable third party e.g. Marine Scotland.

Once the completed Fishing Claim Form and supporting evidence has been received, the Company Fishing Liaison Officer will assess the claim. This will include reviewing the evidence, considering metocean conditions and practice of fishermen in the local area. The Company Fishing Liaison Officer will also consider if gear had been deployed in the area despite notices and warnings being given.

If a claim is assessed and deemed to be valid, it will be passed to SSEN for payment within 30 days of receipt.

<sup>3</sup> <http://www.kis-orca.eu/safety/emergency-procedures>



## Law and regulation relating to cables

We have to protect our cables because they supply electricity to homes and businesses in some of the most remote parts of the UK. Any potential damage could cause real issues for those in need and we must try to ensure that this doesn't happen. Equally, we want to make sure that sea users know where our cables are and when we are planning to carry out operations, in order to keep everyone safe.

With regards to navigation, in normal circumstances, the provisions laid down by International Regulations for Preventing Collisions at Sea, 1972 set down actions to be taken by fishing vessels and those restricted in their ability to manoeuvre (such as a cable laying vessel) when two such vessels are approaching to avoid collision and to allow both to continue operating with minimum disruption.

This document sets out our commitment to behave in a fair and reasonable manner when carrying out our work to avoid conflict. As well as safety issues, there are also potential legal implications if sea conventions are not followed.

### The law and submarine cables

The United Nations Convention on the Law of the Sea Article 113, 1982 (UNCLOS), and UK 1964 Continental Shelf Act sets out that it is an offence to wilfully damage submarine cables.

The legal implication of damaging a submarine cable is summarised in the International Cable Protection Committee (IPCC) booklet "Fishing and submarine cables" (2009):

**"Under UNCLOS and the earlier 1884 International Convention for the Protection of Submarine Cables, if a mariner damages a cable and the damage could be avoided by taking reasonable care as a prudent seaman, then the person causing the damage is liable. If a mariner damages a cable with fishing gear or an anchor, when he could have seen that cable on a chart and avoided it, he may be liable for the damage. In addition to civil liability for damages, the mariner may face criminal sanctions for culpable negligence or wilful injury to a cable.**

However, international law recognises an exception. If the mariner's damage to the cable is caused by taking necessary actions to save the vessel or crew, there is no liability. An example would be a ship without power being set upon a shoal that is saved by anchoring and in the process a cable is damaged.

International law also requires that a vessel that has gear or an anchor caught on a cable is required to sacrifice the gear or anchor to avoid damage to the cable. Provided the mariner was not negligent in contacting the cable in the first place, the mariner is entitled to indemnity for the cost of the sacrificed gear or anchor by the owners of the cable".

# Fishing Claim Form

In line with best practice, we request that claims are submitted within 30 days of the date of occurrence.<sup>1</sup>

## DETAILS OF VESSEL AND CLAIMANT

Name, letters, type, length and description of vessel	
Home port	
Fishing association (if applicable)	
Name of owner/skipper (please specify)	
Address	
Telephone	
Email	
VAT registration number	

## DETAILS OF CLAIM INCIDENT

Date and time of incident	
Location of incident If possible, please provide chart/image	Latitude: Longitude:
Water depth	
Conditions	Weather: Sea: Visibility:
Description of incident and supporting evidence Incidents will be investigated on a case by case basis. Claims will be considered only where evidence to support consultation of cable awareness charts on board the vessel concerned, together with evidence that the vessel complied with recommended procedures during the incident. Vessel position data e.g. Plotter and AIS should be supplied (where available) with the claim, demonstrating vessel position/track 12 hours prior to and 12 hours after the incident	
Has fishing gear been damaged or lost? Any claims for loss of earnings while waiting for replacement gear will need to be supported	
What attempts were made to recover gear?	

<sup>1</sup> ESCA Guideline No.13 Fishing Compensation Guideline and Scottish and Southern Energy Power Distribution Working with Grantors.

**PARTICULARS OF CLAIM**

**A. Fishing gear description**

Item	Type	Manufacturer	Age of gear	Quantity	Cost(£)

**B. Other costs related to claim**

Estimated loss of fishing time	
Estimated catch loss Evidence of loss will be required to be produced (e.g. past catches, regular tows etc.)	
Estimated savings during loss of fishing time (e.g. fuel, landing fees)	
Any other losses incurred (please specify)	
Total value of claim A + B (£)	

**DECLARATION**

Signature of claimant	
Date of claim	

I DECLARE THAT THE ABOVE STATEMENT AND FACTS SUPPLIED ARE TRUE AND UNDERSTAND THAT MAKING THIS CLAIM DOES NOT IMPLY AGREEMENT WITH EITHER THE COMPANY FISHING LIAISON OFFICER OR SCOTTISH AND SOUTHERN ELECTRICITY NETWORKS.

This completed form should be passed to the Company Fishing Liaison Officer for validation. Information provided in this form is used purely for the purposes of processing this claim.

For information on how we collect and process your data, please see our privacy notice, [www.ssen.co.uk/PrivacyNotice](http://www.ssen.co.uk/PrivacyNotice)  
If you do not have access to our website or would like a hard copy sent, please contact us at [submarinecables@sse.com](mailto:submarinecables@sse.com)



**Reference**



Fishing Industry Mitigation & Co-existence Consultation



**Scottish & Southern**  
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