

# Northern Lighthouse Board

Your Ref: NNG NSVMP  
Our Ref: AL/OPS/ML/O6\_12\_628

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Ms Sophia Irvine  
Marine Licensing Casework Officer  
Marine Scotland – Marine Planning and Policy  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

18 February 2020

Dear Sophia,

## **ELECTRICITY ACT 1989**

### **The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

## **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

### **The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

Thank you for your e-mail correspondence dated 11<sup>th</sup> February 2020 relating to the Navigational Safety and Vessel Management Plan submitted by Neart na Gaoithe Offshore Wind Limited (NnGOWL), in order to satisfy condition 15 and 17 of the Section 36 consent (as varied), condition 3.2.2.11 and 3.2.2.12 of the Offshore Transmission Works marine licence (licence number 06678/19/1) and condition 3.2.2.12 of the Offshore Generating Station marine licence (licence number 06677/19/0).

Northern Lighthouse Board are satisfied that the Navigational Safety and Vessel Management Plan meets the above requirements, and note the following:

- Sections 4.2 and 5.2, which provide for consistency with NnGOWL's Lighting and Marking Plan across both the Construction and Operational phases of the windfarm.
- Sections 4.6 and 5.8, which include NLB in any consultations relating to any event of injury, destruction or decay of the project.
- Section 5.7, which provides for post-installation survey data to be submitted to the UK Hydrographic Office.
- Section 6, detailing the promulgation of information through a Notice to Mariners system throughout all phases of the windfarm project.

Please do not hesitate to contact the Navigation department for further information if required, at [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk).

Yours sincerely

## For the safety of all

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001

[Redacted]

**Peter Douglas**  
**Navigation Manager**

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## Irvine S (Sophia)

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**From:** Malcolm Morrison <M.Morrison@sff.co.uk>  
**Sent:** 11 March 2020 14:56  
**To:** MS Marine Renewables  
**Cc:** Irvine S (Sophia)  
**Subject:** Neart na Gaoithe Offshore Wind Farm - NSVMP Consultation - Response required by 10 March 2020

Sophia et al, apologies for lateness, I am signed off work, so had to do this remotely, MM

The Scottish Fishermen's Federation (SFF) are happy to comment on this paper on behalf of the fishing vessels in membership of its constituent associations; the Anglo Scottish Fishermen's Association, Fife Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association. Combined, these associations represent over 400 hundred vessels and the majority of the Scottish Catching effort.

Starting with the overview, audience and locations, the SFF would expect to see explicit reference to the FLO and FIR roles in this.

Moving on to the introduction chapter and the tables of consent conditions which this plan is designed to address; taking into account that this is now a combined NSVMP in which the SFF is named as a consultee. The SFF would expect that in order to define Navigational Safety, Transit Routes et al, the developer can demonstrate that their FLO has done sufficient research on a fishing register that they can reliably claim to have a clear understanding of fishing activity in the affected area (both OREI & OFTO) and have consulted comprehensively with local fishers to minimise the impact on them.

Notwithstanding a Masters right to claim his actions are a result of Force Majeure, they should all be aware of all activity in the area and respect the right to fish, therefore avoiding any unnecessary interaction with vessels or gear. Developers should take responsibility and ensure that all contractors and sub-contractors are aware of all possible fishing in the area (and other undertakings), and that there is somebody on each developer-related vessel able to communicate in English with other vessels in the vicinity.

There should be a clear identification of the developers plan for any negative interaction events, which will be helped by the clear understanding of all fishing activity in the area. We ask that NnG have standard practice for when a negative interaction happens, showing that they have used the FLO/FIR info above. This should have highlighted any risks and made the developers aware of possible conflict areas, without necessarily involving the MCC, thus maintaining the status of the MCC.

Regarding NtM, developers must take responsibility for early distribution. One week prior is good practice, but sharing only through technological channels should not be relied upon as the sole source of information. The FLO/FIR interaction is essential for the full and proper dissemination of developers plans. The importance of data sharing through FLO/FIR should be added to the NSVMP.

P25, para 4.4.1, it is essential that the MCC recognises the legitimate right of fishing vessels to be at sea, and attempts to conduct any communications in a clear and co-operative manner, indeed to do the job properly they should not get involved in conflicts. Good relations between the sectors are helped by seeking co-operation & co-existence.

Moving on to 4.4.2, the SFF would expect the developers to show proof of consideration of fishing, on routes and entry/exit points, to the extent of meeting all necessary stakeholders (FIRs, SFF, associations, individual fishermen) to clarify this.

The SFF does not agree with point 28, given that most of the construction vessels are over 100m. Experience elsewhere has shown Masters to ignore fishing grounds and fishing vessels and we would not like to see any such behaviour appearing here. Recognising that colregs apply to navigational safety, the SFF would fishing safety (including deployed gear) to be considered by the said Masters.

Guard vessels are mentioned, and the SFF would like clarity on them being audited. SFF would also point out that despite engaging with the renewables representative bodies, the spec for crew is completely different from the normal fishing crew regulations, which could rule local / affected fishermen out of employment opportunities without the expense of extra qualifications. The same applies to vessel certification, which again could rule fishing vessels out of any role in developments without going to great cost. SFF would ask NNG to engage via UK/ Scottish renewables to either revise their regulations so local fishing vessels can act as guard vessels, or (financially) help local fishing vessels gain the additional certifications.

Looking at chapter 5, requirements for safety zones in O&M are understood, but the SFF would object to any more than the standard 50 and 500m zones.

The SFF would expect the developers to have proof to show they have considered fishing activity when defining transport routes and entry/exit points.

Point 58, should include "notifying SFF, Kingfisher and local fishers of exposed cables etc". Kingfisher should also be included in point 59.

The SFF is concerned that at no point in Chapter 6 is there any discussion of the FLO/FIR route for dissemination, this should be revised to include that.

Chapter 10: point 132 mentions guard vessels and the SFF would question the developers ability to actually employ local fishers and vessels because of the specs they have chosen, and refer to the point above on looking into revising the specifications.

The SFF would ask that in the event of barges being used, a guard vessel should accompany them at all times.

With regard to chapters 12 & 13, the SFF would expect the developer to show how fishing has been considered for both transit routes and anchorages.

Finally, at no point does the NSVMP elaborate on the role of the ECOW in ensuring compliance with this plan.

Best regards, MM

## Irvine S (Sophia)

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**From:** Karen Taylor <Karen.Taylor@nature.scot>  
**Sent:** 09 March 2020 16:48  
**To:** Irvine S (Sophia); MS Marine Renewables  
**Cc:** MARINEENERGY  
**Subject:** RE: Neart na Gaoithe Offshore Wind Farm - NSVMP Consultation - Response required by 10 March 2020

Dear Sophia,

Thank you for requesting our advice on the combined Navigational Safety and Vessel Management Plan submitted by NnGOWL as part of the Neart na Gaoithe offshore wind Farm consent plan requirements. We have reviewed the document (document reference: NNG-NNG-ECF-PLN-0010) and consider it to be fit for purpose, subject to our advice as outlined below:

1. We note the indicative vessel transit corridors. Once all ports are confirmed, we advise that vessel transit corridors should follow established shipping route where practicable, which will help to minimise any potential disturbance.
2. The NSVMP should acknowledge the need for vessel operators to be made aware of the Scottish Marine Wildlife Watching Code (<https://www.nature.scot/professional-advice/land-and-sea-management/managing-coasts-and-seas/scottish-marine-wildlife-watching-code>). Adherence to the code will help to minimise any potential disturbance to marine wildlife. Specifically this should apply during the use of anchorage points during construction activities, and during the last 2 weeks of July and first 2 weeks of August when vessel movements should be reduced/ avoided to minimise impact to moulting / flightless rafts of auks, which may be present in the area.
3. The NSVMP mention the role of the Environmental Clerk of Works (ECoW) in compliance monitoring under plan audience. We advise that the NSVMP should clearly indicate that the ECoW role will be instrumental in ensuring compliance with this plan and other plans required by consent conditions. The ECoW role should submit monthly compliance reports on training programmes immediately pre construction and arrival on site, and throughout the duration of construction to ensure all crew / vessels receive adequate training on the following aspects:
  - Minimisation of disturbance to marine wildlife on site and in transit including highlighting key species such as bottlenose dolphins, harbour porpoise, grey and harbour seals.
  - Measures to reduce the potential for marine invasive non-native species, including discharge of ballast water, inspection and cleaning of vessels.
  - How records will be maintained and by whom, and how this will be reported in the monthly ECoW reports.
  - Any requirements for visits to origination vessel ports prior to vessels transiting to the UK to check all is in order.
4. We also advise on the need for consideration and a revision to the plan for the Operation and Maintenance period. This should be submitted prior to the changeover from Construction to O&M activities.

I trust this is of assistance,

Best wishes,

Karen

**Karen Taylor | Marine Sustainability Adviser**

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