

Terms of Reference for Commercial Fisheries Working Group(s)

1. Introduction

Conditions are attached to offshore wind farm Section 36 consents and Marine Licences specifying the need for offshore wind farm developers to engage with the commercial fishing industry through membership of a regional Commercial Fisheries Working Group (CFWG). The exact wording of individual projects consent/licence condition vary, but the spirit of the CFWG is to facilitate communication and collaboration between the commercial fishing industry and offshore wind farm developers.

Developers are required to produce a Commercial Fisheries Mitigation Strategy (CFMS) or Fisheries Management and Mitigation Strategy (FMMS). The CFWG is the forum where consent plans relevant to the fishing industry should be discussed, with the particular aim of defining and finalising the CFMS/FMMS for approval by Scottish Ministers. The formal approval of the CFMS/FMMS is the responsibility of Marine Scotland Licensing Operations Team (MS-LOT) on behalf of the Scottish Ministers.

It is acknowledged that, given that projects may have differing timelines and strategies, as well as interactions with fisheries, individual projects may also hold separate discussions with members of the fishing industry and CFWG outside the forum of the CFWG.

2. CFWG Objectives

The CFWG forum (and any successor groups) will:

- Facilitate commercial fisheries and renewables developers' dialogue, in order to define and finalise a CFMS/FMMS for approval by Scottish Ministers. In terms of discussions on the CFMS/FMMS for individual projects, the minutes from the CFWG should accurately record where there is agreement/disagreement on the content of the CFMS/FMMS. MS-LOT will ensure that, in determining whether or not to approve the CFMS / FMMS Scottish Ministers will take into account the minutes of the CFWG.
- Provide a forum for open and meaningful discussion to promote communication and understanding for the mutual benefit of the fishing industry and offshore wind farm developers.
- Provide input to general approaches, procedures and protocols with respect to construction management plans and potential mitigation options, promoting standardisation where possible. This will include reference to industry standard best practice guidance where necessary e.g. FLOWW or COWRIE guidance.

3. Membership, Obligations, Meeting requirements

Membership

Membership of the CFWG will normally be made up as follows:-

- CHAIR: One representative from relevant Marine Scotland renewables policy branch;
- VICE-CHAIR: Vice-Chairperson elected be on a biennially basis, unless otherwise agreed with members.
- One or two developer employees for each project (secretariat on rotation);
- One commercial fisheries consultant for each project;
- One Fisheries Liaison Officer (FLO) for each project;
- Nominated Fishing Industry Representatives (FIRs); and
- Nominated representatives from national fishing associations.
- One nominated representative local fishing associations/nominated port/harbour representatives.

The following members will attend in an observational capacity only:

- One representative from Marine Scotland Science (MSS);
- One representative from Marine Scotland Licensing Operations Team (MS-LOT);
- One representative from Marine Scotland – Inshore Fisheries Branch; and
- One representative from Crown Estate Scotland (CES).

Member obligations

These include but are not limited to:-

- Developers (on rotation) to act as secretariat to arrange and manage meetings, including a pre-meeting for fishing stakeholders if required,
- Meeting notes/agenda, any relevant papers or proposals etc. to be discussed at the CFWG will be distributed to attendees at least three weeks prior to an upcoming meeting.
- Within a week of receiving the agenda members should confirm attendance and, where applicable, an estimate of costs for their attendance.
- The Secretariat will record all minutes and agreed actions, and distribute minutes within four weeks of the meeting
- Members must take responsibility for delivery of any required actions within timescales agreed.
- FIRs will keep their sectors properly informed on the development through timely distribution of minutes and information received from CFWG.

Meetings

- Meeting shall be held as a minimum twice annually or otherwise as agreed.
- The developers will bear the costs of running and maintaining the CFWG.
- At the end of each calendar year each regional CFWG will agree the cost for attendance for the forthcoming year.
- The developers will cover attendance costs, plus reasonable travel expenses to those nominated representatives (from local fishing associations and/or nominated port/harbour) from whom attendance at the CFWG would not be a usual requirement of their role. These costs will be paid within 60 days of the invoice date.
- FIRs will be reimbursed for attendance at the agreed FIR daily rate, plus reasonable travel expenses (as agreed in their contract).

4. Access to the CFWG

Members listed above will be invited to attend the relevant CFWG by the secretariat and must confirm (or not) attendance. New members may be added to the group through agreement of members. Anyone wishing to propose a new member should contact the secretariat. The CFWG may invite individuals or bodies to attend meetings for the purposes of briefing, sharing knowledge or to seek directly any views or information relative to the business of the CFWG.