



Marubeni



Appendix 23: Fisheries Management and Mitigation Strategy

Array EIA Report

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1. INTRODUCTION

1.1. PURPOSE

1. This document provides an outline Fisheries Management and Mitigation Strategy (FMMS) for the Ossian Array (hereafter referred to as “the Array”). This document has been prepared by RPS Energy on behalf of and for Ossian Offshore Wind Farm Limited (OWFL), which is a joint venture between SSE Renewables Limited (SSER), Copenhagen Infrastructure Partners (CIP) and Marubeni Corporation (hereafter referred to as “the Applicant”).
2. The purpose of this document is to outline the Applicant’s approach to fisheries liaison and potential mitigation for the Array prior to the development of the final FMMS post-consent. The outline FMMS includes a summary of the key measures aimed to enable co-existence with commercial fisheries and to minimise potential impacts during the construction, operation and maintenance and decommissioning phases of the Array, including consideration of commitments made in the commercial fisheries chapter of the Array Environmental Impact Assessment (EIA) Report (volume 2, chapter 12).

1.2. PROJECT DESCRIPTION

3. The Array is situated in the central North Sea off the east coast of Scotland, approximately 80 km south-east of Aberdeen (Figure 1.1). The Array is located within the north-west portion of the International Council for the Exploration of the Seas (ICES) Division 4b (central North Sea) statistical area; within the United Kingdom (UK) Exclusive Economic Zone (EEZ) waters (which is the area that extends from the UK territorial waters 12 nm boundary out to 200 nm). The FMMS area covers the same nine ICES statistical rectangles as the commercial fisheries regional study area (see volume 2, chapter 12). The Proposed offshore export cable corridor(s) will be subject to a separate EIA Scoping Report, EIA Report and consent application(s) in the future.
4. Key design parameters of the Array of relevance to commercial fisheries are:
 - up to 265 floating wind turbines with minimum spacing between turbines of 1,000 m (mooring line radius up to 700 m);
 - up to 15 Offshore Substation Platforms (OSPs);
 - a network of dynamic/static inter-array cable with total length of up to 1,261 km;
 - interconnector cables with total length of up to 236 km; and
 - static portions of inter-array cables and interconnector cables buried to a minimum depth of 0.4 m (subject to Cable Burial Risk Assessment (CBRA) (external cable protection to be implemented where target burial depths cannot be achieved).
5. Additional detailed information on design parameters can be found in volume 1, chapter 3 of the Array EIA Report.

1.3. GUIDANCE

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

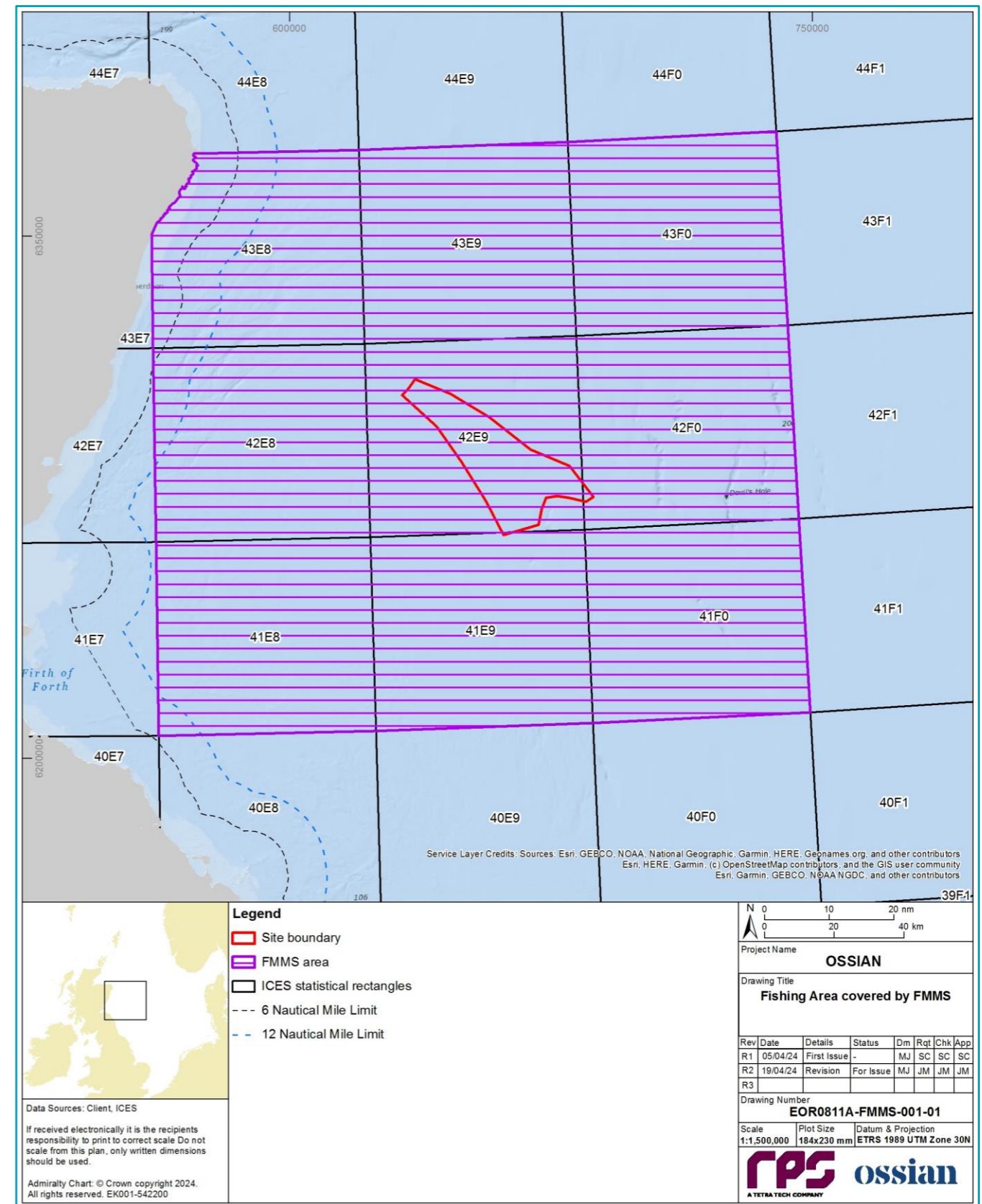


Figure 1.1: Location of the Array

2. FISHERIES MANAGEMENT AND MITIGATION MEASURES

7. This section provides a summary of the Applicant’s approach to fisheries liaison and of the measures proposed to be implemented to facilitate co-existence and minimise impacts on fishing activities. As identified in volume 2, chapter 12 of the Array EIA Report, commercial fisheries of relevance to the Array include the following:
- UK demersal otter trawlers targeting *Nephrops*, haddock *Melanogrammus aeglefinus* and mixed demersal species;
 - UK demersal seine targeting haddock and mixed demersal species;
 - UK, Norwegian, Danish, Dutch and German pelagic trawlers targeting herring *Clupea harengus*;
 - UK scallop dredgers targeting king scallop *Pecten maximus*; and
 - UK potting vessels targeting brown crab *Cancer pagurus* and lobster *Homarus gammarus*.
8. The measures proposed in this outline FMMS take account of the designed in measures identified in volume 2, chapter 12 with regard to commercial fisheries. These are listed in Table 2.1.
9. Unless otherwise specified, the measures proposed apply to all the fisheries identified above.

Table 2.1: Designed in Measures Adopted as Part of the Array of Relevance to Commercial Fisheries

Designed In Measures Adopted as Part of the Array	Justification
Fisheries liaison	Appointment of a Fisheries Liaison Officer (FLO) and use of Offshore FLOs (OFLO) as required to enable ongoing liaison with fishing fleets to be maintained. Adherence to appropriate guidance with regards to fisheries liaison and mitigation procedures in the event of interactions between the proposed development and fishing activities, (i.e. FLOWW guidance).
Promulgation of information through timely and efficient posting of Notice to Mariners (NtM), Kingfisher Bulletins and navigational warnings, as appropriate. Information will include but not be limited to vessel routes, timings and locations, safety zones and advisory safe passing distances as required.	Maximises awareness of the Array allowing vessels to passage plan in advance.
Development of, and adherence to a CBRA	The CBRA will determine the risks arising from cable burial, such as scour, erosion, and dropped objects, and any measures to address them, in order to limit disturbance to the seabed as far as reasonably practicable. The location of the areas of cable protection (if cable protection is required) will be communicated to the fishing industry.
Apply for and implement safety zones during major construction and operation and maintenance activities	Application for safety zones up to 500 m around structures where vessels are undertaking construction work during construction and periods of major operation and maintenance and 50 m around partially completed or completed but not yet fully commissioned surface piercing structures during construction. Advisory temporary safe passing distances to be promulgated to mariners, including fishermen, around installation/maintenance vessels actively engaged in works.

Designed In Measures Adopted as Part of the Array	Justification
Development of, and adherence to an Environmental Management Plan (EMP)	To reduce the risk of accidental release of contaminants from vessels as far as reasonably practicable, thus providing protection for marine life across all phases of the Array. This will include mitigation/monitoring measures and commitments made within the Array EIA Report to reduce the impacts on fish species, including but not limited to chemical usage, Invasive and Non-Native Species (INNS), pollution prevention and waste management.
Development of, and adherence to, an Operation and Maintenance Plan (OMP)	This will include a schedule of operation and maintenance activities and a procedure for setting out the refined parameters of any cable repair activities.
Member of and engagement in a Regional Commercial Fisheries Working Group	Provides a forum for information sharing and discussion of key issues with commercial fisheries stakeholders and other developers in the region.
Development of, and adherence to a Navigational Safety and Vessel Management Plan (NSVMP)	The NSVMP will confirm the types and numbers of vessels that will be engaged in activities associated with the Array, and consider vessel coordination including indicative transit route planning (Marine Coordination). All contractors undertaking works to be contractually obliged to ensure compliance with standard offshore policies, including those that prohibit the discarding of objects or materials overboard and that require the rapid recovery of accidentally dropped objects where feasible. Development and issue of a Code of Conduct to all project vessel operators to advise on how to avoid impacts on marine megafauna and interference with fishing activities. Compliance of all project vessels with maritime regulations as adopted by the relevant flag state including the International Regulations for Preventing Collisions at Sea (COLREGs) (International Maritime Organization (IMO), 1974a) and the International Convention for the Safety of Life at Sea (SOLAS) (IMO, 1974b).
Development of, and adherence to a Lighting and Marking Plan (LMP)	The LMP will confirm compliance with legal requirements with regards to shipping, navigation and aviation marking and lighting. Navigational aids and marine charting so that other marine users are made aware of the location of the Array. Consideration of UK Marine Guidance Note (MGN) 654 with respect to wind turbine design and construction, so that recognised safe standards are met with regards to navigational safety and emergency response (search and rescue, salvage and towing, counter pollution). Adherence with the provisions of the COLREGs for all contracted vessels, including the display of appropriate lights and shapes such as when vessels are restricted in their ability to manoeuvre.
Development of and adherence to a Decommissioning Programme (DP ²)	The aim of this plan is to adhere to the existing UK and international legislation and guidance (at the time of writing) during the decommissioning phase. This will reduce the amount of long term disturbance to the environment as far as reasonably practicable.
Appropriate marking of structures on UK Hydrographic Office (UKHO) Admiralty Charts and other electronic charts as appropriate	Ensure the appropriate marking of structures on UKHO Admiralty Charts to maximise the awareness of the Array allowing vessels to plan their passage in advance.

2.1. COMMUNICATION AND INFORMATION TRANSFER

10. A communication and information transfer plan is of key importance to manage the relationship and minimise disturbance to the commercial fishing industry, an effective plan will enable co-existence and cooperation.
11. Key roles and responsibilities with regard to liaison with the fishing industry and the communication and information distribution plan anticipated to be implemented for the Array are described in section 2.1.1 and section 2.1.2 respectively.

2.1.1. FISHERIES ROLES AND RESPONSIBILITIES

The Applicant

12. The primary responsibilities of the Applicant are anticipated to include the following:
 - to establish a strong positive relationship with commercial fisheries stakeholders and statutory and non-statutory bodies and organisations that have the potential to be affected by the Array;
 - to actively continue liaison and consultation with the commercial fishing industry through membership of the Commercial Fisheries Working Group (CFWG), as the regional forum for engagement with commercial fisheries stakeholders, in accordance with the Terms of Reference of the CFWG;
 - to prepare, agree and implement efficient communication channels for distributing project related information to commercial fisheries stakeholders, in such a timely manner that the FLO has enough time to distribute information to the industry;
 - to continue to give consideration to the concerns of commercial fisheries stakeholders in the preparation of mitigation strategies;
 - to maintain employment of an FLO as the main point of contact for the Applicant and engage Fishing Industry Representatives (FIRs¹) under the CFWG throughout construction, operation and maintenance and decommissioning phases of the Array;
 - to promote productive co-existence through the early provision of construction and cable laying plans to commercial fisheries stakeholders, including information on the type and location of cable protection measures where this may be required;
 - to use OFLOs where required and appropriate during the construction, operation and maintenance and decommissioning phases;
 - to produce and ensure implementation of Standard Operating Procedures (SOPs) to minimise and appropriately manage potential interactions with fishing vessels; and
 - to establish suitable and evidence-based cooperation agreement methodologies in line with FLOWW guidelines (FLOWW, 2014; FLOWW, 2015).

Fisheries Liaison Officer

13. A FLO has already been appointed for the Array and will continue to be appointed through pre-construction and construction phases and as required during critical phases of the Array.
14. The principal role of the FLO is to establish and maintain effective communications between the Applicant, any contractors or sub-contractors, fishers and other users of the sea during the construction, operation and maintenance and decommissioning phases of the Array, and to monitor compliance with good practice guidelines whilst doing so.
15. The primary responsibilities of the FLO are anticipated to include the following:
 - provision of advice to the Applicant on fisheries liaison throughout the pre-construction and construction phases of the Array;
 - maintain a commercial fisheries stakeholder database to ensure all commercial fisheries stakeholders are adequately informed of relevant project activities;
 - maintaining availability to resolve fisheries related issues as they arise;

- preparation of SOPs to help avoid and minimise interactions with fishing activities;
- gather information with regards to fishing activities within the Array and in its vicinity;
- assist and support the Applicant to facilitate the relocation of static fishing gear where this may be required;
- organisation of, preparation for and attendance at fisheries meetings, including the CFWG, local fisheries stakeholder events and meetings with regulators, as required;
- provision of advice to the Applicant on the ongoing delivery of FMMS; and
- act as a key point of contact for commercial fisheries stakeholders and maintain availability to receive and respond to telephone and e-mailed enquires and statements from fisher's representatives and individual fishers, as well as the Applicant's enquiries.

Fishing Industry Representative

16. As counterpart to the FLO, the FIR¹ will support the FLO in their duties. FIRs¹ will make skippers of fishing vessels aware of any forthcoming project operations and other on-going activities.
17. Membership of the CFWG includes nominated FIRs¹ representing local areas in the wider area. In addition to the CFWG FIRs¹, a project specific FIR¹ may also be in place, if appropriate.
18. The primary responsibilities of the FIR¹ are anticipated to include the following:
 - be a primary contact point between the fishing community and the Applicant, who can be trusted to accurately determine fishing industry views and objectively provide the Applicant with this information;
 - disseminating information from the developer(s) and from the CFWG through associations, individual fishers and other interested parties, subsequently allowing feedback to the developer(s) or the developer's FLO;
 - promote methods of work that minimise disturbance to the commercial fishing industry
 - assist in circulation of NtMs and subsequent updates for project activities;
 - attend any CFWG meeting as required including preparation and through timely distribution of minutes, fulfilling relevant actions, and information received from the CFWG;
 - on invitation, attend public stakeholder engagement events;
 - contribute to maintaining and updating a fisheries register, held by developers, to cover all interested fishing parties within the FIR's¹ agreed remit;
 - contribute to the population and/or verification of the commercial fisheries database (regardless of if this is additional to stakeholder consultation with any association to which the FIR¹ is affiliated);
 - provide impartial advice to the CFWGs, as required, regarding commercial fisheries activities in the FIR's¹ agreed remit;
 - objectively and impartially assist with the collection of information from fishers, within their agreed remit, regarding their activity in relation to developments;
 - keep a record of all communications with fishers and developers; and
 - objectively, impartially and confidentially assist with damage to gear claims within their agreed remit.

Offshore Fisheries Liaison Officer

19. OFLOs will be used where required and appropriate during the construction, operation and maintenance and decommissioning phases of the Array. OFLOs will facilitate engagement with offshore commercial fisheries stakeholders during specific project works to minimise potential for conflict between the Array and fishing activities.
20. The primary responsibilities of OFLOs are anticipated to include:
 - to maintain regular contact with the FLO and the Applicant and/or their contractors, as appropriate, concerning fishing vessel activity in and around the Array;
 - to record details of any fishing activity in and around the Array (including fishing vessels, gear and communications with fishers) and of any events of infringement or movement or damage to static gear;
 - to provide daily update reports via email to the FLO and the Applicant;
 - to attend meetings, if required, with the Applicant's personnel and the FLO;

- to maintain a watch for marine traffic and fishing vessel activity during marine operations and maintain regular contact with guard vessels and support vessels;
- to communicate with the vessel master in respect of providing any relevant information to fishing vessels, and, when the vessel is not engaged in marine operations, work with the vessel master to avoid, where reasonably practicable, fishing vessels actively engaged in fishing operations;
- to liaise with any fishers who may have static gear deployed in areas relevant to the Array and vessel transit routes;
- to provide the required support to the FLO in the handling of any claims by fishers who may have static gear deployed in areas relevant to the Array and vessel transit routes; and
- to develop and provide training for all vessel personnel to include induction and training for staff with specific fisheries liaison responsibilities.

The Commercial Fisheries Working Group

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

Marine Coordination Centre

22. The Applicant will establish a Marine Coordination Centre (MCC), which will support the Array's construction, operation and maintenance and decommissioning phase activities.
23. The MCC will monitor vessel activity in areas relevant to the Array. The MCC will also be responsible for compiling NtMs, Information to Sea Users Bulletins (Kingfisher Bulletin) and Weekly Notices of Operations (WNoO) during the construction phase. These will be issued to the FLO who will then distribute these to the FIR and individual fishers as agreed.
24. In addition, the MCC will provide a direct point of contact for commercial fishing vessels when active in areas relevant to the Array. Fishers can contact the MCC via marine radio channels or the MCC phone line.

2.1.2. COMMUNICATIONS AND INFORMATION DISTRIBUTION

25. Disseminating appropriate and accurate information to all parties as early as possible and ensuring that effective lines of communication in relation to the Array are maintained, is key to promoting an ongoing positive relationship with commercial fisheries stakeholders.
26. Appropriate communication channels will be established with commercial fisheries stakeholders to ensure they are kept informed of offshore activities throughout the construction, operation and maintenance and decommissioning phases of the Array. An outline of the anticipated schedule for the distribution of information to commercial fisheries stakeholders during the construction and operation and maintenance phases of the Array is given in Table 2.2.

Table 2.2: Timescales for Distribution of the Array Information to Commercial Fisheries Stakeholders

Information/Activity to be disseminated	Timescale for distribution
Site surveys	Notices and information distribution not less than 14 days prior to survey mobilisation (where feasible).
Commercial fisheries consultation meetings	Consultation meetings as required throughout the project life cycle.
CFWG	Meetings approximately every two months or as required during the pre-construction, construction and operation and maintenance phases.
Ad hoc meetings	Additional ad-hoc meetings and consultation would be undertaken by either the FLO, the Applicant or the FIR ¹ (if applicable), as required, to address any issues and fisher's concerns as they arise.
Construction activities	Notice and information distribution as soon as reasonably practicable prior to commencement of offshore construction activities. For all construction vessels, notice and information will be aimed to be provided not less than 14 days prior to vessel mobilisation (where feasible).
Project updates	Project update circulated by e-mail or hard copy to fisheries stakeholders on a bi-annual basis or as needed by the Array, or reasonably requested by stakeholders.

2.2. SAFETY ZONES AND SAFE PASSING DISTANCES

Statutory Safety Zones

27. Volume 1, chapter 2 describes the legislation for establishment of statutory safety zones. The Applicant intends to apply for the following safety zones for the Array:
- temporary (or rolling) 500 m safety zones surrounding the location of all surface piercing structures where construction work is being undertaken by a construction vessel;
 - 50 m safety zones around all partially completed or completed surface piercing structures which are not yet fully commissioned during the construction phase; and
 - 500 m around any structure where major maintenance is ongoing (major maintenance works are defined within the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007.
28. The Applicant will apply for statutory decommissioning safety zones during the decommissioning phase (as appropriate) which are not anticipated to exceed the standard 500 m safety zone.

Recommended safe passing distances

29. The Applicant may use recommended safe passing distances during the construction, operation and maintenance and decommissioning phases for the safety of third party vessels. NtMs will be used to communicate these to sea users during all phases of the Array.

2.3. GUARD VESSELS

30. It is anticipated that the planning and use of guard vessels will be the responsibility of the Applicant's contractors during construction activities, as appropriate. The use of guard vessels maximises awareness of temporary hazards, and ensures vessel presence where necessary to alert passing mariners to a hazard. The guard vessels will support the OFLO in monitoring fishing activity and communicating with fishing vessels.

2.4. REPORTING OF DROPPING OBJECTS

31. A dropped objects at sea procedure, which will be followed in the event that any objects are dropped at sea, will be produced for the Array in the interest of ensuring safety and minimising risks to fishing. The procedure will include necessary reporting requirements. This is also discussed in the outline EMP (volume 4, appendix 21).

2.5. NAVIGATIONAL SAFETY AND VESSEL MANAGEMENT PLAN

32. The Applicant has produced an outline NSVMP (volume 4, appendix 24) which will be updated post-consent. The document will provide information on the Applicant's approach to protecting the safety of vessels (including commercial fishing vessels) during construction and operation and maintenance phases of the Array, including details on anchoring and potential sheltering arrangements. The document will also provide information on indicative transit routes to and from construction/operation and maintenance ports and the Array.
33. The Applicant will consult with commercial fisheries stakeholders on indicative transit routes and any potential shelter areas and will advise contractors vessels of any concerns raised.

2.6. CODE OF GOOD PRACTICE FOR ALL VESSELS

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

2.7. PROCEDURES IN RELATION TO GEAR LOSS AND FASTENING

35. The following procedure replicates that which has been in place in respect of the UK offshore oil and gas industry and describes the steps that should be undertaken in the event of fishing gear becoming fastened within the Array:
- if the fastened gear is not easily retrieved, fishers should not apply excessive winch, line or net hauler loads or engine powers in attempts to retrieve fastened gear;
 - the fishing vessel should advise the coastguard, giving an accurate position of the vessel and/or lost gear;
 - if the coastguard confirms that the vessel is in the immediate vicinity of a cable or wind farm related infrastructure, serious consideration will be given to the slipping of the gear and buoying and recording its position;
 - after buoying off the gear, the position should be confirmed with the coastguard and the FLO;
 - on return to port, contact the local Fishery Office and register the incident in the normal manner;
 - complete a gear loss form and forward it to the FLO; and

- on no account should skippers grapple in an attempt to recover fishing gear lost or cut away in the vicinity of the inter-array cables or interconnector cables.

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

2.8. ASSESSMENT OF BURIAL STATUS OF CABLES AND CHANGES TO SEABED

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

2.9. MONITORING OF FISHING ACTIVITY

38. The Applicant will monitor fishing activity in the Array by undertaking a review of fisheries data at appropriate times. The aim of the commercial fisheries monitoring is to provide an accurate representation of fishing activity in areas of relevance to the Array. The results of the monitoring may inform updates to the FMMS and would be considered by the CFWG with additional consultation with the commercial fishing industry as required.

3. REFERENCES

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

FLOWW (2015). *FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds*.

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