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Our ref: NFFO/3591/DR

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

15th July 2015

Dear John Glasson,

Application by SMart Wind Limited for an Order Granting Development Consent for the Hornsea Offshore Wind Farm (Zone 4) - Project Two: Written Representation

In response to the call for a written representation, we refer you to our previous comments provided in our initial representation and to a statement of common ground (SoCG) which has now been concluded between Smart Wind Ltd and NFFO, VisNed and Holderness Fishing Industry Group.

Our outstanding matters of disagreement or for further discussion are included in the SoCG. This letter details those items that we consider should be secured within the DCO/DML, but are not currently included in version 2 of the draft DCO, including:

1. That a Fishing Liaison and Coexistence plan agreed under the SoCG be required as a license condition (SoCG 3.2.4-3.27 and 5.7).

The purpose of having a liaison and coexistence plan in place is to lay down protocols and expectations on how fishing is accommodated with respect to delivering operational functions e.g. notice periods, dealing with gear damages, communications of safety risks and validation that seabed is free from safety risks following the conclusion of works etc. With this in place expectations between both parties are more likely to be understood and therefore the risk of conflicts emerging (which could generate costly delays for a developer) should be reduced. Should a dispute emerge then it would provide a point of reference to help resolve matters.

Such a plan may include:

- **Defined roles and responsibilities in the liaison process, eg. CFLO, FIRs, Commercial Fisheries Working Groups**
- **Defined communication routes**
- **Project design mitigation:** Array/cabling layout / burial, foundation design, application of safety zone provisions, decommissioning plans.
- **Operations protocols:** e.g. vessel transit routing, gear snagging emergency response protocols, safety zone gear retrieval protocols, gear loss protocols, works notice periods, emergent hazards communications.
- **Fisheries mitigation and impact alleviation measures:** e.g. Communication of cable post installation survey information, post construction trawl sweeps to demonstrate fishing can safely return.

Whilst we have agreed with SMart Wind to have such a plan but there has been no agreement that it should be secured as part of the Deemed Marine License. We consider it important to have this item secured in order to provide assurance to our sector that such a plan will be delivered and so that the relevant authority may have oversight of it in the event that any dispute were to emerge regarding the carrying out of wind farm operational functions or fishing activities at the site.

This is separate from the a requirement to appoint a fisheries liaison officer with details of their responsibilities that are recorded as part of the Project Environmental Management and Monitoring Plan - (Schedule H and J, Condition 10(2)(c)(vii) of the DMLs and Schedule I and K, Condition 10(2)(c)(viii) of the DMLs) as it would detail the procedures and agreements under which co-existence outcomes are achieved.

Pilot research conducted at existing wind farm sites (yet to be published) which has revealed perceived safety risk particularly from seabed snagging hazards represents the most significant impediment to achieving co-existence of fishing activities. A mutually agreed liaison and coexistence plan would help to address any perceived or actual risks towards removing or reducing them.

We believe this would be consistent with the East Inshore and East Offshore Marine plans policy GOV2: Opportunities for co-existence should be maximised wherever possible and represents a reasonable and practical request that would benefit all parties.

2. That provision of a post-installation trawl survey be secured with the DCO/DML in order to verify that safe trawl fishing activities can resume in areas of inter-array cables and the export cable where bottom-towed/ trawl activities take place (SoCG, 3.4.12, 5.5)

As noted above pilot research has revealed that perceived snagging hazards remain a significant impediment for fishing operators wishing to return to

fishing grounds. Typically, post installation surveys have not been communicated to the fishing industry and we have yet to be convinced that bathymetric surveys can provide the level of detail necessary to assure our industry that no significant snagging risks remain post installation. We therefore ask that trawl surveys are required as a license condition in order to provide assurance that bottom towed fishing activities may safely return.

Yours sincerely (via email),



Dale Rodmell
Assistant Chief Executive