

Norfolk Vanguard Offshore Wind Farm

Commercial Fisheries Position Statement

Document Reference: ExA; AS; 10.D8.9

Deadline 8

Date: 30 May 2019

Photo: Kentish Flats Offshore Wind Farm



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Glossary

CIA	Cumulative Impact Assessment
DCO	Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
EIA	Environmental Impact Assessment
ES	Environmental Statement
FLCP	Fisheries Liaison and Co-existence Plan
IFCA	Inshore Fisheries and Conservation Authority
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
MMO	Marine Management Organisation
MPA	Marine Protected Area
NFFO	National Federation of Fishermen's Organisation
OWF	Offshore Wind Farm
PEIR	Preliminary Environmental Information Report
SoCG	Statement of Common Ground
VisNED	National Association of Producer Organisations in Dutch Demersal Fisheries
WTG	Wind turbine generator

Terminology

The Applicant	Norfolk Vanguard Limited
The Offshore Wind Farm (OWF) sites	The two distinct offshore wind farm areas, Norfolk Vanguard East and Norfolk Vanguard West.
The project	Norfolk Vanguard Offshore Wind Farm, including the onshore and offshore infrastructure.

EXECUTIVE SUMMARY

This document outlines the Applicant's position at Deadline 8 with regards to matters relevant to commercial fisheries. It provides a summary of outstanding points which have not been agreed in the final Statement of Common Ground (SoCG) with the National Federation of Fishermen's Organisations (NFFO) and the National Association of Producer Organisations in Dutch Demersal Fisheries (VisNED) (Rep2-SOCG – 26.1) as submitted at Deadline 8.

In addition, this document provides information on the steps taken by the Applicant to date to address outstanding concerns raised by the NFFO/VisNED during the examination.

Further progress has been made since the submission of the SoCG at Deadline 5 with regards to concerns raised by the NFFO/VisNED in respect of the cumulative assessment and the potential implications of proposals for closed areas to fishing in UK, Dutch and German waters. An updated cumulative assessment evaluating the implications of the proposals for closures to fishing for the UK and Dutch fleet was submitted at Deadline 7 (ExA; ISH6; 10.D7.14).

With regards to the remaining points not agreed, the Applicant considers that significant efforts have been made to address the NFFO/VisNED's concerns during the examination phase, as detailed within this note.

Consultation with the fishing industry is on-going and will continue post-consent.

The SoCG as submitted at Deadline 5 is considered to be the final version.

1 POSITION STATEMENT

1. The Applicant and the National Federation of Fishermen's Organisations (NFFO) and the National Association of Producer Organisations in Dutch Demersal Fisheries (VisNED) have continued to engage throughout the course of the examination in an attempt to resolve areas of disagreement. A first draft of the Statement of Common Ground (SoCG) was submitted at Deadline 1 (Rep1 - SOCG - 26.1) and this was subsequently updated at Deadline 5 (Rep2-SOCG – 26.1) to further reflect points which had been resolved and those which remained outstanding.
2. The updated SoCG submitted at Deadline 5 (Rep2-SOCG – 26.1) took account of changes to the Project Design Envelope made since the submission of the previous SoCG which are of relevance to commercial fisheries, including the following:
 - Removal of floating foundations; and
 - Removal of the 9MW wind turbine generator option, resulting in a decrease in the maximum number of turbines (from 200 to 180) and in an increase in the minimum spacing between turbines from 680m to 760m.
3. In addition, the SoCG submitted at Deadline 5 (Rep2-SOCG – 26.1) took account of the information included in the outline Fisheries Liaison and Co-existence Plan (FLCP), a document produced at the request of the NFFO/VisNED and submitted at Deadline 2 (Document 8.19).
4. References to relevant updates made to the draft Development Consent Order (DCO), at the request of the NFFO/VisNED, were also made in the SoCG submitted at Deadline 5.

1.1 Key Outstanding Points Not Agreed

5. Those aspects identified as 'Not Agreed' in the SoCG with the NFFO and VisNED submitted at Deadline 5 are summarised below, including an outline of the Applicant's position and the steps taken by the Applicant to address the NFFO/VisNED's outstanding concerns.

1.2 Impact Assessment Methodology

6. Assessment methodology used in Chapter 14 Commercial Fisheries of the Environmental Statement (ES).
 - As discussed during the meeting held with the NFFO on 16th November 2018, during Issue Specific Hearing 2 (ISH2) (ExA; ISH; 10.D3.2), and as noted in the SoCGs submitted at Deadline 5 and in the Applicant's Responses to Written Representations submitted at Deadline 2 (ExA: WRR: 10.D2.2), the assessment of impacts presented in ES Chapter 14 Commercial Fisheries follows an impact significance matrix approach taking account of receptor

sensitivity and impact magnitude. This is in line with standard environmental impact assessment (EIA) methodologies as detailed in ES Chapter 6, EIA Methodology. In addition, the methodology used is in line with that used for other offshore wind farm projects.

- It is the Applicant's understanding that the NFFO/VisNED's disagreement on the impact assessment methodology is an industry wide concern rather a project specific matter. It is therefore the Applicant's opinion that the methodology used is appropriate.

1.3 Impact Assessment Findings – Norfolk Vanguard alone

7. Conclusion on the significance level of the impact of loss of grounds and associated displacement on beam trawling activity during the operational phase of the project.

- The rationale used for the assessment of loss of grounds/displacement, including the aspects taken into account for the identification of sensitivity and impact magnitude and the resulting impact significance (minor adverse), were discussed during ISH2 (ExA; ISH; 10.D3.2). Details on the rationale used for the assessment were included in the updated SoCG submitted at Deadline 5 and in the Applicant's Responses to Written Representations submitted at Deadline 2 (ExA: WRR: 10.D2.2).
- The assessment of loss of grounds/displacement on beam trawling presented in ES Chapter 14 Commercial Fisheries (which identified an impact of minor adverse significance), assumed that this method of fishing would not be able to resume within the operational Offshore Wind Farm (OWF) sites. This assessment took a conservative approach following concerns raised by the NFFO in their feedback to the Preliminary Environmental Information Report (PEIR) in relation to the use of floating foundations combined with a minimum spacing of 680m for the 9MW wind turbine generators (WTG)s.
- The Applicant acknowledges the preference expressed by the NFFO and VisNed in relation to a minimum spacing between turbines (1km) to allow beam trawling activity to resume during the operational phase of the project in the OWF sites. However, the Applicant's view is that given that floating foundations and the 9MW WTG option have now been removed from the Project Design Envelope, and taking account of the increased minimum spacing between WTGs resulting from the changes to the Project Design Envelope (760m), there is potential for some level of fishing activity by beam trawlers to resume within the operational OWF sites. The Applicant acknowledges that modifications to existing operating patterns due to the presence of the infrastructure may be required. The Applicant's view is supported by previous feedback provided by the NFFO and VisNed in SoCGs for other offshore wind farm projects in the area, including East Anglia ONE

and East Anglia THREE. For East Anglia ONE (Appendix 1), it was agreed in the SoCG with VisNed and the NFFO that fishing would be able to resume in safe conditions assuming a spacing of at least 675m and a linear arrangement of turbines. Similarly, for East Anglia THREE (Appendix 2), it was noted in the SoCG with the NFFO and VisNed that Dutch fishermen would be able to fish within the turbine corridors in safe conditions with a minimum spacing of 675m within rows and 900m between rows. The SoCGs submitted for these projects can be found in Annex 1 and Annex 2.

- The assessment presented in the ES did not identify impacts above minor adverse significance. The assessment was based on the worst case scenario that fishing would not resume within the OWF sites, taking account of the concerns raised by NFFO/VisNED in relation to the use of floating foundations combined with the minimum spacing of 680m for the 9MW WTGs. The Applicant notes that the removal of floating foundations and of the 9MW WTGs option from the Design Envelope, and the associated increase in the minimum spacing between WTGs to 760m, constitutes important measures to help minimise impacts on commercial fishing and promote co-existence.

1.4 Cumulative Impacts

8. Consideration of existing projects/activities as part of the existing environment.

- The NFFO/VisNED consider that existing projects should be included for consideration in the cumulative assessment. The Applicant's view is that existing projects/activities are part of the existing environment within which commercial fishing activity currently occurs. Including existing projects/activities in the cumulative assessment would therefore represent double counting of their effect. The rationale for not including existing projects/activities in the cumulative assessment was discussed during ISH2 (ExA; ISH; 10.D3.2). This was also detailed in the SoCG submitted at Deadline 5 and in the Applicant's Responses to Written Representations submitted at Deadline 2 (ExA: WRR: 10.D2.2).

9. Contribution of current proposals for closures to fishing in UK, Dutch and German waters to cumulative impacts.

- An updated cumulative impact assessment (CIA) has been undertaken by the Applicant during the examination following NFFO/VisNED request, taking account of the latest information available in relation to current proposals for closures to fishing in UK, Dutch and German waters. This has taken account of information provided by the NFFO/VisNED as well as updates on the current status of the proposals for closed areas provided by the Marine Management Organisation (MMO), Eastern Inshore Fisheries and

Conservation Authority (IFCA), the Department for Environment Food and Rural Affairs (DEFRA) and the Joint Nature Conservation Committee (JNCC). The updated CIA was submitted at Deadline 7 (ExA; ISH6; 10.D7.14) and sent to the NFFO and VisNED. Under the worst case assumption that all of the current proposals are implemented, the updated assessment concluded that the significance of the impact with regards to loss of grounds/displacement would be moderate adverse for Dutch and Anglo-Dutch beam trawlers and Dutch seine netters (instead of minor adverse as identified in the ES). However, it should be noted that in all cases the contribution of Norfolk Vanguard to the overall cumulative impact was considered to be small, with the conclusion of impact significance (moderate adverse) applying regardless of whether or not the Project was considered in the assessment.

1.5 Mitigation and Monitoring

10. Measures to minimise potential snagging risks.

- NFFO/VisNED do not agree that the outline Fisheries Liaison and Co-existence Plan (FLCP) takes full account of the measures they have listed in the final SoCGs to help minimise snagging risks.
- The Applicant notes that a number of mitigation measures are already secured by various conditions in the draft DCO, including the following:
 - Production of a Scour Protection and Cable Protection Plan (under Condition 14(1)(e) of Part 4 of Schedules 9 and 10, and Condition 9(1)(e) of Part 4 of Schedules 10 and 11) to be approved by the MMO to include details of the need, type, sources, quantity, distribution and installation methods for scour protection and cable protection. Cable protection will be based on crossing agreements and pre-construction survey data to ensure only essential cable protection is installed. An additional condition has also been included at the MMO's request in relation to 'Reporting of cable protection' (see Condition 22 of Part 4 of Schedules 9 and 10 and Condition 17 of Part 4 of Schedules 11 and 12). This Condition requires that, within four months of completion of the construction phase, a report must be provided to the MMO setting out the cable protection used, which must include the location and the volume of the cable protection used.
 - The production of a cable specification, installation and monitoring plan (to be agreed with MMO pursuant to Condition 14(1)g (Schedules 9 and 10) and Condition 9 (1) (Schedules 11 and 12)) which will need to incorporate a burial risk assessment and

proposals for monitoring offshore cables, including cable protection during the operational phase of the project, should this be required.

- Dropped objects will be reported to the MMO using the Dropped Object Procedures Form, as outlined in Schedules 9 and 10, Part 4, Condition 12 (10) and Schedules 11 and 12, Part 4, Condition 7 (11).
- In addition, at the request of the NFFO, provisions have been made in the draft DCO to ensure that should cables become unburied during the operational phase, this is communicated to the fishing industry through appropriate channels. This has been reflected in the updated draft DCO under Schedules 9 and 10, Part 4 Condition 9 (12) and Schedules 11 and 12, Part 4 Condition 4 (12).
- Floating foundations, a key concern in relation to snagging risks and safety issues raised by the NFFO/VisNED are no longer included in the Project Design Envelope.
- At the request of the NFFO, an outline FLCP has been produced and was submitted to the examination at Deadline 2 (Document 8.19). This document also includes provisions which are of relevance to minimising and managing potential snagging risks, as follows;
 - Early provision of construction and cable laying plans to the fishing industry, including location and methods of cable protection (if cable protection is required);
 - Regular and routine communications with the fishing industry to provide reasonable time to enable decisions around operating practices to be made;
 - Consideration of the use of guard vessels and Offshore Fisheries Liaison Officers;
 - Provision of procedures for the safe recovery of lost or snagged fishing gear; and
 - Development of a procedure for claims for loss or damage of fishing gear.

11. As summarised above, the Applicant has included several additional measures to minimise potential snagging risks at the request of the NFFO and considers that the Deemed Marine Licence conditions and the provisions made in the outline FLCP are appropriate.

1.6 Summary

12. As outlined above and detailed in the final SoCG, there are various outstanding points not agreed between the Applicant and the NFFO/VisNED. The Applicant notes that some of these (i.e. assessment methodology) are industry wide issues rather than project specific concerns.

13. As previously mentioned, further progress has been made since the submission of the updated SoCG at Deadline 5 with regards to concerns raised by the NFFO/VisNED in respect of the cumulative assessment and the potential implications of proposals for closed areas to fishing in UK, Dutch and German waters. This has included consultation with the NFFO/VisNED and with relevant bodies such as DEFRA, JNCC, MMO and Eastern IFCA and the production of an updated cumulative assessment evaluating the implications of the proposals for closures to fishing for the UK and Dutch fleet (ExA; ISH6; 10.D7.14).
14. With regards to the remaining points not agreed, the Applicant notes that significant efforts have been made to address the NFFO/VisNED's concerns during the examination phase. Relevant measures proposed by the Applicant include:
- Removal of floating foundations from the Project Design Envelope - this was of key concern to the NFFO/VisNED in relation to safety and snagging risks and the ability of vessels to resume fishing within the OWF sites;
 - Removal of the 9MW turbine option resulting in an increase in minimum spacing from 680 to 760m between turbines, hence improving the ability of vessels to resume fishing with the OWF sites;
 - Measures secured as part of the draft DCO to minimise snagging risk, including the addition, at the request of the NFFO, of a condition with regards to the communication of cable exposures to the fishing industry during the operational phase; and
 - The production of an outline FLCP during the examination phase, at the request of the NFFO, to provide clarity on the provisions of the FLCP which will be produced post-consent.
15. The Applicant notes that consultation with the fishing industry is on-going and will continue post-consent.

APPENDIX 1: STATEMENT OF COMMON GROUND BETWEEN EAST ANGLIA ONE LIMITED (EAOL) AND VISNED (DUTCH DEMERSAL FISHERIES ORGANISATION)

East Anglia ONE Offshore Windfarm

East Anglia ONE Offshore Windfarm

**VisNed (Dutch Demersal Fisheries Organisation) and
the National Federation of Fishermen's Organisation
(NFFO) Statement of Common Ground
July 2013**

<u>Relevant Section</u>	All sections of the Statement of Common Ground (SoCG) between East Anglia ONE Limited (EAOL) and VisNed/NFFO
<u>Signed</u>	[Redacted]
<u>Printed name</u>	[Redacted]
<u>Position</u>	chief executive
<u>On behalf of</u>	Coöperatie Votteroissery Medebland u.a (VisNed)
<u>Date</u>	24 July 2013
<u>Signed</u>	[Redacted]
<u>Printed name</u>	[Redacted]
<u>Position</u>	ASSISTANT CHIEF EXECUTIVE
<u>On behalf of</u>	NATIONAL FEDERATION OF FISHERMEN'S ORGANISATIONS (NFFO)
<u>Date</u>	26 JULY 2013
<u>Signed</u>	[Redacted]
<u>Printed name</u>	[Redacted]
<u>Position</u>	OFFSHORE ENVIRONMENT MANAGER
<u>On behalf of</u>	East Anglia ONE Limited
<u>Date</u>	25 JULY 2013

1 Introduction

EN010025 – Application for the East Anglia ONE WindFarm

Statement of Common Ground (SoCG) between East Anglia ONE Limited (EAOL), VisNed (Dutch Demersal Fisheries Organisation) and National Federation of Fishermen's Organisation (NFFO).

1.1 Background

- 1 This Statement of Common Ground (SOCG) has been prepared in respect of East Anglia ONE Limited's (the Applicant) application for a development consent order (DCO) to the Planning Inspectorate (PINS) under the Planning Act 2008 (the Application).
- 2 This SoCG with VisNed and NFFO is a means of clearly stating any areas of agreement and disagreement between two parties in relation to the Application. A SoCG matrix has been prepared to reflect topics of interest to VisNed on the Application.
- 3 The structure of the SoCG is as follows:
 - Consultation with VisNed;
 - Consultation with NFFO;
 - Matrix of Common and Uncommon Ground
- 4 Throughout this SOCG the phrase "It is agreed..." is used as a precursor to any point of agreement that has been specifically stated by agreement between the Applicant and VisNed and NFFO. The phrase "It is not agreed..." is used as a precursor to any point that the Applicant and VisNed and/or NFFO wish to clearly state as not yet agreed. Points

that are “not agreed” will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

5 This draft SoCG is supported by the following Annexes

- Minutes of Meeting with VisNed of 02.02.13.

1.2 The Development

6 The Application is for development consent to construct and operate the proposed East Anglia ONE Offshore Windfarm, which comprises up to 325 wind turbine generators and associated infrastructure, with an installed capacity of up to 1,200 MW (the Project). The Project would be located in the North Sea approximately 43.4 km from the Suffolk coast at its nearest point. The offshore array site occupies an area of approximately 300 km².

7 The DCO, if made, would be known as the East Anglia ONE Offshore Windfarm Order. It will comprise the following elements:

- Up to 325 offshore wind turbines, with a maximum height of 200m, to provide an installed electrical capacity of up to 1200 MW.
- Up to three offshore collector stations and up to two offshore converter stations.
- Up to one offshore meteorological mast to collect information such as wind speeds and wind direction.
- Cables buried in the seabed to link the wind turbines, the offshore stations and meteorological mast.
- Up to four offshore undersea export cables to transmit electricity from the offshore stations to the shore.
- A landfall site at Bawdsey with onshore transition pits to connect the offshore and onshore cables.

- Up to four onshore underground cables, with jointing pits, running for approximately 370 km from the landfall at Bawdsey to the connection point near Bramford, Suffolk, to transmit electricity to a new onshore converter station and up to eight additional underground cable ducts to accommodate the cables for future projects.
- An onshore converter station adjacent to existing National Grid infrastructure near Bramford, Suffolk, to connect the offshore wind farm to the National Grid.
- The permanent and/or temporary compulsory acquisition of land and/or rights for the Project.
- Overriding of easements and other rights over or affecting land for the Project.
- The application and/or disapplication of legislation relevant to the Project including inter alia legislation relating to compulsory purchase.
- Such ancillary, incidental and consequential provisions, permits or consents as are necessary and/or convenient.

8 The Application was submitted to the Planning Inspectorate on 21 November 2012 and accepted for examination on 14th December 2012.

1.3 Application elements under VisNed and NFFO's remit

- 9 VisNed is a Federation of recognised Fish Producer organisations in Dutch demersal fisheries, mainly flatfish. VisNed represents fishing companies landing the majority of the value of Dutch demersal fisheries. VisNed has an interest in all application elements outside the UK's 12nm limit.
- 10 The National Federation of Fishermen's Organisation (NFFO) is the representative body for fishermen in England, Wales and Northern Ireland. All sizes and classes of fishing vessel are represented. The NFFO also represents British vessels owned and operated by Dutch interests (Anglo-Dutch).

1.4 Consultation with VisNed and NFFO

Pre-Application

- 11 The Applicant (and their consultants Brown and May Marine) engaged with VisNed on the Project during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008. The following meetings were held.

Date	Meeting Type	Invitees
06.06.2011	Fisheries Stakeholder Meeting	Pim Visser, Cora Seip -Markensteijn, Andreas De Boer - VisNed, Productshap Vis
03.09.2011	Fisheries Stakeholder Meeting	Pim Visser, Cora Seip-Markensteijn, 17 Dutch skippers/owners - VisNed, Productshap Vis, Dutch fishermen
23.09.2011	Fisheries Stakeholder Meeting	Pim Visser, Sandra Beekman, Joop Siereveld, Adrie Vonk, Jaap van der Vis, John van Dam, Japp Tanis, Adries De Boer - VisNed, Productshap Vis, Dutch skippers
02.04.2012	Fisheries Stakeholder Meeting	Pim Visser - VisNed
07.05.2012	Fisheries Stakeholder Meeting	Pim Visser - VisNed

- 12 The Applicant (and their consultants Brown and May Marine) engaged with the NFFO on the Project during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.

13 The following meetings were held.

Date	Meeting Type	Invitees
06.11.2012	Fisheries Stakeholder Meeting	Ian Rowe, Alan Piggot- NFFO

14 During formal consultation, VisNed provided comments on the Preliminary Environmental Information (PEI) by way of letter (the Consultation Response). The Applicant addressed these comments in its Application submitted to the Planning Inspectorate on 21 November 2012.

Post-Application

15 The Applicant met with VisNed and a delegation of the Dutch fishermen they represent on 2nd February 2012. Both VisNed and the NFFO made a relevant representation to the Planning Inspectorate on 4th March 2013 (the Relevant Representation). Following various communications and a meeting on 19th July 2013, agreement was reached on certain matters previously raised by VisNed and the NFFO.

16 A summary of the comments contained in the Relevant Representation with the Applicant's response is set out in the table below.

VisNed and NFFO Comments Made in Relevant Representation	Applicant Response
The National Federation of Fishermen's Organisations represents the fishing industry in England, Wales and Northern Ireland. We have an interest to see that coexistence is achieved between our industry and the offshore renewable industry and to that extent the means to achieve that is specified before or by the	See Matrix of common and uncommon ground; <ul style="list-style-type: none"> • Communication- point 4

VisNed and NFFO Comments Made in Relevant Representation	Applicant Response
Development Consent Order stage of the planning process.	
VisNed is a Federation of recognised Fish Producer organisations in Dutch Demersal Fisheries, mainly flatfish. VisNed represents fishing companies landing the majority of the value of Dutch Demersal Fisheries. Our members' fish all over the North Sea, including British waters outside 12nm. The offshore waters off the East Coast of England are important for our fleet, fishing for Dover sole. The East Anglia Wind farm is planned on these prime fishing grounds.	<p>See Matrix of common and uncommon ground;</p> <ul style="list-style-type: none"> • Communication- point 2 • Communication- point 4
<p>VisNed: It is of the utmost importance to keep negative impact of this development on our fisheries to a minimum.</p> <p>Not less important are the details about the layout of the projects, allowing our vessels to fish safely within the projects with least hindrance to their fishing operations.</p>	<p>See Matrix of common and uncommon ground;</p> <ul style="list-style-type: none"> • Communication- point 4 • Baseline Description and Impact Assessment- point 15 • Wind Farm Construction- point 19
VisNed: Choice of location and cable trenches is of great importance to us.	<p>See Matrix of common and uncommon ground;</p> <ul style="list-style-type: none"> • Wind Farm Construction- point 20 • Wind Farm Construction- point 23 • Wind Farm Construction- point 26 • Wind Farm Construction- point 27

VisNed and NFFO Comments Made in Relevant Representation	Applicant Response
	<ul style="list-style-type: none"> Wind Farm Operation- point 36

2 Matrix of Common and Uncommon Ground

ID	Issue
	Communication
1	It is agreed that the level and quality of communication between EAOL and representatives of the Dutch fishing industry to date has been appropriate
2	It is agreed that the aim is to maintain on-going communication between EAOL and all relevant sectors of the fishing industry during the pre-construction, construction, operational and decommissioning phases of the development of East Anglia ONE
3	It is agreed that consultation is also required as part of the future East Anglia zone planning process
4	It is agreed that a working co-existence plan, as required in the draft DCO (2nd July 2013) (Schedules I and J, Part 2, 9 (d) (v)), should be established between EAOL and VisNed/NFFO that will address potential issues that may arise during pre-construction, construction, operational and decommissioning activities with the aim of minimising impacts, as far as practicable. This is on the basis that fishing businesses may be directly affected by these activities due to lost access and/ or displacement and the requirement for modification of operating practices during operation. Mitigation measures shall be developed and applied in order to limit the extent of effects, where possible, should significant impacts occur
5	VisNed/NFFO consider that a zonal community fund should be established. It is agreed that this should be a matter

ID	Issue
	for ongoing discussion.
6	It is agreed that a Dutch speaking Fishing Industry Representative (FIR) shall be engaged as necessary, through VisNed/NFFO
7	It is agreed that a fisheries liaison officer (FLO), with appropriate experience of the local fishing industry, will be appointed at the start of the pre-construction phase in accordance with the draft DCO (2nd July 2013) Schedules I and J, Part 2, 9 (d) (iv), to act to ensure the appropriate liaison with the commercial fisheries industry. Also, for the construction phase, a Fishing Industry Representative (FIR) shall be engaged as necessary, the selection of whom will be approved by the NFFO and VisNed
8	It is agreed that the FLO will, as part of normal duties, develop a Fisheries Liaison Plan (FLP) to ensure that relevant fishing fleets are notified of planned and on-going works
9	It is agreed that the Fisheries Liaison Plan will be developed in consultation with the relevant fisheries stakeholders and in accordance with the relevant guidance (BERR, 2008)
10	It is agreed that the Fisheries Liaison Plan should also take account of the requirements of the Active Safety Management System where necessary (draft DCO (April 2013) Schedule A, Part 3, 8 (2))
11	It is agreed that EAOL will arrange for relevant package managers/engineers/contractor representatives to discuss pre-construction plans with VisNed/NFFO as appropriate
Baseline Description and Impact Assessment	
12	It is agreed that the commercial fisheries baseline for Dutch fishermen has been derived from available sources and that VisNed agree that this provides a reasonable representation of fishing activity by Dutch owned and operated commercial fishing vessels in East Anglia ONE

ID	Issue
13	VisNed/ NFFO has reservations regarding the use of the standard impact assessment methodologies for assessing impacts on commercial fishing which is done on a national scale. It is agreed that alternative methods shall be explored for future projects
14	It is agreed that, given the location of East Anglia ONE, the impacts of this project on Dutch fishermen during construction are unlikely to be significant, assuming that it is planned to build the project using rolling 500m construction safety zones as stated in the ES
15	It is agreed that, during operation, as discussed at the meeting 020213, Dutch fishermen have stated that they would be able to fish within the turbine corridors in safe conditions. This assumes an unobstructed minimum spacing of 625m within rows and 850m between rows (ie assuming 50m operational safety zones are requested by EAOL) and that turbines are placed in a linear arrangement. This also assumes that inter-array cabling is covered or at sufficient depth such that it would not constitute a fastening risk to fishing gears. It is noted that concerns have been expressed by VisNed that if one incident occurred within one windfarm, this would lead to closure of all offshore windfarms
16	It is agreed that certain other parts of the East Anglia zone would result in higher, potentially significant, impacts on Dutch fishermen. It is agreed that EAOL will continue to liaise with VisNed and NFFO during the applications of subsequent projects within the East Anglia zone and that information provided by them will be fed into the zone development process
17	<p>It is not agreed by the parties that cumulative impacts would not be significant</p> <p>EAOL believe that, on the basis of the relative area of the East Anglia ONE site in comparison to the combined potential areas of other windfarms, MCZs and aggregate dredging areas, the proportional contribution of the East Anglia ONE site to the cumulative loss of fishing area will be minor. This contribution is further reduced by the fact that fishing could resume within the operational East Anglia ONE site and other operational windfarm sites</p>

ID	Issue
	VisNed and the NFFO have major concerns regarding the long term cumulative impacts of the combined effects of the many potential planned spatial restrictions within the North Sea. These include, but are not limited to, other wind farm developments, aggregate dredging, oil and gas infrastructure and fishing restrictions within the proposed network of Marine Conservation Zones and European Marine Sites
	Wind Farm Construction
18	As stated in the ES, the project will be built using a multiphase construction process. It is agreed that fishing vessels cannot operate within construction safety zones and that EAOL will endeavour to minimise the exclusion of fishing during the construction phase where safe and practicable to do so
19	VisNed/NFFO have expressed a preference for inter-array cables to be layed along the lines of NNW-SSE turbine rows. It is agreed that EAOL will evaluate this requirement within pre-construction plans
20	It is agreed that cables shall be installed using a best practice approach with the objective of minimising as far as practicable possible effects on longer term fishing operations. A detailed cable laying plan will be provided which incorporates a burial risk assessment to ascertain suitable burial depths and cable laying techniques in accordance with the draft DCO (2nd July 2013) Schedules I and J, Part 2, 9 (g) and with the objective of achieving the maximum level of cable burial. If deemed necessary by EAOL, or as advised by statutory bodies, guard vessels would be employed to assist in the protection of any temporarily exposed cables
21	It is agreed that construction will be in accordance with the parameters assessed in the ES and that a construction method statement will be provided under Schedules I and J, Part 2, 9 (c) of the draft DCO (2nd July 2013)
22	It is agreed that construction related seabed debris will be removed in accordance with the requirements of draft DCO (2nd July 2013) Schedules I and J, Part 2, 7
23	It is agreed that a post-construction survey will be carried out post-construction in accordance with the requirement of the draft DCO (2nd July 2013) Schedules I and J, Part 2, 17 (2) (d) (one high resolution swath bathymetric survey

ID	Issue
	and any such further monitoring as may be agreed with the MMO) and Schedules I and J, Part 2, 17 (e) (a side scan sonar and bathymetry survey after the occurrence of a major storm event).
24	It is agreed that an additional clause has been added to the draft DCO (2nd July 2013) (Schedule J, Part 2, 9 (g) (iii)) stating that the appropriate methods (eg trawl or drift net) will be deployed after the swath bathymetry survey to assess any seabed obstructions resulting from the burial of export cables. Should the post-lay survey identify the presence of construction related seabed obstacles such as mounds, boulders or berms that could have the potential to interfere with fishing, appropriate rectification will be undertaken (draft DCO (2nd July 2013) Schedules I and J Part 2, 7 (15)). It is not agreed at this stage that there is a requirement for such surveys for inter-array cables .
25	NFFO has stated that, based on experience of other windfarms off the Suffolk coast, rock protected / matted areas may prove difficult to fish/may not be fishable by smaller under 10m vessels deploying mobile fishing gears and could constitute fasteners to drift nets
26	It is agreed that EAOL will request that cable protection manufacturers evaluate the extent to which the various protection options can be safely fished over
27	It is agreed that EAOL will adopt a hierarchical approach to cable protection options in the event that full burial of the entire cable length is not achievable. Under this approach, which will involve consultation with relevant fishing organisations and their representatives, protection options will be assessed using a number of criteria including the aim of selecting protection methods which would cause the least disturbance to fishing practices
28	It is agreed that, as part of the FLP, communication strategies and operational policies will be implemented to minimise the risk of construction and maintenance vessels interacting with static gears deployed at sea
	Wind Farm Operation
29	Assuming a spacing of at least 675m and a linear arrangement of turbines, the Dutch fishermen have informed EAOL that they could be able to fish within the wind farm in safe conditions. It agreed that wider turbine spacings

ID	Issue
	would be of benefit to the Dutch fishermen (meeting of 020213). It is also agreed that fishing within operational windfarms would require modifications to existing operating patterns due to the presence of infrastructure
30	It is agreed that aligning the turbines in an approximately N-S direction would be of benefit to the fishermen. It is also agreed that aligning the turbines in accordance with the predominant wind direction will be required to ensure maximum efficiency of the windfarm (meeting of 020213) (Current plans are for a NNW-SSE arrangement)
31	It is agreed that an emergency safety response plan is required in the event of fishing vessels snagging gear on foundations or cables and/or losing power and steerage. This would form part of the Emergency Response Cooperation Plan (ERCoP) required in Schedule A, Part 3, 8 of draft the DCO and would follow oil and gas industry guidelines.
32	It is agreed that a protocol will be established for the safe recovery of any fishing gears caught fast within the operational wind farm site. Any process would be incorporated into the East Anglia One Operational Process Document
33	It is agreed that suitable arrangements will be established for attributable gear damages and losses in line with standard procedures as outlined in the Fisheries Liaison Offshore Wind and Wet (FLOWW) guidance (2007)
34	It is agreed that the NFFO has expressed reservations about vessels returning to fish within operational windfarms and the viability of doing so.
35	It is agreed that long-lining trials, including gear modifications, will be actively pursued to test the feasibility and effectiveness of fishing resuming within the operational wind farm site It is agreed that EAOL will investigate the options regarding the use of local vessels to carry out such fishing trials.

ID	Issue
36	<p>It is agreed that Pulse/Sum Wing trials will be actively pursued to test the feasibility and effectiveness of fishing resuming within the operational wind farm site. It is agreed that VisNed has concerns about the snagging potential of the nose of the Pulse/Sum Wing gear on cable installations.</p> <p>It is agreed that options regarding the use of Dutch vessels put forward by VisNed to carry out such fishing trials would be investigated.</p>
37	<p>It is agreed that commitments made in this Statement will be included within the project commitments register and that this register would be included in any sale and purchase agreement should the wind farm or 'OFTO' works be sold to another party.</p>
	Decommissioning
38	<p>It is agreed that decommissioning of the windfarm would follow the relevant guidance at the time. Under the Energy Act, 2004, EAOL is required to compile a decommissioning plan. This plan will be reviewed at intervals during the life of the project and updated based on the latest information on relevant standards, environmental impacts, technology and cost. It is agreed that the wind farm will be decommissioned with the intention of returning the area to pre-construction conditions as far as is possible as such that remaining infrastructure would not pose a safety hazard to fishing activity. This would be verified through appropriate post decommissioning surveys and monitoring as required by the Government. Remedial action would be taken to remove identified emergent hazards</p> <p>It is agreed that East Anglia ONE Limited (EAOL) will implement similar arrangements for the mitigation of displacement of fishing activities during the decommissioning phase as provided for the installation phase</p> <p>It is agreed that East Anglia ONE Limited (EAOL) will establish arrangements to address attributable gear losses associated with infrastructure, in line with oil and gas guidance, during the decommissioning phase if required</p>

ID	Issue
	Fisheries Monitoring
39	It is agreed that monitoring of fish communities in and around the Project will be undertaken in accordance with the draft DCO (2nd July 2013) Schedules I and J, Part 2, 15 and 17
4	It is agreed that monitoring will be developed and agreed with the MMO / Cefas / EIFCA in consultation with VisNed and NFFO
41	It is agreed that the design of the monitoring scheme needs to be fit for purpose and sufficiently rigorous in order to address specific scientific hypotheses regarding potential fisheries resource related impacts
42	It is agreed that the knowledge and expertise of the local fishing industry will form a valuable input in developing and implementing any monitoring regime. Dutch or UK fishing vessels may be considered in conducting scientific work, where appropriate
	Matters not agreed
43	There is currently no agreement regarding the extent of mitigation that would be appropriate for the possible long term loss of fishing grounds.
44	It is NFFOs view that a community fund should be established and that this may have the purpose of: enabling research to be conducted of benefit to both of our industries; demonstrating a commitment to existing marine resource users by supporting good community causes; facilitating good working relationships that would enable safe and efficient operations of both marine industries. At present, the requirement for such a fund and the specific purpose of it have not been discussed in detail or agreed. Should any such fund be set up, proposals would be subject to wider consultation with relevant fishermen's representatives and Cefas/MMO/EIFCA.

ID	Issue
45	It is not agreed at this stage that there is a requirement for additional post construction surveys across the inter-array cables over and above those within the DCO (see point 24).
46	In relation to point 33 and 38, NFFO has requested that EAOL considers working together with the wider marine renewables industry to explore options for arrangements similar to those used in the oil and gas industry, for a non-attributable UKOOA-style Compensation fund.

APPENDIX 2: EAST ANGLIA THREE STATEMENT OF COMMON GROUND WITH VISNED AND NFFO

East Anglia THREE

Offshore Windfarm

East Anglia THREE

Statement of Common Ground

VisNed (Dutch Demersal Fisheries
Organisation) and the National Federation
of Fishermen's Organisations (NFFO)

Document Reference – Deadline 2 /SoCG/ VisNed
and NFFO and Applicant

Author – Brown and May Marine
East Anglia THREE Ltd
Date – July 2016
Revision History – Revision B

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1 Introduction

1.1 Introduction

1. This Statement of Common Ground (SoCG) has been prepared with VisNed and the NFFO to show where agreement has been reached with East Anglia THREE Limited (EATL) during the pre and post Development Consent Order (DCO) application consultation.
2. This SoCG comprises an agreement log which has been structured to reflect topics of interest to VisNed and the NFFO regarding the East Anglia THREE DCO application (the **Application**).
3. The position with respect to each relevant issue is presented in a tabular form.

1.2 The Development

4. The Application is for development consent to construct and operate up to 172 wind turbine generators and associated infrastructure, with an installed capacity of up to 1,200 MW (the **Project**).
5. The DCO, if made, would be known as the East Anglia THREE Offshore Wind Farm Order. It will comprise the following elements:
 - Up to 172 offshore wind turbines and associated foundations, with an installed capacity of up to 1,200 MW;
 - Up to two meteorological masts and foundations;
 - Up to twelve buoys;
 - Up to six offshore electrical stations;
 - Up to one offshore platform housing accommodation facilities;
 - Subsea inter-array cables between the wind turbines and offshore electrical stations;
 - Up to four subsea export cables to transmit electricity from the offshore electrical stations to shore;
 - Up to four interconnector cables between the East Anglia ONE and East Anglia THREE Projects;
 - Scour protection around foundations and on inter-array and export cables as required;
 - Landfall at Bawdsey with onshore transition bays to join the offshore and onshore cables;
 - Up to four onshore underground circuits (each containing up to three cables) pulled through existing ducting to be laid by East Anglia ONE or directly laid, running for approximately 37 km from landfall to the connection point at Bramford, Suffolk, with jointing pits, to transmit electricity to up to two new onshore substations;
 - Up to two onshore substations at Bramford, Suffolk, to connect the offshore windfarm to the National Grid;

- The permanent and / or temporary compulsory acquisition (if required) of land and / or rights for the proposed Project;
 - Overriding of easements and other rights over or affecting land for the proposed Project;
 - The application and / or disapplication of legislation relevant to the proposed Project including inter alia legislation relating to compulsory purchase; and
 - Such ancillary, incidental and consequential provisions, permits or consents as are necessary and / or convenient.
6. The Application was submitted to the Planning Inspectorate on 18th November 2015 and accepted for examination on 15th December 2015.

1.3 Consultation with VisNed and the NFFO

7. This section summarises the consultation that EATL has had with VisNed and the NFFO; for further information on the consultation process and the outcome of consultations please see the Consultation Report (Document 5.2 of the DCO Application).

1.3.1 Pre-Application

8. EATL (and their consultants Brown and May Marine (BMM)) engaged with VisNed on the Project during the pre-application process, both in terms of informal non-statutory engagement (meeting with VisNed on 11th May 2013) and formal consultation carried out pursuant to section 42 of the Planning Act 2008. During the meeting held with VisNed in May 2013 a presentation was given by BMM outlining key parameters of the Project in relation to Dutch commercial fishing interests. Information regarding levels and types of fishing activity by the Dutch fleet were provided by VisNed.
9. Formal consultation with the NFFO was carried out pursuant to section 42 of the Planning Act 2008.

1.3.2 Post-Application

10. EATL (and BMM) met with VisNed and representatives on the 30th March 2016. Following subsequent communications with VisNed (6th of June 2016) and the NFFO (13th May 2016 and 6th of June 2016) agreement was reached on certain matters previously raised by both parties. The relevant representations made by VisNed and the NFFO are included in the letters (Appendix 1 and Appendix 2) appended to this SoCG.

2 Agreement log

11. The topics for areas of agreement between VisNed the NFFO and EATL are set out below.

2.1 Commercial Fisheries

12. The proposed Project has the potential to impact commercial fishing activity. Chapter 14 of the East Anglia THREE Environmental Statement (ES) (Document 6.1.14 of the DCO Application) provides an assessment of the significance of these impacts. Table 1 below provides areas of common ground that have been reached regarding the findings reported within that chapter.

Table 1. SoCG – Commercial Fisheries

ID	EATL Position	VisNed/NFFO Position
Existing Environment		
1	The commercial fisheries baseline as set out in the ES is a fair and reasonable representation of the fishing activities in the area.	<p>Without recourse to the original data sources and validation from the fishing businesses from who the data has been sourced, VisNed and NFFO are not in a position to confirm or contend the accuracy in the representation of fishing activity data presented in the EIA.</p> <p>VisNed and the NFFO acknowledge that the commercial fisheries baseline has been derived from the best available data sources from the relevant government authorities.</p>
Assessment Methodology		
2	The general methodologies used in the assessment are suitable and appropriate and are an established approach to the assessment of potential impacts on commercial fisheries taking relevant guidance into consideration.	<p>The methodological approach used to assess fisheries impacts for offshore windfarm developments could be improved by giving more explicit consideration to assessing the likely level of coexistence between different fishing activities operating in the vicinity of the proposed project towards addressing policies contained within the East Inshore and Offshore Marine Plan including "GOV 2: Opportunities for co-existence should be maximised wherever possible".</p> <p>The approach to assessing sensitivity and magnitude to impact would benefit from greater clarity in the separation factors that constitute sensitivity and how these are taken account of when deriving qualitative ratings of low/medium/high. At present the factors reported to be included are for sensitivity:</p>

ID	EATL Position	VisNed/NFFO Position
		<ul style="list-style-type: none"> o spatial adaptability due to extent of operational range and / or ability to deploy an alternative gear type. o spatial tolerance due to dependence upon a limited number of fishing grounds. o recoverability with some ability to mitigate loss of fishing area by operating in alternative areas. <p>Magnitude:</p> <ul style="list-style-type: none"> o proportion of total annual landings weights / values derived from fishing within the East Anglia THREE site or over the offshore cable corridor; o duration of impact. <p>At present the methodology does not explicitly account for the ability of fishing activity to co-exist within the vicinity of the proposed development. Although such issues are referred in a number of cases through the document, this should be an explicit part of the assessment and the degree to which co-existence could occur and the certainty of the judgements should be made in order to provide the evidential baseline in order to evaluate the appropriateness of mitigation measures.</p> <p>We also consider this to be important in assessing whether the applicant is fulfilling the marine plan policy (MMO, 2015, p105) “GOV 2: Opportunities for co-existence should be maximised wherever possible” as an initial assessment of spatial compatibility will then inform to what extent opportunities for co-existence can be maximised.</p>
3	The cumulative methodology is considered appropriate. Existing developments are considered to represent part of the existing environment within which commercial fishing activity currently occurs and to which commercial fishing interests have already adapted. The assessment also considers a comprehensive range of future proposals from scoping through to construction stages.	VisNed and the NFFO believe that the cumulative assessment methodology should also take into account existing developments (not just future proposals) and developments that limit fishing and/or can be burdening to fishing businesses.
Assessment Conclusions		
4	The conclusions reached in relation to the potential impacts on results of the assessment of are suitable and	VisNed/ NFFO has reservations regarding the use of the standard impact assessment

ID	EATL Position	VisNed/NFFO Position
	appropriate.	methodologies for assessing impacts on commercial fishing which is done on a fleet by fleet basis.
5	EATL believe that, on the basis of the relative area of the Project site in comparison to the combined potential areas of other windfarms, MCZs and aggregate dredging areas, the proportional contribution of the Project site to the cumulative loss of fishing area will be minor. This contribution is further reduced by the fact that fishing could resume within the operational Project site and other operational windfarm sites within UK waters.	VisNed believe that the cumulative assessment should also take into account existing proposals (not just future proposals) and developments that limit fishing and/or can be burdening to fishing businesses.
6	Beam trawling would be able to resume in the windfarm during operation. During operation, as discussed at meetings on 11/05/13 and 30/03/16, Dutch fishermen have stated that they would be able to fish within the turbine corridors in safe conditions. This assumes an unobstructed minimum spacing of 675m within rows and 900m between rows (ie assuming 50m operational safety zones are requested by EATL) and that turbines are placed in a linear arrangement. This also assumes that inter turbine and array cabling is covered or at sufficient depth such that it would not constitute a fastening risk to fishing gears.	<p>Agreed in principle. However, VisNed have concerns that if one incident occurred within one windfarm, this would lead to closure of fishing within all offshore windfarms. NFFO have expressed reservations regarding whether vessels would return to fish within operational windfarms and the viability of doing so.</p> <p>VisNed/NFFO encourage the application of long term mitigation to be applied in the event of loss of access to fishing grounds and the establishment of community fund arrangements where appropriate.</p>
Communication		
7	<p>The level and quality of communication between EATL and representatives of the Dutch fishing industry and the NFFO to date has been appropriate.</p> <p>EATL engaged with VisNed on the Project during the pre-application process, both in terms of informal non-statutory engagement (meeting with VisNed held 11th May 2013) and formal consultation carried out pursuant to section 42 of the Planning Act 2008.</p> <p>Formal consultation with the NFFO was carried out pursuant to section 42 (12th</p>	Agreed.

ID	EATL Position	VisNed/NFFO Position
	of June 2015) of the Planning Act 2008.	
8	The aim is to maintain on-going communication between EATL and all relevant sectors of the fishing industry during the pre-construction, construction, operational and decommissioning phases of the development of the Project.	Agreed.
Management measures		
9	A working co-existence plan, as required in the draft DML (Schedule 14 and 15, Part 2, Condition 13 (d) (v)) should be established between EATL and VisNed/NFFO that will address potential issues that may arise during pre-construction, construction, operational and decommissioning activities with the aim of minimising impacts, as far as practicable. Mitigation measures shall be developed and applied in order to limit the extent of effects, where possible, should significant impacts occur. It is however noted that the ES did not identify any significant impacts on Dutch commercial fishing activity.	Agreed. It is noted that the methodology applied in the ES does not explicitly account for the ability of fishing activity to co-exist within the vicinity of the proposed development (see comment under ID 2).
10	Should there be any requirement for the relocation of static gears this will be agreed through the Commercial Fisheries Working Group (CFWG)	Agreed.
11	A fisheries liaison officer (FLO), with appropriate experience of the relevant sectors of the fishing industry, will be appointed at the start of the pre-construction phase in accordance with the draft DML (Schedules 14 and 15, Part 2 Condition 13 (d) (iv)) to act to ensure the appropriate liaison with the commercial fisheries industry.	Agreed.
12	The FLO will, as part of normal duties, develop a Fisheries Liaison Plan (FLP) to ensure that the relevant fishing fleets are notified of planned and on-going works.	Agreed.

ID	EATL Position	VisNed/NFFO Position
13	The FLP will be developed in consultation with the relevant fisheries stakeholders and in accordance with the Fisheries Liaison Offshore Wind and Wet (FLOWW) Best Practice Guidance for Offshore Renewables Developments (2015).	Agreed.
14	EATL will arrange for relevant package managers/engineers/contractor representatives to discuss pre-construction plans with VisNed and the NFFO.	Agreed.
15	EATL will endeavour to minimise the exclusion of fishing during the construction phase where safe and practicable to do so.	Agreed in principle, although VisNed has expressed concern regarding the potential for interference or restricted access to fishing ground.
16	Fishing vessels will not be able to operate within construction safety zones. However, EATL will endeavour to minimise the exclusion of fishing during the construction phase where safe and practicable to do so.	Agreed in principle, although VisNed has expressed concern regarding the potential for interference or restricted access to fishing ground.
17	EATL will consider the VisNed/NFFO preference in cable alignment within pre-construction plans.	Fisheries access should be considered when planning the configuration of inter-array cables. VisNed has expressed a preference for inter-array cables to be laid along the lines of NNW-SSE turbine rows.
18	Cables shall be installed with the objective of minimising as far as practicably possible effects on longer term fishing operations. A detailed cable laying plan will be provided which incorporates a burial risk assessment to ascertain suitable burial depths and cable laying techniques in accordance with the draft DML (Schedule 10, Part 2, Condition 13 (g)(ii)) and with the objective of achieving the maximum level of cable burial.	Agreed.
19	Construction will be in accordance with the parameters assessed in the ES and a construction method statement will be provided for in the draft DML (Schedule 10 Part 2, Condition 13 (c)).	Agreed.

ID	EATL Position	VisNed/NFFO Position
20	Construction related seabed debris will be removed in accordance with the requirements of the draft DML (Schedule 12, Part 2, Condition 11(10)).	Agreed.
21	In order to minimise potential interference to fishing activity (e.g. snagging risks) to as far as reasonably practicable, cables will be buried to a minimum depth of 0.5m.	VisNed has concerns about the snagging potential of the nose of the Pulse/Sum Wing gear on cable installations within the Project where buried to 0.5m.
22	In the event that a cable becomes exposed on the seabed notification will be issued via the SeaFish Kingfisher Information Services and Notice to Mariners. EATL believe that cable protection measures are adequately addressed within the DML.	Agreed. VisNed/NFFO consider this should be secured via the DCO/DML and that provisions should be made for the appropriate protection of cable assets until remedial works are completed.
23	EATL will request that cable protection manufacturers evaluate the extent to which the various protection options can be safely fished over.	Agreed.
24	EATL will adopt a hierarchical approach to cable protection options in the event that full burial of the entire cable length is not achievable. Under this approach, which will involve consultation with relevant fishing organisations and their representatives, protection options will be assessed using a number of criteria including the aim of selecting protection methods which would cause the least disturbance to fishing practices.	Agreed in principal. NFFO/VisNed note and welcome the provision within the DML for trawl or drift net survey but consider that this should also include an over-trawlability survey covering areas trawled on the offshore cable route and the inter-array cables. VisNed and NFFO consider that the results of the surveys should be communicated via the CFWG and to offshore interests.
25	Where cable protection options are necessary the location of these areas will be recorded via SeaFish Kingfisher Information Services.	Agreed.
26	EATL will have a linear turbine arrangement with minimum in row separation of 675m and between row separation of 900m, which will allow fishing to resume in the site post construction.	Dutch fishermen have stated that they would be able to fish within the East Anglia THREE windfarm in safe conditions. However, VisNed/NFFO consider that it is unlikely that fishing will be able to take place to the same degree as in an open sea area and fishing within the operational windfarm would likely require modifications to existing operating patterns due to the presence of infrastructure.

ID	EATL Position	VisNed/NFFO Position
27	It is noted that aligning the turbines in an approximately N-S direction is preferred by VisNed. It is agreed that aligning the turbines in accordance with the predominant wind direction is likely to be required to ensure maximum efficiency of the windfarm (meeting of 03/03/16) (Current plans are for a NNW-SSE arrangement). Final layout arrangements will be confirmed at the post consent stage of the project.	Agreed.
28	An emergency safety response plan will be developed which will include rescue procedures to for fishing vessels snagging gear on foundations or cables and/or losing power and steerage. This would form part of the Emergency Response Cooperation Plan (ERCoP) required in the draft DML (Schedules 10-15 Part 2, Condition 14 (v)) and would follow oil and gas industry guidelines.	Agreed.
29	A protocol will be established for the safe recovery of any fishing gears caught fast within the operational wind farm site.	Agreed.
30	Suitable arrangements will be established for attributable gear damages and losses in line with standard procedures as outlined in the Fisheries Liaison Offshore Wind and Wet (FLOWW) Best Practice Guidance for Offshore Renewables Developments (2015) ¹ : Recommendations for Fisheries Disruption Settlements and Community Funds. SPR are committed to this approach to all current developments within the East Anglia Zone through the CFWG.	Agreed. NFFO/Visned also suggest that the applicant considers working together with the wider marine renewables industry to explore options for arrangements similar to those used in the oil and gas industry, for a non-attributable gear losses similar to the UKOOA-style Compensation fund.
31	Decommissioning of the windfarm would follow the relevant guidance at the time. Under the Energy Act 2004, EATL is required to compile a decommissioning plan. This plan will be reviewed at intervals during the life of the project and updated based on the latest information	Agreed.


¹Document available at <http://www.thecrownestate.co.uk/energy-minerals-and-infrastructure/offshore-wind-energy/working-with-us/floww/>

ID	EATL Position	VisNed/NFFO Position
	<p>on relevant standards, environmental impacts, technology and cost. It is agreed that the wind farm will be decommissioned with the intention of returning the area to pre-construction conditions as far as is possible as such that remaining infrastructure would not pose a safety hazard to fishing activity. This would be verified through appropriate post decommissioning surveys and monitoring. Remedial action would be taken to remove identified emergent hazards.</p> <p>As recommended within the FLOWW guidelines (2014) EATL will implement similar arrangements for the mitigation of displacement of fishing activities during the decommissioning phase as provided for the installation phase.</p> <p>EATL will establish arrangements to address attributable gear losses associated with infrastructure, in line with oil and gas guidance, during the decommissioning phase if required.</p>	

Signing box: The undersigned agreed to the provisions within this SoCG –VisNed/NFFO

Signed	
Printed Name	Dale Rodmell
Position	Assistant Chief Executive
On behalf of	The National Federation of Fishermen's Organisations
Date	26th July 2016

Signing box: The undersigned agreed to the provisions within this SoCG – EATL

Signed	
Printed Name	Keith Morrison
Position	East Anglia THREE Senior Project Manager
On behalf of	East Anglia THREE Limited (EATL)
Date	27/07/2016

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