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Our ref: NFFO/3719/DR
Your ref: EN010080

Hornsea Project Three Case Team
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

7th November 2018

Dear David Prentis,

Application by Orsted Hornsea Project Three (UK) Ltd for an Order Granting Development Consent for the Hornsea Project Three Offshore Wind Farm: Written Representation

With respect to the above application we offer the following representation.

We noted in our relevant representation that we would look to address outstanding concerns relating to this application towards promoting fisheries coexistence and addressing residual impacts to the commercial fisheries sector.

Significant progress has been made as outlined in the Statement of Common Ground that we understand Orsted has submitted in line with deadline 1.

Our outstanding residual issues are summarised at the end of the SoCG and appended to this Written Representation.

We would like to draw particular attention to our request that the communication of cable exposures to the fishing industry (including via the Kingfisher information service) is secured within the DCO/DML. The potential for cable exposures represents one of the most significant marine hazards to commercial fishing operations that remains insufficiently mitigated at this point of the application process.

Orsted has stated that exposures would be communicated to the fishing industry and referenced in an amended Fisheries Liaison and Coexistence plan (FCLP), which itself is proposed to be secured as a requirement via the DCO/DML. We, however, consider that a requirement to communicate the detection of exposed cables to the regulator and to the fishing industry is specifically stipulated and secured within the DCO/DML for the following reasons:

- The FCLP may be amended post consent with the commitment no longer being stipulated.
- It would be more appropriately in line, in our view, with the safety critical nature of such marine hazards so that safety risk to the fishing industry and other mariners is minimised and effective regulatory oversight is established.
- We wish to see a standard approach adopted for the communication of cable exposures established across the marine renewable energy industry in order to provide assurance to our industry and establish what should in time become a familiar mechanism for promulgating such information. This would likely be facilitated by the introduction of a specific clause for this project that may also be subsequently adopted under future marine renewable energy applications. This would be similar to the common practice now established with offshore renewable energy applications with respect to the reporting of dropped objects.

Yours sincerely,



Dale Rodmell
Assistant Chief Executive

Cc. Laura Opel, Marine Management Organisation,
laura.opel@marinemanagement.org.uk

Annex: SoCG Summary (Reproduced)

- 1.1 This SoCG has been developed with the NFFO and VisNed to capture those matters agreed, under discussion and not agreed in relation to commercial fisheries.

Matters under discussion

Impact assessment assumptions and conclusions

- 1.2 The parties agree that fishing will resume, to some degree, within the operational Hornsea Three array area and that the degree to which fishing will resume will in part depend upon the successful implementation of measures outlined in the FCLP.
- 1.3 The NFFO and VisNed note that it is highly likely that fishing will not resume at levels occurring prior to the development during the operation and maintenance phase of Hornsea Three. This is particularly the case for seine netting and fly shooting, which the NFFO and VisNed note are unlikely to be able to operate within the operational Hornsea Three array area.
- 1.4 The Applicant's position is that the significance of the impact on those fleets which utilise fly shooting is minor adverse. Fly shooting vessels typically deploy beam trawl gear seasonally and would have opportunity to continue to fish within the Hornsea Three array area, should they change gear to beam trawl.
- 1.5 This matter is currently under discussion between the parties.

Fisheries Co-existence and Liaison Plan

- 1.6 The parties agree that the FCLP is an important document that will ensure that the Hornsea Three and the fishing industry can co-exist, through open and continuous communication between the Applicant and the fishing industry. The measures to achieve this, as outlined in the outline FCLP are appropriate and are agreed.
- 1.7 Notwithstanding the agreement on the measures within the FCLP, the NFFO maintain residual concerns in relation to the following, which the Applicant is continuing to discuss with the NFFO:

- Securing within the DCO, protocols for detecting, communicating and remediating exposed cables during the lifetime of the project. NFFO and VisNed consider that a standard approach to reporting on detected exposed cables should be adopted across the marine renewable industry, secured and enforced under the DCO to address the potential risk to fishing activities and asset integrity.
- The need for the 1,000 m advisory safe passing distance. NFFO and VisNed consider this is out of line with our observed typical practice where 500m safety zones or advisories are considered a sufficient maximum.

Matters not agreed

Impact assessment methodology, including CEA

- 1.8 The Applicant has undertaken an impact assessment for the Hornsea Three alone and a CEA for Hornsea Three cumulatively with other activities, plans and projects following best practice guidelines and established methodologies.
- 1.9 The NFFO maintain residual concerns in relation to the methodology, specifically:
- The methodology is not well suited to producing an assessment that is transparent in considering the extent to which fishing activity may take place within the immediate vicinity of the project site versus, the wider impacts upon fishing activity;
 - The methodology does not distinguish between the fishing patterns of individual vessels or fleet meters, so it is not possible to assess whether or not for particular fishing businesses the assessment conclusions are appropriate; and
 - Concerns in relation to the CEA, and in particular that prior completed projects are having incremental impacts upon commercial fisheries that are stated as being accounted for in the baseline but are not readily evidenced in the EIA.
- 1.10 The two parties acknowledge that there are differences in opinion on the approach to the impact assessment and CEA, although the measures outlined in the FCLP are sufficient to address these concerns.

Additional measures

- 1.11 The NFFO and VisNed proposed additional measures, including formation of a community support fund and a commitment to sourcing local vessels for work where practical to do so.
- 1.12 As outlined in **Error! Reference source not found.**, the Applicant has established voluntary Community Benefit Funds (CBFs) for a number of our projects, which are currently under construction. The Applicant plans to review the interactions of Hornsea Three, as the proposal is refined and consider an appropriate way to feed benefits back into the local community and any decision to establish a community benefit fund for Hornsea Three would be made post financial investment decision.
- 1.13 With regard to sourcing of local vessels, whilst there will be opportunities for local fishing vessels to tender for work packages during construction, operation and maintenance and decommissioning of Hornsea Three (e.g. guard vessels), the Applicant cannot give a specific commitments to sourcing local vessels at this time.