

**THANET FISHERMEN'S ASSOCIATION.**

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15.01.19

**Thanet Extension Offshore Windfarm. Planning Inspectorate-Application by Vattenfall Wind Power Ltd for an Order Granting Development Consent.**

**Thanet Fishermen's Association Written Representation.**

Dear Planning Inspectorate,

Thanet Fishermen's Association (TFA) is a voluntary organisation, with its core fleet in Ramsgate Harbour, which has been established for over 30 years, acting on behalf of the inshore fleet based on the North Kent Coast, predominantly taking in the harbours of Ramsgate, Broadstairs, Margate and Whitstable with additional affiliation to Queenborough. The Association gives representation, on behalf of its members, on multiple fronts and has had to become increasingly involved in marine license applications as the volume of projects in the Inner and Outer Thames Estuary and the Southern North Sea increase at a previously unseen rate.

The TFA vessels that work the inshore Fishing grounds in and around the proposed TE site are, in the vast majority, under 10 meters in length, are predominantly non-nomadic and work within a 20-25-mile radius of their harbours. Previous developments have already had a significant impact on the grounds worked by these Fishermen and each new development increases the impact on a decreasing amount of open ground in this area.

This Written Representation is made on behalf of the members of Thanet Fishermen's Association as listed in the Statement of Common Ground, a number of whom made relevant representations. A TFA meeting was held on Monday the 7<sup>th</sup> of January 2019 and members agreed the comments in this document should represent them as a group.

For the proposed Thanet Extension Offshore Windfarm (TEOW), the applicant has had good communication with the Thanet Fishermen via the Association, and FLO, and significant comment was given by TFA prior to and following the publication of the Preliminary Environmental Impact Report (PEIR). We are encouraged to see the comments made by TFA, and other Fishermen, are within the TEOW Environmental Statement Volume 2-Chapter 9: Commercial Fisheries, and that there have been changes to the initial PEIR and to the

Commercial Fisheries Technical Report, but we must stress that the conclusions in the summary of predicted impacts of Thanet Extension on commercial Fisheries are far lower than we consider representative.

The circumference of the current Thanet Offshore Windfarm is fished by our vessels using multiple methods for multiple species, if the Thanet windfarm extension is built around that circumference it will change that ground, restricting some Fishing methods and reducing available ground, a repeat of the effect felt by the original windfarm being built.

TFA and its Fishermen are not against renewable or offshore wind energy, but the progress of wind energy should not be to the detriment of a smaller industry, nor impact its ability to make a daily living. The array of documents that have been consulted on and raised for the Thanet Extension project, frequently state that impact on the inshore Fishermen will be low or minor and as a collective the TFA members have read multiple documents for a range of developments that have said the similar. An Environmental statement, or technical paper, will always highlight an alternative ground that can be fished, an alternative route that can be taken or an alternative method that can be used to fish in an alternative way. The introduction of another windfarm into this area will undoubtedly have significant impacts on every aspect of these inshore Fishermen's daily life, from the decision on where and how-to fish, to the cost of fuel, the safety of their vessel and ultimately what they earn.

Unlike some other stakeholders, we do not have legal representation or experts to act on our behalf so are reliant upon the knowledge of the association members and the representations they are able to make during this process.

Below, we have noted specific points within Annex 9-1 Commercial Fisheries Technical Report, Section 9.6; Shipping and Navigation Chapter, the Fisheries Liaison and Co-Existence Plan and the Environmental Statement, volume 2 chapter 9: Commercial Fisheries. We have commented on points where we feel it's necessary to give clarification or we disagree.

### **Annex 9-1 Commercial Fisheries Technical Report.**

The Commercial Fisheries Technical Report has been written with considerable input from Thanet Fishermen's Association and is an acceptable document in as much as it has identified the fleet that use the area, the methods used, species targeted and in principle has recognised, *in section 3.3.3 Fishing Grounds*, that *'The grounds encompassed by the proposed development are extensively worked by the local fishing fleet with methods overlapping due to the specific seasonality of each fishery.'*

Specific comments that we would make on the Commercial Fisheries Technical Report are;

**3.3.3 Fishing Grounds -Figure 3.9 Driftnetting fishing grounds identified during TFA consultation (indicative layout) (Source TFA: 2016)**

**TFA Comment:** The indicative layout suggests that the drift grounds within the TE RLB are very small compared to the numbers of drift grounds overall. As stated in ES table 9.4, there needs to be distinction between surface and bottom drift grounds rather than a combination of the two and this needs to be worked on in conjunction with TFA. However, due to the various influences on both forms of drift grounds, this is not straight forward. The paper charts completed by the Fishermen in 2016 to show how different areas were fished, were also indicative as bottom drifts are often small areas within a larger footprint. Notably also, the Eastern bottom drifts within the RLB, are not shown on this chart. These drifts are particularly productive at times and were noted during the Thanet Extension surveys in 2016. What a chart like this cannot show is the frequency with which each drift is used, which may change on an annual basis dependant on availability of species/ weather/quota/ legislation etc. The Succorfish data, though limited, already gives some indication of frequency of use on particular grounds.

**3.3.4 UK Landings Data (page 30) Figure 3.12 Average landing values (2012-2016) by species and method in ICES rectangle 31F1 (source: MMO, 2018)**

As agreed in the SoCG, this is based upon best available data and on ICES rectangle data coupled with the overflight data. The financial/method breakdown cannot be correct if the inshore fleet are included in this table. The total landings values for drift nets are wholly inaccurate for the under 10's for ICES 31F1, the vast majority of Dover Sole landed in Ramsgate is by drift net, one of the Ramsgate vessels alone exceeds the figure stated for drift nets (£ 18,954), again in figure 3.13, the 10m & under division of value by method is incorrect, although the landings figures quoted in the commercial fisheries annex for Ramsgate and Whitstable seem correct. The Buyers and Sellers landing declaration for the under 10 fleet does not require the method by which the fish was caught to be noted, so how this data has been allocated to a particular method is unknown. The inaccuracies in this data are very relevant to the TFA Fishermen and for the benefit of this report are being used to assist ascertaining impact. Drifting is a key method for TFA, If the data is incorrect, the impacts concluded from that data are unlikely to be correct.

**3.3.7 Surveillance Sightings (Page 38) Figure 3.17 UK Surveillance sightings by method in the vicinity of the proposed development (indicative layout) (2012-2016); (Source: MMO,2018)**

We anticipate this is the overflight surveillance and IFCA vessel visual surveillance data. The offshore annex in the PEIR on commercial Fisheries indicates that the overflights are undertaken weekly, but we are not convinced that this is the case. We would question how this data was interpreted, the chart does not differentiate between vessels that are steaming and vessels that are fishing. While the IFCA may be able to differentiate between vessels by method visually at times (local knowledge), overflights are very unlikely to be able to do so. The high intensity of green Gill netter sightings near the shore would suggest these vessels are steaming elsewhere, as there are no drift grounds along the shore, and potters are shown independently

in yellow. We would seriously question the validity of the surveillance data in connection with the inshore fleet. We anticipate there is no surveillance at night, either by IFCA patrol vessel or overflight, or during the early hours of the morning. In the context of the Thanet Extension project, figure 3.17 can be misleading as it shows very intense fishing against the shore, largely by potters, and suggests far less activity offshore, especially around the TOW and proposed TE area. In reality, the netters outnumber the potters, and the potting supposedly illustrated between Ramsgate and Margate in yellow, is largely undertaken by three vessels. We anticipate that one of the reasons there are more sightings of netters, shown in green, near the shore is because they are IFCA patrol vessel sightings and the IFCA vessel mainly patrols inside the 6 mile limit where it has full jurisdiction. The way this data has been collected, and shown, cannot be used to represent effort at the proposed TE site.

### **3.3.9 (Page 42) Succorfish Tracking Data.**

In the past, like many small Fishermen's Associations vessels around the UK, TFA vessels have given information to consultants and developers as they have sought data for Environmental Statements, impact assessments and ultimately license approval. That data has often been used against the Fishermen or resurfaced later, without Fishermen's knowledge, for other projects. In addition, poor use of data for quota management has reinforced suspicion that data will more frequently be used against Fishermen rather than for them. This has made the inshore vessels extremely cautious about the use of vessel tracking systems and data collection, which in turn has often weakened the position of those same vessels when they are faced with having to prove impacts upon themselves.

Following the announcement of the proposed Thanet Windfarm Extension, and the concerns this raised with its members, TFA held numerous meetings with its vessel owners to discuss a proactive approach to data collection. Succorfish is a private vessel tracking system with data owned, and only accessible, by each individual skipper unless by agreement. Succorfish also provides tags that attach to a Fishing vessels nets, transmitting a position, to show when gear is shot and hauled. The TFA vessel owners took the decision to approach the applicant for assistance to have Succorfish installed to provide better information, and the initial set up was fully supported by the applicant. Since installation, and prior to the publication of the PEIR, 9 months of Succorfish data has been used to inform the Commercial Fisheries Technical Report and the Commercial Fisheries chapter of the Environmental Statement.

TFA has always accepted that Succorfish data could be used to the detriment of its vessels as well benefit them, if not interpreted correctly, and has always maintained that without the right interpretation, the data is of limited use. The Succorfish equipment has unfortunately suffered breakdowns, particularly with gear tag readers, and long periods of individual vessels not being recorded, however, the Fishermen's Association would still support its decision to have monitoring equipment fitted to fifteen of its vessels on the basis that it is better than not having independent data.

**Page 42, paragraph 2. *The Succorfish data shows that vessels use the proposed development area to varying degrees. This data has confirmed that vessels have alternative grounds in the vicinity of the proposed development and that it is primarily used as a transit route rather than fishing ground. The data also shows vessels are able to fish and steam through the existing TOWF.***

Taking the paragraph above from 3.3.9 in three parts, we would partially support the statement that the TE proposed area is used primarily as a transit route, because it is the pathway to a number of grounds within the Red Line boundary, within the TOW windfarm, around it and beyond it. Succorfish, even with the breakdowns in continuity, does clearly show that the proposed TE area and the current TOW windfarm are used regularly by Fishermen for transit, highlighting the impact that would be felt should these routes be restricted or closed.

We would also agree that Succorfish has shown the Fishermen have alternative grounds in the vicinity of the proposed development.

What we would not support is the suggestion that the proposed development area is primarily used as a transit route 'rather' than a fishing ground. In the nine Figures 3.21 to 3.29, the Succorfish tracks and course alterations of vessels in each figure show at least 4 and up to seven, vessels working within the RLB rather than making a transit through it. Bearing in mind a maximum of 15 vessels are being tracked, this shows the extent to which these vessels use the proposed development area and the TOW windfarm.

### **Succorfish in summary.**

Succorfish is a project in the early stages of providing good information for our Fishermen, and TFA are grateful to the applicant for their commitment to the Succorfish project, but the period over which information has been gathered is very short and can only be used to draw certain conclusions. Had the Succorfish equipment been fitted during the TE geophysical survey in 2016 for example, it would have shown higher levels of activity than 2017 within the RLB. The volume of pots that had to be removed from parts of the proposed development area for the 2016 survey and the logistics of survey vessels and drifters working together highlighted the amount of fishing that took place within the RLB.

Notably in **section 2 (page 4)** of the technical report **Sources of Data and Information and their Limitations**, it states: ***In order to ensure that all fishing activities over a sufficient period were identified, ten years of data (where available) were initially analysed to give an annual overview between 2007 and 2016. Subsequent to this yearly summary, in order to more accurately reflect recent activity when averaging years, a subset of data from a five-year period (2012-2016) have been used to illustrate current methods and levels of activity.***

In contrast to the paragraph above, Succorfish has provided 9 months of indicative data. A number of the comments addressing key issues raised by TFA, table 9.4 of the Environmental Statement, are based upon this data. While Succorfish does offer an insight into these inshore vessels, we would stress that the data period has been very brief and correct interpretation is key.

## **Section 9.6; Shipping and Navigation Chapter (Document Reference:6.2.10);**

### **Impact on Fishing Vessel Activity**

While Fishing vessels are recognised in the Shipping and Navigation chapter, the full extent of the inshore under 10m Fishing vessels involvement as traffic is less apparent. The inshore Fishing vessels are consistently active in, around and through the TOW and proposed TE sites, as shown by the Succorfish data. During construction, TOW and the TE site will be transited and circumnavigated regularly by Fishing vessels, in addition to the other regular Ramsgate traffic. Should the TE project go ahead, and the Fishermen be pushed outside the RLB, they will then be in increasingly close contact with shipping and other traffic that is in a decreasing amount of water space. Additional navigation buoys as mitigation for both the construction and O&M phases will add to loss of ground, particularly for drifters and trawlers, but also for potters and static netters.

In addition to the potential hazards recognised in the Navigation report, multiple Fishermen have raised the issue of TFA vessels that navigate the TOW site regularly use the turbine platform lights to assist navigation through the site and these are often unlit or partially lit. We appreciate these lights are not classed as navigation lights and as such their maintenance is non-statutory (though we would suggest it should be) but an increase in turbines would see this problem also increase along with the associated risks.

### **Fisheries Liaison and Co-Existence Plan (Document reference 8.8).**

The FLCP has been put together in conjunction with TFA and the FLO. Discussions regarding the final draft of the FLCP have been constructive and are ongoing with the applicant.

## Environmental Statement, volume 2 chapter 9: Commercial Fisheries

### Table 9.4 Summary of comments from the PEIR in relation to Commercial Fisheries.

Key issues raised by Thanet Fishermen's Association (TFA) 4/1/18 as set out in table 9.4

**Key issue raised:** *(TFA)Concerns about alternative fishing grounds overlapping with Dutch fishing grounds.*

**Comment Addressed:** *Succorfish data show alternative fishing grounds are currently used within UK waters. It is recognised that restrictions will be in place, but this is minimal in relation to the overall grounds of the Dutch fleet in the North Sea. See Section 9.18*

**TFA Comment 14/1/19:** In the PEIR summary of consultation table, the Dutch Fisheries representative expressed concern regarding displacement of UK vessels into grounds targeted by Dutch Fishing vessels. This concern is reciprocated by the Ramsgate vessels. The Dutch vessels, roughly three times the size of the Ramsgate vessels, consistently work the grounds just outside the UK 12-mile limit, NE and East of TOW windfarm, using the pulse beaming method. The Ramsgate Fishermen are fishing the same grounds outside the 12-mile limit and adjacent grounds inside the 12-mile limit, and down through the proposed TE footprint. Currently the bottom drift grounds within the 12-mile limit, including those within the TE footprint, give a small amount of relief to the Ramsgate vessels. The TE development would potentially push the Ramsgate vessels into closer proximity with the grounds worked by the Dutch, increasing an already uneven competition.

The extent of the Dutch fleets Fishing grounds is considerable and in comparison, the size of the ground they use near the TFA fleet is small, but the frequency with which they use it is very high. Due to the intensity of the Dutch pulse beaming on this part of the coast, clearly illustrated by VMS tracking data, CEFAS has been surveying the impact on these local grounds and recently completed a study which will be published shortly. TFA still views this as a significant and cumulative impact on its fleet. We would also note that the grounds on the boundary of the 12-mile limit are also fished by other nationalities.

**Key issue raised:** *(TFA)Data for the under 10-metre fishing fleet is lacking and difficult to quantify. While this report does recognise that VMS data is not directly relevant to the under 10's, the main data sources are still based upon ICES rectangles and MMO surveillance sightings, both of which are flawed when used with any connection to the inshore vessels.*

**Comment addressed:** *The MMO and ICES rectangles data is the best available, which is acknowledged by the TFA. Limitations have been referenced in this ES. We have supplemented this with Succorfish data. This data will only cover April- December 2017 and a select subsample of vessels, so it is only indicative of activity during 2017. Sections 9.7; 9.8, 9.8.8; Commercial Fisheries Technical Baseline (Document Reference:6.4.9.1)*

**TFA Comment 14/1/19:** TFA acknowledged in the Statement of Common Ground that the applicant has used the best available data and Succorfish data is a significant addition. TFA has commented specifically on ICES and MMO data on pages 3 and 4.

**Key issue raised:** *(TFA) While no additional commercial fish surveys have been required, TFA will propose that bottom drift surveys, and trawl surveys, are undertaken for all drifts and tows that cross into the proposed Thanet Extension footprint.*

**Comment addressed:** *No additional commercial fish surveys have been required as this area has been extensively surveyed previously and sufficient data exist to robustly characterise the receiving environment (Section 3.90, Scoping Opinion, The Planning Inspectorate, February, 2017). Within the PEIR responses TFA has suggested considering further driftnet surveys, which will be considered by the project.*

**TFA Comment 14/1/19:** In the PEIR response and the SoCG, TFA has requested additional trawl surveys as well as bottom drift surveys and this in an ongoing discussion with the applicant as stated in the SoCG. The need for these baseline surveys is considerable as they are able to assist showing impact on the grounds in question and how they can be used before and after construction.

**Key issues raised:** *(TFA) The TFA considers the loss of ground to bottom drifters and trawlers to be permanent in relation to turbine construction, cable protection. The end results of low/minor impact suggest qualitative and improved assessment is definitely needed. This can hopefully be partially achieved through the Succorfish project. TFA disagrees with decided impact level from loss of ground and method.*

**Comment addressed:** *These impacts are not considered significant within the EIA process, which is outlined in this ES. Thanet Extension will consider if loss of ground is permanent during the operational and maintenance assessment. An operational maintenance plan will cover potential problems with the cable and make assumptions clear. The Succorfish data has been assessed and does not indicate higher level of impact as it illustrates a range of grounds used within the region. Sections 9.6, 9.9; Commercial Fisheries Technical Baseline (Document Reference:6.4.9.1); Outline Offshore Operational Maintenance Plan (Document Reference: 8.10)*

**TFA Comment 14/1/19:** When a fishing vessel deploys drift nets, surface or bottom, they are shot across the tide. The track those nets then take is determined by tide, wind and swell. Though the nets may be shot in the same position each time, small shifts in each of these forces means the nets do not always follow a perfect identical path before they are hauled. Once turbines are installed, any drift that took that path will be lost permanently. It is not possible to drift between the turbines, due to risk of collision with gear and orientation across the tide. Recognising that operation and maintenance vessels will be working on the turbines and the 50m safety zone around them, the risk of collision with fishing nets travelling at up to 3 knots will be prohibitive.

Equally, a trawler that currently has tows through the proposed TE area, cannot necessarily tow his trawl around a turbine. Clear drifts and tows are discovered over a period of time and are often specific to individual Fishermen.



The increase in cable repair and remediation is well known. Locally, the London Array, TOW and Nemo cables have all suffered unanticipated exposures or breakdowns. It is not possible that TE will not suffer the same, especially as TE attempts to push North onto sandier ground. Increases in the use of mattresses and remedial measures also has a lasting effect on the Fishermen and what methods can be used.

Succorfish, with its limited data set, does indicate a range of grounds but we would suggest that it also shows how often the grounds within the TE RLB are used so we do not accept the level of impact this has been assigned.

Each of the above means that TFA considers if the project is constructed, there is a permanent loss of ground.

**Key Issues raised:** *(TFA)The TFA would like bottom drift netting and surface drift netting to be differentiated as they are operated over different grounds and bottom drift netting is the primary method for Ramsgate vessels.*

**Comment addressed:** *In order to include this Thanet Extension needs data from TFA. Anecdotal information was sent on 26/2/18 and it is understood bottom drift nets are the primary gear used, however no clear illustrative separation of the grounds for each method has been provided so this cannot be progressed.*

**TFA Comment 14/1/19:** TFA agrees that this needs to be reassessed and has highlighted the associated difficulties with the applicant.

**Key issues raised:** *(TFA)TFA disagrees with the decision of medium impact due to restricted operational range. It is mentioned that gear types are not always carried on board and incur time constraints.*

**Comment addressed:** *It is appreciated that time constraints and return visits to port are sometimes necessary to switch gear although some vessels carry multiple methods. The operational range of under 10 m vessels has been noted in this ES. The EIA process has been detailed. Sections 9.6, 9.8, 9.14*

**TFA Comment 14/1/19:** TFA does not agree with the conclusion of medium impact due to operational range during construction. TFA considers that all of the inshore vessels have limited operational range, as previously stated, the majority of vessels work within 20/25 miles of the harbour most of the time. In table 9.6 in the ES, this should put them Very high or High on the Receptor Sensitivity/ Importance scale. Bearing in mind it has been stated that the inshore fleet uses multiple gear types, the scales in table 9.6 mean it is not possible for these Fishermen to achieve the Very High or High sensitivity levels for any fishery. The medium conclusion states 'an ability to use alternative gear type' but this is not as straight forward as the table implies. Switching gear type or method is not a daily option and again is dictated by tides/ species/ availability/ season/ quota etc. During the 2016 TE surveys, the bottom drift netters worked the grounds in and around the proposed TE extension area (specifically the North, North East and South East) consistently. The reason they were working there was because that ground was the main local ground producing Dover Soles at that time, on that basis the sensitivity of those Fishermen and that method was 'Very High' based upon the sensitivity table 'Very limited spatial tolerance due to dependence upon a single ground'. There was not an alternative gear type that they could have switched to with only one main specie available (Dover Sole) and

heavy restrictions on Bass and Skate had they been available. TFA would also point out that not every vessel is licensed to pursue every Fishing method, so their flexibility is limited by this as well as the constraints above.

**Key issues raised:** (TFA) TFA disagrees with the statement that risks only occur when vessels infringe on safety areas. During the survey, construction, O&M and repair of existing approved developments TFA are unaware of any incidents caused by a Fishing vessel breaching a safety zone yet there have been multiple safety risk incidents. These have included near misses with high speed windfarm craft, excessive wash created by high speed craft while Fishermen are hauling, unlit anchor markers, unannounced vessel operations such as PLGR, harbour collisions, speeding in fog etc.

**Comment addressed:** Thanet Extension will propose operational procedures for all construction vessels highlighting potential interaction possibilities with fishing vessels. There will be a Marine Construction Coordinator (MCC) in place during construction to coordinate vessel movements and be a point of contact. Shipping and Navigation Chapter (Document Reference: 6.2.10); Fisheries Liaison and Coexistence Plan (Document Reference: 8.8)

**TFA Comment 14/1/19:** TFA still has safety concerns which are part of ongoing discussions. We have also commented on pages 6 and 15 of this representation.

**Key issues raised:** (TFA) TFA requests that vessels are allowed passage through the construction area if observing safety zones around vessels and structures. TFA notes that steaming times will be increased as TOW is a regular transit route. TFA disagrees with the conclusion that this impact will not be discernible.

**Comment addressed:** Specifics of passage through Thanet Extension are detailed in the Fisheries Liaison and Co-existence Plan (Document Reference:8.8). It is noted that an impact to steaming times may occur and that the existing Thanet Offshore Windfarm (TOWF) will be closed to passage during construction and operation of Thanet Extension). This impact is not significant in the EIA process. The Succorfish data shows vessel flexibility in transit route choices and that avoiding Thanet Extension site will not significantly add to steaming times. Section 9.6; Shipping and Navigation Chapter (Document Reference:6.2.10); Fisheries Liaison and Co-existence Plan (Document Reference: 8.8).

**TFA Comment 14/1/19:** TFA and the applicant have agreed the position on transit through the proposed TE area and transit and fishing in TOW during construction, as reflected in the SoCG.

**Key issues raised:** (TFA) TFA states that impact is not negligible for towed gears and static fishing activity. TFA view this impact decision to not be possible without 'very significant' mitigation being included. TFA disagrees that longlining, drift netting and trawling will continue after construction of Thanet Extension. TFA disagrees that potters working inside operational windfarms. TFA refer to impacts to the seabed for drifting in TOWF.

**Comment addressed:** Access to Thanet Extension site will be captured in the Fisheries Liaison Coexistence Plan. Impact to specific methods has been assessed following current UK legislation. Most vessels are able to use multiple gear types albeit with time constraints. No impacts have been found during TOWF monitoring. Section 9.6, 9.18; Coexistence Plan (Document Reference: 8.8)

**TFA Comment 14/1/19:** TFA has commented on page 14 regarding the reasons this remains a key issue. We do recognise that some potting will return after construction. We would question the statement in this paragraph that no impacts have been found during TOWF monitoring and ask what monitoring this refers to?

**Key issues raised:** *(TFA) TFA views the conclusions on significance considering the inshore fleet alongside the offshore fleet. The sensitivity and magnitude scales used are not considered to be representative by the TFA.*

**Comments addressed:** *The Succorfish data shows vessels travel somewhat offshore. The Fisheries Liaison and Co-existence Plan (Document Reference: 8.8) and this chapter clarifies further queries with the EIA process. Commercial Fisheries Technical Baseline (Document Reference: 6.4.9.1); Fisheries Liaisons and Co-existence Plan (Document Reference: 8.8)*

**TFA Comment 14/1/19:** TFA has commented on the Succorfish data on page 4 and on sensitivity on page 12 of this representation.

**Key issues raised:** *(12/1/18 French Government) French fishing activities are conducted under historic rights of the 1380/2013 regulations. The French government questions whether towed gears will be operable in the wind farm. The arrival at 'minor' impact is questioned. It is suggested a study or consultation is conducted with CRPMEM and French skippers.*

**Comment addressed:** *Regarding the IFREMER data restrictions, these have been addressed above. (Another call will be set up with the CRPMEM to update the project with additional information on French fishing activity in the area and to discuss French skipper's views on the wind farms). It is known that UK vessels operate trawls successfully within operational windfarms.*

**TFA Comment 14/1/19:** There are TFA vessels that have trawled successfully within the TOW site since construction. However, no pre-construction trawl surveys were undertaken to show where the trawlers worked prior to construction. Not all trawlermen will fish within a windfarm and some consider the risks are not acceptable.

## **ES page 9-10. 9.5 Assessment criteria and assignment of significance.**

The bulleted criteria at 9.5.2 listed as potential impacts are not fully representative in measuring assignment of significance. We feel the following bullets should be part of that criteria;

- **Permanent loss of ground.** (If TE is constructed, the footprint will be permanently lost to bottom drifters and certainly lost to some Trawlers. Potting positions will also be lost with the placement of monopiles and the 50m safety zones).
- **Loss or restriction of method.** (The construction of turbines will mean the bottom drift method will no longer be possible in that area and there will be potting positions lost).
- **Inter Array and export cable future repair/ remediation.** (The increase in cable repair and remediation is well known. Locally, the London Array, TOW and Nemo cables have all suffered unanticipated exposures and breakdowns. It is not possible that TE will not suffer the same, especially as TE attempts to push North onto sandier ground. Increases in the use of

mattresses and remedial measures also has a lasting effect on the Fishermen and what methods can be used).

Without these points included, and with the criteria set the way they are, we feel the baseline assessment begins as flawed.

### **Significance criteria: Sensitivity, Magnitude and Impact significance.**

We agree in the Statement of Common Ground that the receptors have been correctly identified by fleet and principle method. We also agree that it is very difficult to quantify the impact on the inshore vessels due to the data available. TFA understands the need for the significance criteria to be set out as they are, however, we do not think these have been correctly applied and disagree with the end results.

### **Table 9.6 Sensitivity/ importance of the environment.**

The table shows a scale from very high to very low sensitivity. We would question how these descriptions/ reasoning were arrived at. The description of Very high states 'very low spatial adaptability due to limited operational range and ability to deploy only one gear type'. Arguably the inshore fleet, and the methods they use, all fit the criteria of 'Very high'. The majority of vessels can only deploy one gear type at a time (especially with the one net rule with certain methods), you will not find a trawler shooting bottom drift nets just as you will not find a Whelk potter switching to trawling. It must also be considered that the cost of switching method is significant, so Fishermen do not always have multiple other gear types immediately to hand. While some of the smaller vessels, in Pegwell Bay for example, will pot and net, each vessel is very limited in what it can do at any one time. The TFA vessels have had to become adaptable due to restrictions, quotas and changes in season and specie, as mentioned in the PEIR, not because they choose to be adaptable. We would point out again that not every inshore vessel is licensed to pursue every method.

## **9.7 Existing Environment – overview of Fishing activity (surveillance).**

***9.7.2 states that 'the majority of surveillance sightings of the local UK fleet are close to the shore and along the OECC, although some activity does occur within the proposed development area at a lower level.*** It has already been noted in this paragraph that surveillance sightings do not accurately describe the levels of Fishing activity and TFA disagrees that this surveillance can even be used to indicate proportions of activity by gear type. The succorfish data that has been collected so far already shows a different distribution of activity between the OECC and the proposed development area. Many of the vessels shown on **Figure 9.2** are in transit, so this does not show distribution of fishing activity. Additional comments on surveillance are on page 3 of this representation.

## Table 9.10 Maximum design scenario assessed.

Throughout table 9.10, construction and O&M, there are references to disruption to fishing, restricted access to grounds and temporary loss of ground. We have commented on page 7 with regard to the TFA position on temporary/permanent loss of ground and the methods this will affect.

### 9.17 Environmental Assessment: construction phase.

#### Loss or restricted access to traditional Fishing grounds.

9.17.3 and 9.17.4 both recognise temporary loss of ground during construction within the RLB and along the OECC. TFA accepts that the loss of the use of 'all of' the ground inside the RLB will be temporary during construction but still maintains that only part of that ground can be returned to fishing and only for specific methods.

**9.17.6 Most of the local UK fleet are able to operate multiple gear types allowing flexibility in their target species and also efficiency, under monthly quota allowances. The majority of this activity is concentrated within the 12 nm limit, thus avoiding interaction with large Dutch beam trawlers.** The construction of the TE site would be another loss of ground within the 12 nm limit used by local Fishermen, further reducing the ground available for inshore vessels without competing with the larger vessels, including the Dutch. Again, the statement about multiple gear types must also recognise that not all vessels are licensed for all methods.

#### UK drift and static netters.

9.17.7 states that ***Drift netting is focussed on grounds to the north of Thanet Extension, whilst static netting occurs between the site and the shore in the area of RLB that has been reduced as a result of the formal consultation received.*** We would like to clarify that bottom drift netting is focussed to the North and East of the TOW site, as shown by Succorfish data.

9.17.7 states that the RLB was reduced as a result of consultation and suggests this was for the benefit of static netting between the shore and the site but TFA would suggest that while the reduction shows some relief to the potters that work that area, the RLB was altered largely for navigation.

9.17.9 states ***The fleet work grounds directly around the existing TOWF inside of the 12 nm limit as well as grounds in the regional area such as Margate Sands, North Falls, South Falls and Godwin Sands as indicated by Succorfish data from 2017 and previous TFA consultation. Therefore, only a small proportion of identified drift net grounds are impacted by Thanet Extension. Due to the discrete nature of these grounds and the intensity of the fishing activity, the magnitude of this effect has been assessed as Low.*** TFA disagree with the magnitude of this effect being assessed as low. Succorfish has shown that these Fishermen work a range of alternative grounds, and that is not disputed, there are a variety of bottom drift grounds used by each of the drifters. Some TFA vessels do use the North and South Falls at times but to a far lesser extent than the grounds North and East of TOW. The value of specific

pieces of ground is not easy to assess but the frequency with which certain grounds are used signify favoured grounds based on the fish they produce, their availability and accessibility for the fleet. In 2016, during the TE geophysical surveys, the TFA Fishing vessel Defiant steamed to the drift ground to the East of TOW, within the RLB. There had been good liaison between the survey team and the FLO to try and make sure that surveying took place in blocks around the TOW to minimise disruption to Fishing. Despite the planning, when the Defiant arrived at the grounds the survey vessel was still working in the area he wanted to drift, the delay on the tide forced the Defiant to abandon the drift and head back to the harbour. The following day, having confirmed the area would be clear of survey vessels, the Defiant returned to the same area, successfully shot her drift nets and caught 200 Kilos of Dover Soles during a 2 to 3-hour drift. This is an example of a piece of ground that can be particularly productive at times. The track of this drift runs within the RLB. The same drift area is also shown on 10 of the 11 Succorfish charts at 3.3.9 (Page 42) Succorfish Tracking Data, within the Commercial Fisheries Technical Report. It is important to note that the Defiant uses bottom drift nets rigged with a heavier lead line due to the increase in tide on the Eastern side of the RLB, these nets do not work in the Estuary where there is less tide. The Defiant does not currently bottom drift anywhere except these drifts.

The loss of the drift ground mentioned above, and the other drift ground to the North of TOW, during construction will be significant. We would also consider it highly probable that safety zones would stretch a further 500m outside the RLB, increasing the loss of ground that can be drifted. This occurred during the construction of TOW.

#### **9.17.11 UK Potters.**

The sensitivity and magnitude level for the local vessels is incorrect, as is the overall significance conclusion of low minor at 9.17.14. The two main areas of Lobster/ Crab ground are within, and around, the proposed TE development area, as shown on the Succorfish data. There are not alternative grounds to switch to when these grounds are vacated for construction. Any alternative grounds, which are generally along the shore or are very small, are already utilised by other vessels. This situation occurred during the 2016 TE surveys when hundreds of pots were moved, some were then shot on ground already being used and others were not re shot at all. This is the same situation on the OECC in Pegwell Bay which goes through a recognised Lobster ground. There is a limited amount of ground that consistently holds Lobsters and Crabs. These boats are again limited in their adaptability at any one point in the year and have limited spatial tolerance due to their dependence on a single ground. Again, the conclusion for the Lobster and Crab potters should be high or very high. TFA agrees that Whelk potting vessels have a larger choice of grounds to work, however it must be noted that the vessels who pursue both forms of potting will aim to work some of their Whelk pots near their Lobster pots to save time and reduce the travel distances between pots.

#### **9.17.15 UK demersal trawlers.**

While it is accepted that the trawlers have a wider operational area than some other methods, the grounds to the North of TOW are consistently worked by trawlers operating from Ramsgate and Whitstable. The time spent trawling on the ground in the North Western part of the RLB, shown on Succorfish, highlights that this is a very important and productive ground to a local vessel. This ground is also trawled by Whitstable vessels at times, who currently do not have Succorfish fitted. With Fishery policy in the midst of significant change, TFA also has to consider that small scale trawling could return, as it has in the past, and be undertaken by more of the fleet. During construction the loss of the ground within the RLB will have a significant impact on the trawlers and.

The conclusion of minor adverse at 9.17.14 is not reflective of the loss of the ground to trawling during construction.

#### **9.17.21. UK Dredgers.**

In previous years, Mussel spate dredging has taken place along the OECC and this was noted in the PEIR and on the charts entered by TFA in 2016. The Mussel spate Fishery is not consistent but is an important addition for local Fishermen.

#### **Safety issues for fishing vessels.**

**9.17.39** states that *Risks to fishing vessels would only occur if infringements of advisory safety areas occurred, but the ultimate responsibility with regard to a vessel's safety lies with the master on-board.*

TFA disagrees with this statement, as it did in the PEIR. During the survey, construction, O&M and repair of TOW, LAL, KF and KFE we are unaware of any incidents caused by a Fishing vessel breaching a safety zone yet there have been multiple safety risk incidents. These have included near misses with high speed windfarm craft, excessive wash created by high speed craft while Fishermen are hauling, unlit anchor markers, unannounced vessel operations such as PLGR, harbour collisions, speeding in fog etc. We agree that our skippers have ultimate responsibility for their vessel's safety, but skippers have voiced concern about increases to risk beyond their control.

#### **Increased steaming times to fishing grounds**

As agreed in the SoCG, the TFA vessels will be allowed access to pass through the proposed development site and the TOW site during construction, while adhering to safety notices and regulations. On that basis, TFA agrees that the impact on steaming times during construction will be reduced. There will still be impacts on steaming times dependant on the safety zones in place and the number of areas restricted to passage at any one time.

## **Interference with fishing activities**

**9.17.19** states that *All transiting construction vessels working on Thanet Extension will fully comply with COLREGS which should negate the requirement for vessel operating towed gears to alter course. It is also reasonable to expect that static gear will be marked as fishermen will be keen for all vessels to avoid their deployed nets and pots.* TFA would agree that the TOW O&M vessels operate professionally and give consideration to Fishing vessels. While compliance with COLREGS should negate the need for vessels operating towed gears to alter course, TFA would add that during previous construction projects incidents have occurred that were clearly in breach of COLREGS, as noted in vessel safety. The human factor cannot be ignored. Static gear will be marked in accordance with IFCA gear marking regulations. This means that gear markers will not necessarily be lit, have radar reflectors or flags. The practicality of gear marking is not always straight forward. For example, some potters intentionally use small markers, still within IFCA regulation, to reduce resistance in the tide. It is more likely that gear positions will be part of the daily liaison between the FLO and the Marine Coordinators.

**9.17.52** *As outlined in the Fisheries Liaison and Co-existence Plan (Document Reference: 8.8) VWPL will continue engagement with the TFA and other fisheries stakeholders throughout the construction period to address whether any specific mitigation is required for individual vessels once the construction programme has been finalised.* TFA has had good engagement with the applicant and anticipates this engagement will continue in the same vein. Mitigation will be necessary and TFA are encouraged to see this noted. However, for the reasons TFA has noted above in the construction phase of this Environmental Assessment, TFA does not agree that because mobile gears have the ability to move their sensitivity is medium, nor with point **9.17.54** that states *As such, the significance of the effect is considered to be Negligible adverse for towed gears and the significance of the impact of interference with static fishing activities during construction is therefore considered to be Minor adverse.*

## **Displacement of fishing activity into other areas**

**9.17.56** states *It is expected that VWPL will continue communication with local stakeholders via the TFA and this will include mitigation options should there be interruption to normal fishing practices during the construction phase of the project. It is therefore assessed that the impact of displacement will not exceed that of the temporary loss or restricted access to traditional fishing grounds, as previously described. The significance of the effect of displacement of fishing activity into other areas is therefore considered to be Minor adverse.* TFA disagrees with the conclusion of minor adverse for the loss of ground during construction. As noted in numerous points above, specific grounds for each method of fishing are limited. The loss of Lobster/Crab potting and bottom drifting ground in particular will result in Fishermen attempting to compete for ground that is already worked. The paragraph above states that there will be mitigation options should there be interruption to Fishing practices.



The conclusion of minor adverse takes for granted that this mitigation can be reached. For the benefit of this report, TFA is cautious that saying mitigation will be put in place does not mean that it will or that it will be adequate. TFA has always maintained that the domino effect created by displacement affects all of its Fishermen, each project affecting certain Fishermen more intensely but ultimately having a knock-on effect to the rest of the fleet.

### **9.18 Environmental assessment: operational and maintenance phase**

TFA disagrees with the long-term conclusions for each section of the O&M phase, none of which are above minor adverse. The explanations given at each point for the construction phase, are relevant for the O&M phase.

The fishing that resumes within the TE area, if constructed, will be limited to static netting and potting with the possibility of some trawling dependent upon the final layout. Surface and bottom drifting will almost certainly not be pursued on this traditional ground as the likelihood of collisions between gear/ fishing vessels and turbines/ maintenance craft will increase drastically. The footprint of the turbines, dependent upon the final layout, will also eliminate a number of the drifts, tows and potted grounds that are currently in use and the spacings are unlikely to allow bottom drifting to continue.

TFA considers the loss of ground to be permanent to certain Fishing methods, as stated through this representation, and that alternative grounds are limited. The footprint of a monopile, and the 50m safety zone that surrounds it, after construction is approximately 9000 square meters. The ground within the RLB is varied and is worked using various methods, the loss of 9000 square meters of ground in multiple locations will amount to permanent losses of ground.

### **9.20 Environmental assessment: cumulative effects**

TFA has made multiple representations to the Crown Estate, DEFRA and the MMO about the continued development of the Inner and Outer Thames Estuary. Whilst TFA accepts the applicant has endeavoured to fulfil the criteria, TFA maintains the criteria considered for measuring cumulative impact are not sufficient to measure the cumulative impact on the TFA inshore fleet. Current operational windfarms should be part of the list of cumulative impacts, as are the proposed interconnectors for the Thames Estuary. Dutch pulse beaming, operating on the edge of the 12-mile limit must also be considered a cumulative impact on the local fleet, especially as the development of TE will undoubtedly push the inshore fleet into closer competition with the Dutch.

The contribution of Thanet Extension to the overall cumulative impact assessment is assessed as minor. To the inshore fleet, the addition of the Thanet Extension project to the other projects and restrictions already in place, coupled with looming additional losses of ground, is a major cumulative impact. TE may be considered small compared to other developments, but to

a Fishing vessel with an average radius of 20 miles it is considered huge. The conclusions are therefore not accepted as reflecting the cumulative impact of TE on local vessels.

### **TFA overview of the Thanet Extension Environmental Assessment.**

The Environmental Assessment has taken on board comments made by TFA about the PEIR and those that have been agreed are reflected in the SoCG. While this is recognised by TFA, the EA still uses data sets relevant mainly to larger vessels using surveillance, VMS and ICES rectangle data which is clearly flawed when applied to the TFA inshore vessels. The Succorfish project has begun to provide good data for the TFA vessels but the data period is limited and is only of value if it is interpreted correctly. While there is acknowledgement that the inshore vessels work the area within and surrounding the proposed development area, the extent to which the vessels work and the importance of the ground is not sufficiently recognised in the ES. The conclusions on significance, magnitude and sensitivity of these small vessels are far below acceptable levels.

TFA considers the loss of ground will be permanent to multiple Fishing methods once construction begins and disagrees with the conclusion that alternative grounds can be used in the short or long term. We agree that some methods can continue to a lesser extent after construction but not that this overall effect will be minor.

In this written representation, TFA has concentrated more on the impact the project will have on its Fishermen and less on the additional concerns also raised by its members which include impacts on tidal flow, changes to sediment drop and effects on fish themselves but those concerns remain. We feel the complexities of inshore Fishing, and the impacts that projects have cannot be quantified using tables, though we have attempted to explain ourselves at each point.

TFA acknowledges a very good working relationship with VWPL and a vastly improved consultation with significant early engagement. TFA recognises that Fishermen and wind energy are now asset sharing and the Fishermen's ability to control that is very small, however, we do have to express and protect the interests of our Fishermen as best we can. Locally, the pressure on the inshore fleet is at a level that has not been seen before and wind energy is undoubtedly part of that pressure. The loss of ground from multiple developments and proposals has already had a substantial impact on the local vessels and the impact of the TE development will be a significant additional loss.

As a Fishermen's Association we are asking for fair and appropriate recognition of the impact this project will have on the Fishermen we represent.

Yours sincerely,

TFA Chairman: Peter John Nichols  
TFA Secretary: Thomas H Brown MBE  
TFA Treasurer: Merlin W Jackson