

Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Appendix 20 to Deadline 5 Submission: Written Summary of Vattenfall's Oral Case put at the Issue Specific Hearing 8 for Commercial Fishing and Fisheries

Relevant Examination Deadline: 5

Submitted by Vattenfall Wind Power Ltd

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1 Introductory Remarks

- 1 This note summarises the Applicant's case as presented at the Issue Specific Hearing 8 held on 17 April 2019 at the Discovery Park, Ramsgate Road, Sandwich (the "ISH8").
- 2 Specifically, the note summarises the key submissions made in relation to commercial fishing and fisheries, which took place in the evening on 17 April 2019. The Panel made clear that the purpose of the hearing was to obtain an update from the Thanet Fishermen's Association (TFA) and any individual fishermen since the last hearing took place, rather than adhering strictly to the Agenda as published on the Planning Inspectorate's website on 9 April 2019.

1.2 Introduction of the Participating Parties

- 3 Jennifer Holgate, Managing Associate at Womble Bond Dickson (UK LLP), spoke on behalf of the Applicant.
- 4 Oral representations were made on behalf of the Applicant by Sara Xoubanova, consultant at Brown & May Marine Limited and Sean Leake, Principal Consultant at GoBe.
- 5 The Interested Parties present during the hearing were:
 - Thanet Fishermen Association: John Nichols and Merlin Jackson;
 - Trinity House Lighthouse Services (TH): Rodger Barker and Trevor Harris; and
 - Maritime and Coastguard Agency: Nick Sulfate and Rakesh Bandet.

2 Response to Representations made by Interested Parties

- 6 In response to the TFA raising a minimum 400 metre safe passing distance for fishing vessels, Ms Holgate on behalf of the Applicant confirmed that this would be considered further with the TFA and reviewed accordingly.
- 7 Ms Holgate also confirmed, in response to a question from the Examining Authority, that the Applicant would consider setting the placement of turbines back from the Structures Exclusion Zone by 50 metres, in order to take account of operational mandatory safety zones.
- 8 Ms Holgate agreed with previous submissions made by the TFA that positive discussions had taken place between the Applicant and stakeholders on the progression of the Fisheries Liaison Coexistence Plan (FLCP), that the document is progressing well and it is anticipated that a complete and final draft can be placed before the Examining Authority before the end of Examination. The Examining Authority made clear that a final iterative draft should be placed before the Examination by Deadline 6 and this was noted by the Applicant.
- 9 The TFA provided submissions in relation to the use of Automatic Identification System (AIS) tracking as a mitigation measure; no agreement had as yet been reached on its use and the views of fishermen as to whether they wish to utilise it is divided. In response, Ms Holgate explained that the Applicant are content to include AIS as a mitigation measure within the FLCP and wording had been introduced. Such wording however would be couched as optional, thereby allowing fishermen the choice as to whether they wish to utilise AIS.
- 10 The TFA, via Merlin Jackson, made submissions in relating to use of lighting at turbine locations to guide fisherman at night or during poor visibility. He noted that Kentish Flats Extension has similar lights in place and they are communicating with TH to resolve this appropriately.
- 11 Ms Holgate confirmed that if lower level lighting can be acceptably installed to a standard and type that TH are satisfied with, then the Applicant has no issue in including appropriate wording. Such wording would be reflected within the draft Order and then replicated within the FLCP. In response to TH specifically stating an appropriate distance of 150 metres and ID lighting type, Ms Holgate confirmed that this was very helpful and a useful way of understanding what lighting would be suitable in the circumstances.

- 12 The TFA made submissions that there is still an area of disagreement between the Applicant and the fishermen as to conclusions reached regarding magnitude and sensitivity in the Environmental Statement, specifically in relation to lobster and crab potters, which should be a high magnitude and sensitivity and assessed separately.
- 13 Ms Xoubanova noted that from the discussions had during the hearing it was apparent that the potential impacts of the construction phase of the project on potting and netting are of key concern to TFA. Ms Xoubanova provided information on the rationale used for the assessment of impacts during construction, noting that during the construction phase impacts would be temporary and localised, being limited to the areas where works may be undertaken at a given time.
- 14 Ms Xoubanova also noted that as outlined in the FLCP and in the Statement of Common Ground (SoCG) with the TFA, Thanet Extension and Thanet Offshore Windfarm array areas will be accessible for passage and fishing with the exception of areas where safety zones may be in place.
- 15 Ms Xoubanova also noted that in line with FLOWW guidance the Applicant will implement an appropriate cooperation strategy where the relocation of fishing gear is required during construction. This will follow an evidence based approach in accordance with FLOWW guidance.
- 16 Ms Xoubanova confirmed, in response to a question from the Examining Authority, that the conclusions of minor significance in respect of the impact of loss of grounds during construction remains appropriate. Ms Xoubanova confirmed that this takes account of the information provided by TFA in February. In this context, Ms Xoubanova noted that the conclusions illustrate impacts at fleet level rather than on an individual vessel basis. Ms Xoubanova also clarified that the conclusions of minor significance take account of the embedded mitigation proposed for the project, including the production of the FLCP. Ms Xoubanova noted that the FLCP makes reference to the Applicant's commitment to adhere to FLOWW guidance. The cooperation strategy that will be implemented during construction will follow an evidence based approach allowing identification of individual vessels which may be affected.

- 17 Ms Xoubanova noted the limitations of the fisheries data available with regards to characterising the distribution, intensity and value of fishing over small sea areas such as those occupied by offshore wind farm arrays and highlighted that the assessment on commercial fisheries was undertaken in respect of the available baseline. As agreed with TFA in the SoCGs, the baseline used in the assessment was the best available. With regards to the undertaking of the assessment of potting separately for crab and lobster fisheries, a preference raised by TFA during the Examination phase, it is important to note that the information available from consultation with fishermen and used to inform the assessment, was not provided in a format that would allow for a separate assessment to be undertaken (including grounds depicted by individual fishermen and Succorfish data).
- 18 The Applicant offered to revise the SoCG to reflect the final position as between the parties for Deadline 6.
- 19 The TFA raised safety concerns as to the exposure of cables and ensuring a proper notification procedure is in place. In response, Ms Holgate considered that the Applicant can introduce the necessary notification requirements and this can be included as part of the revised FLCP and draft Order, including where necessary suitable notification procedures for the MCA and TFA.
- 20 In response to the FLCP containing a different assessment table to that set out in the Environmental Statement, Ms Holgate considered that such magnitude and sensitivity conclusions are not as up to date as that contained within Environmental Statement (ES) and it proposed to delete the table in the FLCP and simply refer to the specific reference within the ES. The ES should take precedence as a result over what has been provided for to date within the FLCP.
- 21 In response to the TFA raising the need for disruption agreements, Ms Holgate noted that initial discussions had taken place between the Applicant and the TFA. The FLOWW guidance includes measure such as compensation and the FLCP specifically states that the Applicant would comply with FLOWW Guidance. Nonetheless, the Applicant content to consider additional wording within the FLCP to address concerns and provide for some form of commitment. It is important to note that the quantification of any such disruption agreement simply is not possible at the moment.