

## Awel y Môr Offshore Wind Farm

### Fisheries Liaison and Co- Existence Plan

#### Deadline 1

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## Glossary

TERM	DEFINITION
AyM	Awel y Môr Offshore Wind Farm
CP	Cooperation Payment
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EIA Specialist	EIA Specialist
ES	Environmental Statement
FCS	Fisheries Cooperation Strategy
FCSS	Fisheries Cooperation Strategy Specialist
FLCEP	Fishing Liaison & Co-Existence Plan
FLO	Fishery Liaison Officer
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FLP	Fisheries Liaison Plan
FLR	Fishery Liaison Representative
KIS-ORCA	Kingfisher Information Service Offshore Renewables Cable Awareness
NRW	Natural Resources Wales
PINS	Planning Inspectorate
SCUK	Subsea Cables UK
TH	Trinity House
UKHO	UK Hydrographic Office

## Summary

1. This Fisheries Liaison Plan ("FLP") has been produced to provide a clear statement to commercial fishermen and charter anglers ("fishers") who currently operate in or around the location of the proposed Awel y Môr Offshore Wind Farm ("AyM") about how the developer and project consultants will liaise with them.
2. The FLP combines with the Fisheries Cooperation Strategy ("FCS", which sets out the process by which Cooperation Payments can be applied for) to form the Fishing Liaison & Co-Existence Plan ("FLCEP").
3. This FLP has been developed in consultation with the fishers that operate in the AyM area and their representative bodies. It was issued for consultation for a month between 6th April and 6th May 2021, and discussed at an online meeting on 27th April 2021 at which comments on the plan were invited.
4. The objectives of the FLP are to ensure that fishers are:-
  - a. Kept well informed about the progress of the project;
  - b. Provided with adequate notice of survey, construction and other operations; and
  - c. Can operate safely in and around the proposed offshore wind farm.
5. This FLP has been produced in accordance with the relevant national guidance at an early stage in the project.
6. This version of the FLP relates to the development period of the project, up to the end of the Planning Inspectorate ("PINS") examination period. Should the project be consented, the FLP will be revised as the project progresses through to construction and operation.
7. The key features of this FLP are:-
  - a. AyM appointed a Fishery Liaison Officer ("FLO") to liaise with commercial fishers and charter angling vessel operators in the area;

- b. AyM appointed an Environmental Impact Assessment (“EIA”) specialist to consult with fishers and assess the impact of the project on fisheries in the area;
- c. AyM appointed a Fisheries Cooperation Strategy Specialist (“FCSS”) to assess the economic effects of the project on fishers in the area and advise on cooperation procedures and actions;
- d. AyM sought and will continue to seek to minimise adverse impacts of the project on fishers in the area by implementing the measures set out in this FLP.

## Introduction

### 1. Project Description

#### Location

8. The location of the proposed Awel y Môr Offshore Wind Farm (AyM) is shown in Figure 1 overleaf. The windfarm array site lies to the west of the original Gwynt y Môr wind farm, 12 km north of the town of Llandudno and 10 km off the Welsh coast. The offshore wind farm will be located within an area of 106 km<sup>2</sup>, in an average water depth of around 29 m. The proposed windfarm will be linked to the National Grid by an export cable which will make its landfall on the north Wales coast.
9. The consent envelope for the design of the windfarm (ranges of number and size of turbines, types of foundation structures, range of lengths of inter-array cables, and export cabling) was developed during 2021 and finalised for submission of consent applications in 2022. The design was informed by the seabed survey data that was collected during May-September 2020 (among other considerations).

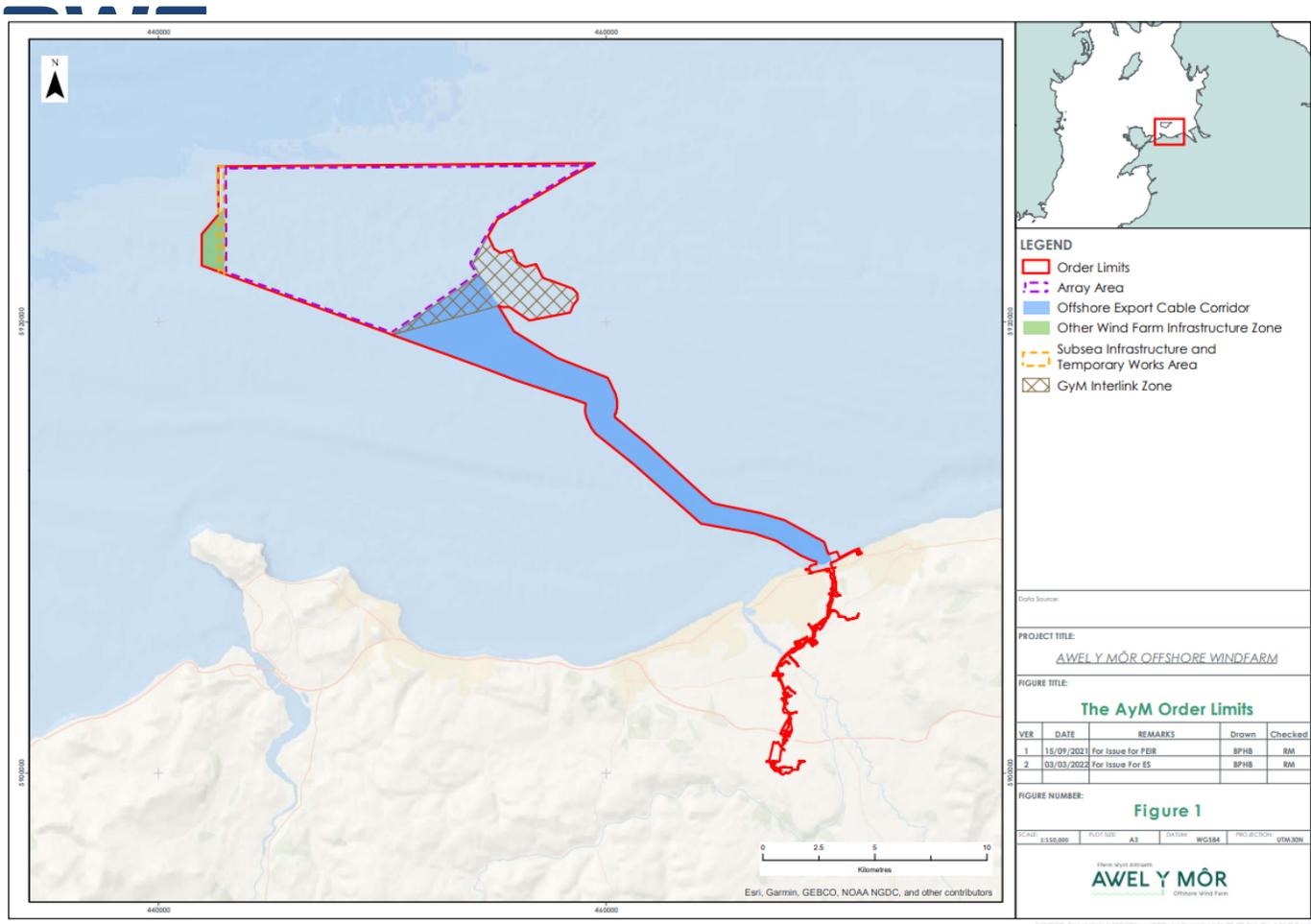


FIGURE 1: Map showing the location of the proposed Awel y Môr Offshore Wind Farm and export cable corridor, OCTOBER 2022 (from doc ref 6.2.1, ES Vol2 Ch1: offshore project description).

## Timetable

10. The project is in the development stage and no consents have been granted yet. The AyM project will need a Development Consent Order (“DCO”) to be examined by the Planning Inspectorate (PINS) and granted by the Secretary of State for Energy in Westminster; and a Marine Licence to be examined and granted by Natural Resources Wales (“NRW”) on behalf of Welsh Ministers. Both applications require an Environmental Statement (“ES”) setting out the Environmental Impact Assessment (“EIA”) of the project. To inform the EIA, the developers conducted offshore surveys to characterise the physical and ecological baseline of the area in August and September 2020.
11. The project timetable covers a period from 2019 to 2030. The key stages in the project are summarised in Table 1 (note that the dates are indicative and subject to change as the project proceeds).

TABLE 1: INDICATIVE TIMETABLE FOR PROGRESSING THE PROPOSED AWEL Y MÔR OFFSHORE WINDFARM DEVELOPMENT.

Date	Activity	Status
<b>Summer 2019</b>	The Crown Estate concludes Habitats Regulations Assessment for Awel y Môr Offshore Wind Farm The Crown Estate announces Agreement for Lease ("AfL") for extension projects	✓
<b>Autumn 2019 –Spring 2020</b>	Innogy (RWE) agrees AfL for Awel y Môr Offshore Wind Farm	✓
<b>Autumn 2019 –August 2020</b>	Progress EIA phase, site selection & design development, including stakeholder and community engagement. Included:  EIA Scoping Report shared with stakeholders 11 May, formal PINS (Scoping process ran 12 June to 12 July 2020)  Site Selection process for EIA –ETG consultation completed June 2020	✓
<b>September 2020 –August 2021</b>	Meetings to discuss outcomes of scoping – Sept/Oct 2020	✓
	PEIR publication and start of formal consultation – August 2021	
<b>April/May 2022</b>	Development Consent Order (DCO) / Marine Licence (ML) applications submitted to PINS / NRW respectively	
<b>Late 2023</b>	Decisions on the DCO & ML	
<b>2030</b>	Awel y Môr Offshore Wind Farm operational by 2030	

12. The FLP is intended to provide clarity to stakeholders from the fishing industry on the approach to liaison for AyM. This version of the FLP relates to the development and consenting period of the project. If AyM is consented, the FLP will be updated to consider in more detail the pre-construction, construction and operational phases of the project.

## 2. Fisheries Liaison Plan

### Legislation and Guidance

13. This Fisheries Liaison Plan ("FLP") has been developed and will be implemented in accordance with the following guidance:

- a. Best Practice Guidance for Offshore Renewables Developments (FLOWW 2014);
- b. Subsea Cables UK Guideline No. 1 – Fishing Liaison Guidelines (SCUK 2012);

14. The FLP has been issued for consultation and discussion with fishers, representative organisations and the relevant statutory bodies in the area. It will be updated in response to any changes in the relevant guidance, legislation or consent conditions for the project.

### Co-Existence

15. It is the intention of AyM to facilitate co-existence wherever possible during all phases of the project, which will include the implementation of mitigation strategies developed in consultation with the commercial and angling fishing industries to minimise the overall impacts of the project.

16. An Environmental Impact Assessment ("EIA") was undertaken and an Environmental Statement ("ES", reporting on the EIA) was produced for this project. The EIA assesses all impacts, including those that may influence co-existence, including temporary exclusion from established fishing grounds, effects of noise and vibration on the resources exploited by the fishers, and changes to seabed habitat as a result of the associated project infrastructure.

17. A Fishery Liaison Officer ("FLO") and a Fisheries Cooperation Strategy Specialist ("FCSS") have been appointed by AyM to implement cooperation arrangements between the wind farm and fishing activities (see section 1532930578.0.1111889952).

## Liaison with fishing interests

18. A FLO has been appointed by AyM to establish and maintain effective communications with fishers, their representatives and relevant stakeholders. Methods of promoting liaison shall include:-

- a. General Fisheries Liaison, including monitoring fishing activity & on-going communication with industry and project team;
- b. Organising meetings with fishers as appropriate to ensure that there is good awareness of proposed survey, construction and operational activities;
- c. Advising AYMOWF of potential interactions with fishing activity;
- d. Providing notices and information about proposed survey, construction and operational activities; and
- e. Assisting with the production of the Environmental Impact Assessment for the project.

19. Liaison activities shall be carried out in as timely a manner as possible to minimise interference with fishing operations and other uses of the sea in the area.

20. Further details of the responsibilities and duties of the FLO are set out in paragraph 31 of this plan.

## Distribution of information

21. Where possible, AyM will provide a minimum 10 calendar days' notice of all upcoming activities at sea through Notices to Mariners ("NtM"). Where this period of notice is not possible, Mariners will be given as much notice as possible.

22. Notices to Mariners shall be communicated by the following methods, as appropriate: -

- a. Direct e-mail communication to fishermen, their representative organisations, and agents.

- b. Direct e-mail communication to harbourmasters and navigation authorities.
- c. Postal communication to fishermen and organisations on request.
- d. Notification to UK Hydrographic Office ("UKHO"), Trinity House ("TH"), and Kingfisher Information Service Offshore Renewables Cable Awareness ("KIS-ORCA").
- e. Notices placed on websites maintained by the developer or their contractors.
- f. Notices placed, as appropriate, in the media publications (such as Fishing News) which are customarily used to inform the fishing industry of such activity.

23. The level of detail set out in these notices shall be sufficient to allow fishermen to identify the timing and location of activities so that they can avoid adverse interaction with the proposed activities.

24. Information pertaining to safety and notification of potential hazards will be updated in accordance with the EIA and relevant DCO conditions.

## Mitigation

25. Where identified within the EIA process, and if consented, where laid out in DCO and Marine Licence conditions, AyM will implement measures to mitigate the potential impacts of construction, operation and decommissioning of the project in line with national guidance.

## 3. Roles and responsibilities

26. The roles and responsibilities of the individuals and organisations from both the AyM project, the commercial fishing and the charter angling sector are described below. These roles are based on established practice for other projects as well as national guidance.

### Project representatives

27. AyM has contracted experienced consultants to support the project and carry out certain key roles. As of the issue date of this document, these roles and the companies fulfilling these responsibilities are defined as follows:-

- a. **Fisheries Liaison Officer (FLO)** – responsible for ensuring a flow of information between the AyM project team and fishers who may be affected by the project. This role is being fulfilled by AWJ Marine Ltd.
- b. **Fisheries Environmental Impact Assessment (EIA) specialist** – responsible for undertaking EIA related consultation with fishing stakeholders and for assessing the significance of impact of the AyM project on fishers. This role is being fulfilled by Poseidon Aquatic Resource Management Ltd.
- c. **Fisheries Cooperation Strategy Specialist (FCSS)** – responsible for working with fishers who may be adversely affected by AyM and determining an appropriate response to impacts. This role is being fulfilled by Brown & May Marine Ltd.

28. Various vessels have been and will be contracted to carry out survey and construction work as well as other duties associated with the project. Each vessel working on the project will nominate a representative to act as a point of contact with the FLO and to ensure that this FLP is implemented.

29. During the course of the project, it may be necessary to appoint individuals or organisations to fulfil the following roles:-

- a. **Fisheries Liaison Representatives (FLR)** – may be appointed if necessary to be present aboard project vessels to provide advice on the location of potential hazards connected with fishing activity.

30. The various liaison roles are described below in further detail.

## Fisheries Liaison Officer (FLO)

31. The FLO will support AyM project staff in connection with fisheries interactions during the pre-construction, construction, operational and decommissioning phases of the project. The FLO will work in accordance with FLOWW Guidance (FLOWW 2014) and any other relevant industry guidance in place at the time.

32. The key responsibilities of the FLO are:-

- a. General fisheries liaison, including:
  - i. Monitoring fishing activity
  - ii. On-going communication with industry and project team;
  - iii. Development & maintenance of Fisheries Liaison Plan;
  - iv. Development & maintenance of Fisheries Stakeholder database;
  - v. Set up a Fisheries Working Group involving commercial fishers and charter anglers;
- b. Assist the Environmental Impact Assessment (EIA) process by:-
  - i. Facilitating meetings and discussions with relevant industry groups and individuals;
  - ii. Reviewing Commercial Fisheries baseline data;
  - iii. Supporting consultation on EIA Report baseline with fishing industry;
- c. Liaison ahead of and during offshore survey activities which may interact with fishing activities and the location of fishing gear including:-

- i. Advice regarding likely interaction of planned survey activity with fishing activity and gear and mitigation;
  - ii. Communication of planned activities to Fisheries Liaison Representatives (FLR), commercial fishing industry and key navigation stakeholders as appropriate;
  - iii. Liaison with FLOs engaged on other marine projects in region;
  - iv. Issue Notices to Mariners about proposed survey work.
- d. Support to the Project Team and Fisheries Cooperation Strategy Specialist by:-
- i. Assisting the FCSS in identifying affected fishing interests.
  - ii. Identifying, if requested, publicly available sources of information which will assist the FCSS.
  - iii. Advising the FCSS if required on the approach to discussions and providing other advice as necessary.
  - iv. Ensure that the fishing interests who are party to Cooperation Payments (see paragraphs 34 & 35) implement the removal of gear or other activity as agreed, to ensure that the Project can proceed safely and to programme.

## Fisheries Cooperation Strategy Specialists

33. A Fisheries Cooperation Strategy Specialist (FCSS) has been appointed by AyM to assess the scale of impacts that the project may have on fishers' businesses.

34. If the EIA demonstrates significant impacts are likely to occur, then the FCSS will work with the FLO to identify the most appropriate mitigation option for each business that may be impacted by AyM. This may include financial mitigation ("Cooperation Payments") in some cases.

35. Where a Cooperation Payment ("CP") is identified as an appropriate mitigation option, the key responsibilities of the FCSS are summarised below:-

- a. Assessment, negotiation and agreement of CP on behalf of the Project:
  - i. Provide a suitably experienced and qualified consultant(s) to undertake fisheries CP discussions for surveys and/or the Project.
  - ii. Identify the affected fishing interests and undertake a robust assessment of the impact to income arising directly as a consequence of Project surveys.
  - iii. Provide an assessment and modelling methodology, informed by industry knowledge, guidance and best practice (including FLOWW), on which the CP will be based.
  - iv. Negotiate with relevant fishing industries and obtain their co-operation to ensure that survey activities can be completed safely and without damage to fishing gear, survey equipment or vessels.
  - v. Where co-operation is dependent upon a CP, the FCSS will ensure that a fair value based on available data and knowledge of the local industry is negotiated and agreed.
  - vi. Ensure that the fishing industry parties to CP implement the removal of gear or other activity as required by the CP to ensure that the project can proceed safely and to programme.

## Fisheries Environmental Impact Assessment (EIA) Specialist

36. A Fisheries EIA specialist has been appointed by AyM to assess the potential impacts that the project may have on the fishing industry. The key responsibilities of the fisheries EIA specialist are summarised below:-

- a. Consultation with commercial fishing industry and charter angling stakeholders to inform the baseline characterisation and the impact assessment.

- b. Communication and liaison with the FLO and FCSS to understand any day-to-day issues raised by the fishers operating across the proposed AyM project.
- c. Delivery of a Technical Report with detailed characterisation of the baseline commercial fishing and charter angler activity across the AyM proposed project.
- d. Delivery of the Commercial Fisheries Preliminary Environmental Information Report (PEIR) chapter and Environmental Statement chapter, including baseline description and impact assessment (including consideration of cumulative and transboundary effects and inter-relationships).

## 4. References

FLOWW. 2014. FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison. Page 74. Fishing Liaison with Offshore Wind and Wet Renewables Group, Edinburgh, UK. <https://www.sff.co.uk/wp-content/uploads/2016/01/FLOWW-Best-Practice-Guidance-for-Offshore-Renewables-Developments-Jan-2014.pdf>.

SCUK. 2012. Guideline No. 1 - Fishing Liaison Guidelines. Page 12. Subsea Cables UK.

## 5. Appendix A: Fisheries Co-operation Strategy



# **Awel y Môr Offshore Wind Farm Fisheries Cooperation Strategy v.2**

**October 2022**

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## 1.0 Introduction

RWE is developing plans to consent and construct the Awel y Môr Offshore Wind Farm (AyM) off the coast of North Wales. If the project receives a Development Consent Order from UK Government, and a Marine Licence from Natural Resources Wales (NRW, on behalf of Welsh Government), the first construction activities could commence on the wind farm array from 2027.

RWE will be offering a **Cooperation Payment** (CP) to fishermen, subject to the provision of evidence, for the exclusion of all fishing gear and activities from the entire construction area. The purpose of this CP will be to mitigate financial losses arising from the loss of access to fishing grounds during the construction period.

This Fisheries Cooperation Strategy (“FCS”) sets out the process by which Cooperation Payments can be applied for. It combines with the Fisheries Liaison Plan (“FLP” which states how AyM and its representatives will liaise with fishers) to form the Fishing Liaison & Co-Existence Plan (“FLCEP”).

The chart accompanying this document describes the location of the AyM project and the location and extent of the **Fishing Exclusion Zone** (FEZ).

## 2.0 Cooperation payments

There are two phases of the development for which CP may be appropriate: the construction phase, when all fishing activity may be excluded from a safety zone around construction activities; and the operational phase, when the presence of the windfarm may prevent certain fishing activities that had previously been conducted in the area. The two phases can be briefly summarised:

- **Construction phase** – Offshore construction of AyM may be carried out between **2027** and **2030**. The duration of implementation of the FEZ will be based on the construction period between **2027** and **2030** (subject to confirmation as the project progresses). During this period it is presumed that there will be no fishing activity within the FEZ. CPs would be based on losses that can be associated with the FEZ.
- **Operational phase** – The wind farm is due to operate for a period of **25 years**. Certain fishing métiers (such as tangle or gill netting) may not be compatible with the presence of wind turbines. The process for determining a cooperation payment prior to the construction phase of the project will identify those operators using such métiers who would also be unable to fish in the windfarm area during the operational phase. A cooperation agreement will be drawn up with those operators who can establish that they will experience a loss of fishing opportunity within the windfarm area during its operational phase.

For each vessel that is assessed, it will be important to determine whether CPs are required for just the construction phase of the project or both the construction and operational phases. This determination will be made by the specialists carrying out the assessment.

### 3.0 Assessment approach

This document sets out an assessment approach that follows FLOWW guidelines. The general evidence requirements and key stages in the assessment process are set out below. Exact evidence requirements will be confirmed on an individual basis (covering different fishing activities).

#### 3.1 Evidence requirements

The evidence requirements will follow the FLOWW Guidelines as listed:

- A. High resolution, detailed plotter screenshots<sup>1</sup> and/ or annotated FEZ paper chart showing historic fishing practices in the area and extent<sup>2</sup> of the applicant's fishing grounds;
- B. Statement of, as appropriate:
  - a. Number of fleets (strings of shellfish pots) and total number of pots per fleet, requiring removal from the FEZ and associated coordinates of where fleets will be moved from; and/or
  - b. Length of nets (gill or tangle nets) requiring removal from the FEZ and associated coordinates of where nets will be moved from; and/or
  - c. Extent of total area fished using mobile fishing gear and its relationship with the FEZ; and/or
  - d. Location and number of angling marks fished and their relationship with the FEZ.
- C. Copies of the following documents, as appropriate
  - a. fishing licence;
  - b. Copy of MCA certificate;
  - c. Certificate of British Registry;
  - d. A selection of sales notes for the last three months;
  - e. A list of angling trips and income from these trips.
- D. Previous three year's Annual Accounts as submitted for tax.

Evidence provided by applicants will be reviewed to ensure authenticity and appropriateness of application. Where necessary, an applicant may be requested to provide further evidence, e.g. of the extent of fishing ground.

Please note that unless there is good reason (communicated appropriately to the FLO), signed contracts and evidence must be received prior to commencement of the FEZ.

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<sup>1</sup> Mobile phone / camera photos of the plotter screen will suffice and can be emailed to the FLO. If possible, plotter shots should include sight of land for reference and/ or the export cable corridor if present on the vessels plotter.

<sup>2</sup> The extent of an applicant's fishing grounds will be digitised in GIS for the CP value calculation.

### 3.2 Outline process

The key steps in the CP process are as follows:

**Table 3-1 Outline process for Fisheries Co-operation strategy**

Activity	Timescale
I. RWE issues 'Cooperation Payment Process' document to the local fishing community	Completed, August 2021
II. Potential applicants inform RWE (via the FLO) of their <b>Intention to Apply</b> for the CCP by <b>Friday 12<sup>th</sup> November 2021</b> ;	Completed, August 3 <sup>rd</sup> – November 12 <sup>th</sup> 2021
III. RWE issues the <b>Application Pack</b> to all potential applicants on receipt of an Intention to Apply;	Completed November 2021.
IV. Applicants compile the <b>evidence requirements</b> , including information on their individual <b>Fishing Grounds</b> and post the information to the FLO using the postage-paid envelope or email scanned copies to FLO;	Commenced November 2021
V. BMM reviews evidence, digitises/ establishes the proportion of affected fleets/ fishing area/ marks, calculates proposed <b>CP values</b> and informs RWE of the value;	Commenced November 2021
VI. RWE approves values and BMM informs applicants of the value;	9 months prior to Construction phase
VII. Applicant-RWE <b>negotiations</b> (where required), failing agreement, in exceptional circumstances, dispute resolution options such as mediation will be used to facilitate discussions between both parties whereby a mutually-agreed third party will suggest a final agreement for consideration;	6-9 months prior to Construction phase
VIII. Subject to agreement of the CP value, RWE updates <b>Fisheries Cooperation Payment</b> .	3-6 months prior to Construction phase
<b>Agreement;</b>	
I. Applicants <b>sign</b> and date both copies of the Fisheries CP Agreement and send the documents to the AyM FLO using the second postage-paid envelope;	1-3 months prior to Construction phase
II. RWE <b>counter-signs</b> both copies of the Fisheries CP Agreement, retains one copy and sends the second copy back to applicants via the AyM FLO;	1-3 months prior to Construction phase
III. RWE issues a <b>FEZ Commencement Notice</b> a minimum of <b>14-days prior</b> to the start of the construction works;	14 days prior to Construction works
IV. Applicant takes the cooperation steps specified in the FCPA (e.g. moving static gear out of the FEZ);	Prior to commencement of Construction works
V. RWE make <b>payments</b> against individual's CP value on a <b>periodic</b> basis	Periodically during construction phase
VI. RWE issues periodic <b>updates</b> on progress and activity through the FEZ period by way of notices and communications; and	Regularly during Construction phase
VII. RWE issues <b>FEZ Completion Notice</b> .	Completion of Construction phase

## 4.0 Calculating the value of the Cooperation Payment (CP)

### 4.1 CP value calculation methodology

Subject to meeting the evidence requirements described in **Section 3.1**, the value of an individual applicant's CP will be calculated as the '*percentage loss of annual earnings defined by the percentage of the applicant's wider fishing grounds lost during the construction works*'. The CP value calculation will also include a reduction adjustment for the fact that the applicant will still have the option to deploy gear in their wider fishing grounds or new grounds while the FEZ is in place.

An example of how the value of the CP may be calculated for vessels using static fishing gear (fleets of fishing pots) is shown below:

**Table 4-1: Illustrative example of Cooperation Payment calculation for a hypothetical potting vessel fishing fleets of lobster pots in the Awel y Môr Offshore Windfarm area.**

Item	Value
Length of construction period (years)	2
Total number of fleets for "Vessel X"	75
Number of fleets excluded through FEZ	12
Percentage of fleets affected	16%
Annual gross profit of "Vessel X" (for illustrative purposes)	£60,000
Potential disruption per year	£60,000 x 16% = £9,600
Potential disruption over 2 year construction programme	£19,200
Reduction adjustment	25%
<b>Value of Cooperation Payment for "Vessel X"</b>	<b>£14,400</b>

For other fishing métiers it may be appropriate to use a different metric to calculate lost fishing opportunity. For instance, for charter angling vessels it may be appropriate to calculate the number of fishing "marks" that lie within the FEZ and the number of "client-days" fishing these marks that would be lost.

The metric that is used may vary between vessels using the same métier since different skippers may have different information available. The Fisheries Co-operation Strategy Specialist (FCSS) as appointed in accordance with the Fisheries Liaison Plan (FLP) will determine the most appropriate metric to use for each fishing vessel.

### 4.2 Payment schedule

Payments are anticipated to be issued as bank transfers. Furthermore, payments against an individual's CP value will be made on a periodic basis. Payments will be inclusive of Value Added Tax (VAT).

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