



Case number: ORML2233

Our ref: NFFO/3858/MJC

Mr P Morrison
Cyfoeth Naturiol Cymru / Natural Resources Wales
Ty Cambria, Caerdydd / Cambria House, Cardiff

Wednesday 3rd August, 2022

Dear Peter,

Re: MARINE AND COASTAL ACCESS ACT 2009: PART 4 MARINE LICENSING. Awel y Môr offshore wind farm

Thank you for the opportunity to contribute to the above consultation. The National Federation of Fishermen's Organisations is a trade association representing commercial fishing vessels in England and Wales. Numerous NFFO members work in the area that will be affected by the construction and operation of the proposed offshore wind farm. We note that our colleagues in the WFA-CPC (an affiliate association of the NFFO) have already made detailed representations relating to this project. We offer the following general observations.

Policy Considerations

Offshore wind farms are clearly an integral part of the UK's energy strategy. While no-one could seriously contest the UK's need for a secure supply of affordable energy, we note also that coastal communities need a secure supply of employment and the whole nation needs a secure supply of affordable and healthy food. Statutory and policy documents, such as the Fisheries Act 2021 and the Joint Fisheries Statement provide for the management and sustainable exploitation of fish stocks to that end:

"Marine fisheries are of great importance to the United Kingdom – our seafood sectors generate food, jobs, culture, and a strong sense of identity and pride for their communities."

...

"All along the coast, from the largest port to the smallest quayside, fishers and fishing communities take pride in delivering high-quality, sustainably caught produce, which contributes to food security."

- Joint Fisheries Statement 2022

We submit that this should also be considered part of the policy and legislative context in which this application is viewed.

Safety

Fishing vessels operating ground-contacting gear, whether mobile or static, are at risk from entanglement with seabed obstructions. A mobile vessel coming fast on such an obstruction is at risk of capsizing, with the potential for loss of life as well as significant damage to property. Static fishing gear, once deployed, routinely moves with the waves and tide and displacement of 1 km or more is not uncommon. Should this movement cause static fishing gear to become entangled with a seabed obstacle, it would not be apparent until its owner attempted to haul the gear and discovered that their vessel was made fast, again resulting in significant risk.

Exposed seabed cables represent a snagging hazard for fishing gear and can pose a significant risk of severe harm. Anyone working at sea should exercise a duty of care to other marine users, by ensuring that they do not create new hazards in this already extremely hazardous environment. In this case, risk mitigation can be achieved by ensuring that cables are buried, to a sufficient depth to ensure that they will not subsequently be exposed by metocean processes.

Where ground conditions preclude adequate burial, cable protection measures can be applied, although care must be taken in their design to ensure that these in turn do not create a new snagging hazard. A cable burial risk assessment should be conducted and the fishing industry should be consulted on this.

Fisheries Impacts

Good communication with fishermen operating in and around the wind farm and cable route during their construction and operation is essential. We note the existence of the Fisheries Cooperation Strategy and applaud the commitment to mitigate financial losses occasioned to fishing businesses by the AyM project. The intention to adhere to the FLOWW Guidelines is particularly welcome.

There is more to a fisheries liaison and coexistence plan than financial compensation, however. We believe that such a document should be agreed with local industry representatives at the earliest possible opportunity and should be seen as essential mitigation of fisheries business impacts. It should include *inter alia*:

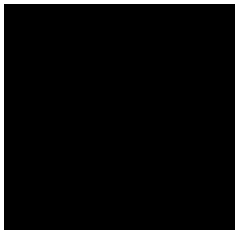
- Retention of a project Fisheries Liaison Officer, to oversee communications between the project and local fishermen
- Timely communication of construction and post-installation survey and remedial works, via detailed notice to mariners, issued not less than 10 days before works commence;
- Procedures for reporting cable exposures;
- Communication of hazard information to the Kingfisher information service;
- Use of locally knowledgeable guard vessels as part of the response to any cable exposures, until remedial works can be completed;
- A process for handling compensation claims, in the event that fishing gear is accidentally damaged by construction or maintenance vessels.

Environmental Impacts

Assessment of the environmental impacts of any offshore construction relies on a strong pre-construction environmental baseline and detailed post-construction environmental monitoring. A pre-construction baseline has been devised here but lacks detail. There is a strong reliance on the desk-based analysis of older, regional-scale data and surveys conducted for projects. Most of the latter did not gather data from the development area and those that did are largely one-off snapshots of particular spot, taken up to 30 years ago. There does not appear to be the sort of robust and detailed baseline of information on species diversity and abundance that would support the future monitoring of environmental impacts.

There is a severe lack of data on the real-world effects of offshore wind farm construction. The statement that the developer believes that *“no fish and shellfish monitoring for the construction, operation or decommissioning phases of AyM is considered necessary”* (Environmental Statement Volume 2, Chapter 6: Fish and Shellfish Ecology, p21) is as depressing as it is inevitable. If all developers (rather than very few, as at present) would commit to detailed pre- and post- construction ecological monitoring, the UK would soon have a body of evidence that might allay the reasonable concerns that many have about the effects of these large-scale industrial developments, or at least accurately identify any undesirable unintended consequences, so that they could be mitigated. Future wind farms could then be designed and planning decisions taken, in full possession of the facts about what is proposed.

Yours sincerely,



Mike Cohen
Deputy Chief Executive