

Please see the below comment as an addition to the document titled "Five Estuaries NFFO Written representation" submitted by the NFFO on 21/10/2024.

There is growing concern on the reliability of the modelling used by offshore developers regards cable burial and the chance of cable exposure over the lifetime of the project. It has been demonstrated at several operational wind farms, one in close proximity to this development (London Array) that the target burial depth during construction has not been of sufficient depth resulting in required mediation. The London Array has extensive areas of cables exposed within an array that has resulted in a "monitor only" approach as opposed to remediation or mitigation measures. We would expect to see a commitment from the developer to remediate any cable exposures as soon as possible, if this is not the case, the risk to fisheries stakeholders completely negates the return to fish mitigation during the operational phase.



To whom it may concern,

This written representation forms the response from the NFFO to key documentation of concern to the fishing industry that forms part of the examination of the Five Estuaries offshore wind development.

The National Federation of Fishermen's Organisation (NFFO) represents the interests of over 400 commercial fishing businesses in England and Wales. The Welsh Fishermen's Association (WFA) represents over 200 commercial fishing businesses in Wales.

Commercial fisheries have existed in the proposed region for generations and are already faced with extensive spatial restrictions such as existing and proposed offshore wind developments, Marine Protected Areas and legislative restrictions in the region. The area is economically important to fishing fleets from all the devolved UK administrations, with a variety of gear type being deployed, both static and mobile. Further displacement of commercial fishing in the region will result in economic harm, through loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project.

The response below has been separated to specific concerns we have with regards the draft Fisheries Liaison and Co-existence Plan (FLCP) and the outline Cable Burial Risk Assessment. It is acknowledged that the applicant has engaged with the NFFO on the draft FLCP prior to Deadline 2 and have already received the specific comments on the FLCP only.

Fisheries Liaison and Coexistence plan

The comments below have been submitted to the applicant prior to Deadline 2 of the examination process, discussion has already started on resolving the issues raised.

1.2.1 What is the scope of the submitted FLCP? Is this for the pre-construction, construction, and/or operational phases? This needs stating, are we expecting the FLCP to be reviewed with subsequent amendments every three years (1.2.2) or a new document for the operational phase? The FLCP jumps around in scope from construction (mostly) to operation (e.g., Marine Coordination), clarity of the scope is needed and what phase this document applies to.

1.4.1 A portfolio approach can be seen as efficient and create standardised liaison practices. However, it needs to be noted that regional variations in fisheries engagement and organisation need to be accounted for and understood.

2.2.2 The Marine Management Organisation and Kent and Essex Inshore Fisheries and Conservation Authorities are government agencies, not stakeholders.

2.2.3 KEIFCA is not a stakeholder, they are a government agency. We support their inclusion in the CFWG, but they are not a stakeholder.

Figure 3.1 Suggest adding OFLO here.

3.2.2. The appointment of a CFLO is intimated to only be for the construction period and on an ad hoc basis throughout the lifetime of the project. How does the applicant propose to liaise with industry for routine and emergency maintenance needs that require a response from the fishing industry? Will a NFLR have the suitable expertise to and support to liaise with industry in an event of an emergency or urgent works?

3.2.2 Suggest adding “vessels” to “..transit routes for operation and maintenance...”

3.2.3 Suggest “All vessels will be required to maintain **and monitor** open channels...”

3.2.4 Conflicts with 3.2.2 – is the CFLO for all phases of the wind farm life or just construction?

3.2.7 We would like to see a commitment to use local expertise for OFLO wherever possible.

3.2.9 We would like to see a commitment to use local expertise for Guard Vessels wherever possible.

Table 3.1 We appreciate the commitment to a 2-week information dissemination timetable. It would be worth mentioning that dissemination for urgent or emergency works may fall short of this timeframe (this does not fall under “unscheduled liaison”).

3.3.3. Just for reference, the NFFO do not redistribute NTMs. Suggest removing NFFO reference here.

3.3.7 There is ongoing work with the MMO around marking of static gear – we have not got a resolution yet, but this point may need to be monitored moving forward.

3.3.7 AIS is not fitted to all vessels. Suggest change to AIS where available. However, iVMS should be fully mandated by the time VE construction takes place.

3.3.7 “Refrain from deploying gear...” This should actually reflect the end markers of gear that may inhibit access and not necessarily the gear itself.

3.3.7 “All vessels wishing to transit...” The whole development site is not closed to vessel traffic during construction only a 500 m safety zone around installation vessels. This clause needs to be less mandatory and more cooperative.

4.1.2 Guard vessels – we would like to see a commitment to use local guard vessels where possible.

4.1.2 Cables – will a cable exposure mitigation plan be developed? Timely dissemination is essential but what are the actions that will be taken when cables become exposed?

4.2.4 Is this statement correct, was the reduction directly influenced by stakeholder feedback. I suspect it was due to the use of the Rochdale Envelope planning process rather than stakeholder influence. If so, this needs removing as it is misleading.

4.3.1 Will this section be influenced by the outcomes of the SoCG, we do not agree with impacts assessed in the ES.

4.3.3 See comment for 4.3.1.

4.3.9 Is this needed? It could be incorporated slightly into 4.3.8 but this is background information.

The comments above are those that we either need clarification on or disagree with, naturally if we have not raised a concern with other elements of the FLCP the NFFO is happy with the content presented in this outline.

Cable Burial Risk Assessment

The outline cable burial and risk assessment is lacking in detail on how the risk associated with cables and fishing will be assessed, conclusions drawn and mitigation strategies. All this document states is what the applicant plans to consider. Our comments are limited due to this lack of detail.

Fisheries concerns do not form part of any decisions on to cable routing requirements for this development. It has to be acknowledged that the “avoid” component of marine spatial planning has not been applied here.

Table 2 states that fishing data has been provided from public sources, we would like to see the sources cited (MMO/IFCA sources etc) to ensure all fisheries data has been accurately captured.

3.2.29 refers to destructive fishing practices. This is emotive language and needs removing. The facts are that scallop dredging has a greater penetration depth than other fishing types, this is the only information required to understand the risks associated risks.



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National Federation of Fishermen’s Organisations