



# FIVE ESTUARIES

OFFSHORE WIND FARM

## FIVE ESTUARIES OFFSHORE WIND FARM STATEMENT OF COMMON GROUND COMMERCIAL FISHERIES WORKING GROUP

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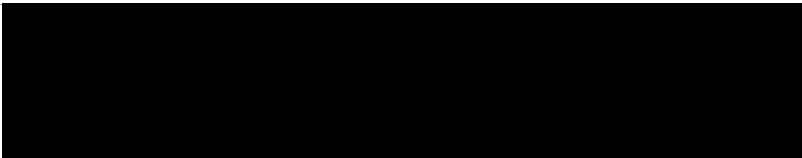
In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	January 2025	Deadline 5	NiMa Consultants Ltd	VE	VE
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## CONTENTS

1	Introduction .....	6
1.1	Background .....	6
1.2	Approach to SoCG .....	6
1.3	The Proposed Development .....	6
2	CFWG's Remit .....	7
2.1	introduction .....	7
2.2	Consultation Summary .....	8
3	Agreements Log.....	9

## TABLES

Table 3.1: Position Status key .....	9
Table 3.2: Status of discussions .....	10



## DEFINITION OF ACRONYMS

Term	Definition
CFWG	Commercial Fisheries Working Group
DCO	Development Consent Order
FLCP	Fisheries Liaison and Co-Existence Plan
KEIFCA	Kent and Essex Inshore Fisheries and Conservation Authority
CFWG	National Federation of Fishermen's Organisation
NSIP	Nationally Significant Infrastructure Project
SoCG	Statement of Common Ground
VE	Five Estuaries Offshore Windfarm



## 1 INTRODUCTION

### 1.1 BACKGROUND

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared between Five Estuaries Offshore Wind Farm Limited (hereafter referred to as ‘the Applicant’) and Harwich Harbour Fishermans Association on behalf of the Five Estuaries Commercial Fisheries Working Group (CFWG) (hereafter referred to as “CFWG”) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Five Estuaries Offshore Wind Farm (hereafter referred to as “VE”).
- 1.1.2 Following detailed discussions undertaken between the parties, the Applicant and the CFWG have sought to progress a SoCG. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified or any positions change during the Examination.

### 1.2 APPROACH TO SOCG

- 1.2.1 This SoCGs sets out the topic, a brief summary of the issue or matter subject to disagreement or agreement, the position of the Applicant and that of the CFWG, and a colour coding to illustrate the level of agreement and/or materiality.
- 1.2.2 A full description of the approach adopted is set out in 9.33 Approach to Statements of Common Ground [APP-266] submitted as part of the DCO application.

### 1.3 THE PROPOSED DEVELOPMENT

- 1.3.1 VE is the proposed extension to the operational Galloper Offshore Wind Farm. The project includes provision for the construction, operation, maintenance and decommissioning of an offshore wind farm located approximately 37 kilometres off the coast of Suffolk at its closest point in the southern North Sea; including up to 79 wind turbine generators and associated infrastructure making landfall at Sandy Point between Frinton-on-Sea and Holland-on-Sea, the installation of underground cables, and the construction of an electrical substation and associated infrastructure near to the existing Lawford Substation to the west of Little Bromley in order to connect the development to National Grid’s proposed East Anglia Connection Node substation, which would be located nearby.
- 1.3.2 All onshore connection infrastructure would be located in the administrative area of Tendring District Council, within Essex County Council. VE will have an overall capacity of greater than 100 Megawatts (MW) and therefore constitutes a Nationally Significant Infrastructure Project (NSIP) under the Section 15 (3) of the Planning Act 2008.
- 1.3.3 A full Project description is included in the Environmental Statement, in particular 6.2.1 Offshore Project Description [APP-069] and 6.3.1 Onshore Project Description [APP-083/ AS-004].



## 2 CFWG'S REMIT

### 2.1 INTRODUCTION

- 2.1.1 The Applicant set up the CFWG to support consultation and regular engagement with fisheries stakeholders local to VE. Engagement with local fisheries stakeholders and authorities has primarily been via the CFWG. The group includes representatives of the following:
- > Felixstowe Ferry Fishermen's Association;
  - > Harwich Harbour Fishermen's Association;
  - > Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA);
  - > Orford and District Fishermen's Association;
  - > Southwold Fishermen's Association;
  - > Thanet Fishermen's Association; and
  - > West Mersea Fishermen's Association.
- 2.1.2 The CFWG associations represent approximately fifty fishing vessels. Most vessels are under 10 m length and a large portion use multiple fishing methods.
- 2.1.3 For the purposes of this SoCG, Harwich Harbour Fishermen's Association will act as lead signatory, representing the CFWG. This reflects that Harwich Harbour Fishermen's Association submitted a formal written response to the VE application and participated in the formal examination process.
- 2.1.4 A separate SoCG has been developed with the National Federation of Fishermen's Organisations (NFFO).
- 2.1.5 The following application documents have informed the discussions with the CFWG and address the elements of VE that may affect the interests of the interested party:
- > 6.2.6 Fish and Shellfish Ecology [APP-075]
  - > 6.2.8 Commercial Fisheries [APP-077]
  - > 6.5.8.1 Commercial Fisheries Technical Report [APP-127]
  - > 9.16 Outline Fisheries Liaison and Co-existence Plan - Revision B [REP1-037]
- 2.1.6 The main areas of interest raised by Harwich Harbour Fishermen's Association were the following:
- > Under-estimation of impacts on local fishing fleets, for certain fishing methods;
  - > Perceived risks around cable exposure, based on experience of other operational offshore wind farms;
  - > Cumulative effects on local fishing fleets;
  - > Eligibility of fishing fleets to cooperation agreements;
  - > Concerns about effects of offshore wind farms on commercially targeted fish stocks.
- 2.1.7 The CFWG and the Applicant have been working together to minimise possible impacts of the project on the CFWG's operations.



2.1.8 It should be noted that the SoCG is not a legal binding document and is simply a document to highlight progress on key issues to the Examining Authority between the interested parties (in this case the CFWG) and the Applicant. By signing this SoCG it does not preclude or prejudice further discussions in the future.

## 2.2 CONSULTATION SUMMARY

2.2.1 Since Spring 2021 and to date, the project has been engaging with the CFWG. The CFWG has had the opportunity to respond to Stage 1 consultation and to the Section 42 consultation, in addition to submitting Relevant Representations.

2.2.2 A number of informal engagement meetings have also been held between the Applicant and the CFWG.

2.2.3 Harwich Harbour Fishermen's Association registered as an Interested Party to the Applicants examination and has submitted Written Representations into the process.

2.2.4 The comments received and the meetings between the project and the CFWG have informed this SoCG.





### 3 AGREEMENTS LOG

- 3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and the CFWG for each relevant component of the Application identified in paragraph 2.1.3. The tables below detail the positions of the Applicant alongside those of the CFWG and whether the matter is agreed or not agreed.
- 3.1.2 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion', the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 3.1 below. Colours were chosen in order to ensure inclusivity for the visibility of data.

**Table 3.1: Position Status key**

<b>POSITION STATUS</b>	<b>COLOUR CODE</b>
The matter is considered to be agreed between the parties.	<b>Agreed</b>
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	<b>Ongoing point of discussion</b>
The matter is not agreed between the parties.	<b>Not agreed</b>



**Table 3.2: Status of discussions**

Reference Number	Discussion Point	Applicant's Position	CFWG's Position	Position Status
CFWG-CF-01	Consultation	CFWG has been adequately consulted on commercial fisheries matters to date.	The CFWG believe consultation has been adequate.	Agreed
CFWG-CF-02	Commercial Fisheries Assessment	<p>The conclusions of the assessment of impacts for construction, operation and decommissioning of the Project are agreed (see Section 8.10 to 8.12 of Volume 6, Chapter 8, Commercial Fisheries (APP-077)).</p> <p>It is noted that significant residual impacts are assessed for the UK potting, fixed and drift net, and hooked gear fleets during the construction phase.</p>	<p>The CFWG consider:</p> <ol style="list-style-type: none"> <li>1) There is an impact from VE on mobile gear fishing fleets (i.e. the inshore trawl fleet), therefore the conclusion of no significant residual effect on mobile gear fishing fleets within 6.2.7 Commercial Fisheries [APP-077] is not agreed.</li> <li>2) Furthermore, the CFWG consider the assessment within 6.2.7 Commercial Fisheries [APP-077] does not adequately reflect the scale of the cumulative effect of reduced access to fishing grounds as a result of VE and other projects. This applies to all fishing fleets.</li> </ol>	Not agreed
CFWG-CF-03	Embedded Mitigation	<p>Given the impacts of the Project, the following proposed embedded measures outlined in Section 8.9 of 6.8 Commercial Fisheries [APP-077] are appropriate:</p> <ul style="list-style-type: none"> <li>• Fisheries liaison</li> <li>• Marking and lighting</li> <li>• Dropped objects procedure</li> <li>• Cable installation and burial protocols</li> <li>• Safety Zones</li> <li>• Marine coordination</li> </ul>	The CFWG agree the embedded measures outlined in Section 8.9 of 6.8 Commercial Fisheries [APP-077] are appropriate.	Agreed
CFWG-CF-04	FLCP	<p>The Applicant has identified, and is willing to implement, a variety of liaison principles and mitigation commitments, including several good practice measures, so that successful coexistence and long-standing good relationships with fisheries stakeholders can be achieved.</p> <p>The Applicant has made a commitment to producing a Fisheries Liaison and Coexistence Plan (see 9.16 Outline Fisheries Liaison and Co-existence Plan – Revision B [REP1-037]).</p> <p>At Deadline 1 the Applicant submitted an updated 9.16 Outline FLCP [REP1-037], responding to feedback from the CFWG and NFFO.</p> <p>The mitigation commitments outlined within Section 4 of 9.16 Outline FLCP [REP1-037] appropriately demonstrate how the Applicant intends to achieve coexistence with fisheries stakeholders.</p>	<p>With regards to good practice measures, it is not clear to the CFWG that these are recognised as such by the fishing industry.</p> <p>When finalising the FLCP post-consent, the fishing industry should be given opportunity to identify further potential good practice measures based on their experience of measures that are deemed to have been successfully implemented elsewhere/in relation to other marine developments.</p> <p>The CFWG highlights that the FLCP is a live document and that there should be opportunity for the fishing industry to be engaged on its finalisation and subsequent updates as VE evolves.</p>	Ongoing point of discussion



Reference Number	Discussion Point	Applicant's Position	CFWG's Position	Position Status
		<p>The measures identified within Section 3 of Volume 9.16, Outline Fisheries Liaison and Co-Existence Plan [REP1-037] appropriately demonstrate how the Applicant will liaise and engage with the local commercial fishing industry.</p> <p>Pre- construction plans and documents, including the FLCP, must be submitted to and approved by the Marine Management Organisation (MMO) prior to the commencement of construction activities. The final version of the FLCP will be produced in accordance with 9.16, Outline Fisheries Liaison and Co-Existence Plan – Revision B [REP1-037].</p>		
CFWG-CF-05	FLCP - Cooperation Agreements	<p>As outlined in 9.16 Outline Fisheries Liaison and Co-Existence Plan [REP1-037], and where significant residual impacts remain after minimisation and mitigation efforts, evidence based cooperation agreements (based on factually accurate and justifiable claims and in line with FLOWW (2015) guidance) will be made.</p> <p>This measure appropriately demonstrates how affected fleet interests will be considered by the Applicant, to achieve a position whereby fishing interests are neither advantaged nor disadvantaged, in accordance with the FLOWW (2015) guidance, ensuring that those who are impacted will receive fair payment in line with potential losses.</p>	<p>The CFWG believe there should be flexibility in the approach to evidencing cooperation agreements and disruption payments.</p> <p>The expectation from the CFWG is that no specific gear type will be excluded from being eligible to apply to enter the agreement and payment process (i.e. all fishing gear types inclusive of mobile and static gear will be eligible to apply).</p>	<b>Not agreed</b>
CFWG-06	FLCP – Monitoring	<p>As outlined in 9.16 Outline Fisheries Liaison and Co-Existence Plan – Revision D, no monitoring specific to commercial fisheries is considered necessary based on the impact assessment conclusions. However, vessel traffic monitoring by Automatic Identification System and post-construction monitoring of cable burial findings will be shared with the VE Commercial Fisheries Working Group. These monitoring commitments are also set out in 9.32 Offshore In-Principle Monitoring Plan Revision D.</p>	<p>Specific commercial fisheries pre, during and post construction fishing surveys have not been committed to, and should be carried out to understand the impact of VE on commercial fisheries.</p> <p>Post-construction trawl and drift net surveys can be undertaken to confirm if a previously fished area can continue to be safely fished post construction. The CFWG would wish to see these surveys undertaken. This request reflects previous negative experience of the fishing industry in relation to subsea cables within the Thames Estuary.</p>	<b>Not agreed</b>
CFWG-CF-7	FLCP – Alternative measures	<p>It is the Applicant's position that the following alternative measures are potential measures which could be appropriate to the CFWG:</p> <ol style="list-style-type: none"> <li>1) Addressing uncertainty through science projects and monitoring, which could involve supporting monitoring of the status of commercially targeted fish and shellfish stocks or of commercial fishing activity across phases of VE development;</li> <li>2) Fisheries community adaptation scheme, which could support specific projects relevant to the local fishing community, which may range from improvements in onshore facilities to investment in safety equipment and</li> </ol>	<p>Interest in these measures varies across the different fishing associations that are CFWG members.</p> <p>These measures would not replace the need for the existing embedded and additional measures committed to in the Outline FLCP.</p> <p>It is proposed that these measures be further discussed during the development of the FLCP post-consent.</p>	<b>Ongoing point of discussion</b>



Reference Number	Discussion Point	Applicant's Position	CFWG's Position	Position Status
		<p>training for fishers, or contribution to a fisheries vessel fuel allowance scheme.</p> <p>The Applicant is committed to exploring further alternative measures with the CFWG and the final FLCP will confirm commitment to any additional measures in the pre-construction phase if demonstrated to be appropriate to the CFWG and the Applicant.</p>		



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