

From: Dominika Phillips [mailto:DOMPH@orsted.co.uk]
Sent: 08 February 2019 21:06
To: KJ Johansson; Kay Sully; Hornsea Project Three
Cc: Andrew Guyton; Stuart Livesey
Subject: Hornsea Project Three (UK) Ltd response to Deadline 6 (Part1)

Dear Kay, K-J

We are pleased to enclose Ørsted Hornsea Project Three (UK) Ltd ("the Applicant") response to Deadline 6, Friday 8th Feb 2019. These documents have been prepared by the Applicant and have been produced in response to the Examining Authority's (ExA) letter of 9 October 2018 ("the Rule 8 letter").

These documents are being issued over a series of emails, each email containing a pdf file or files. The **last** email to be issued by the Applicant will contain a supporting file tracking sheet – to help the ExA ensure that it has received each email transmission.

Please acknowledge safe receipt of these documents.

If we can be of any assistance in that regard, please do not hesitate to contact myself or Andrew Guyton.

Best regards,
Dr Dominika Chalder PIEMA
Environment and Consent Manager



Environmental Management UK; Wind Power
5 Howick Place | London | SW1P 1WG



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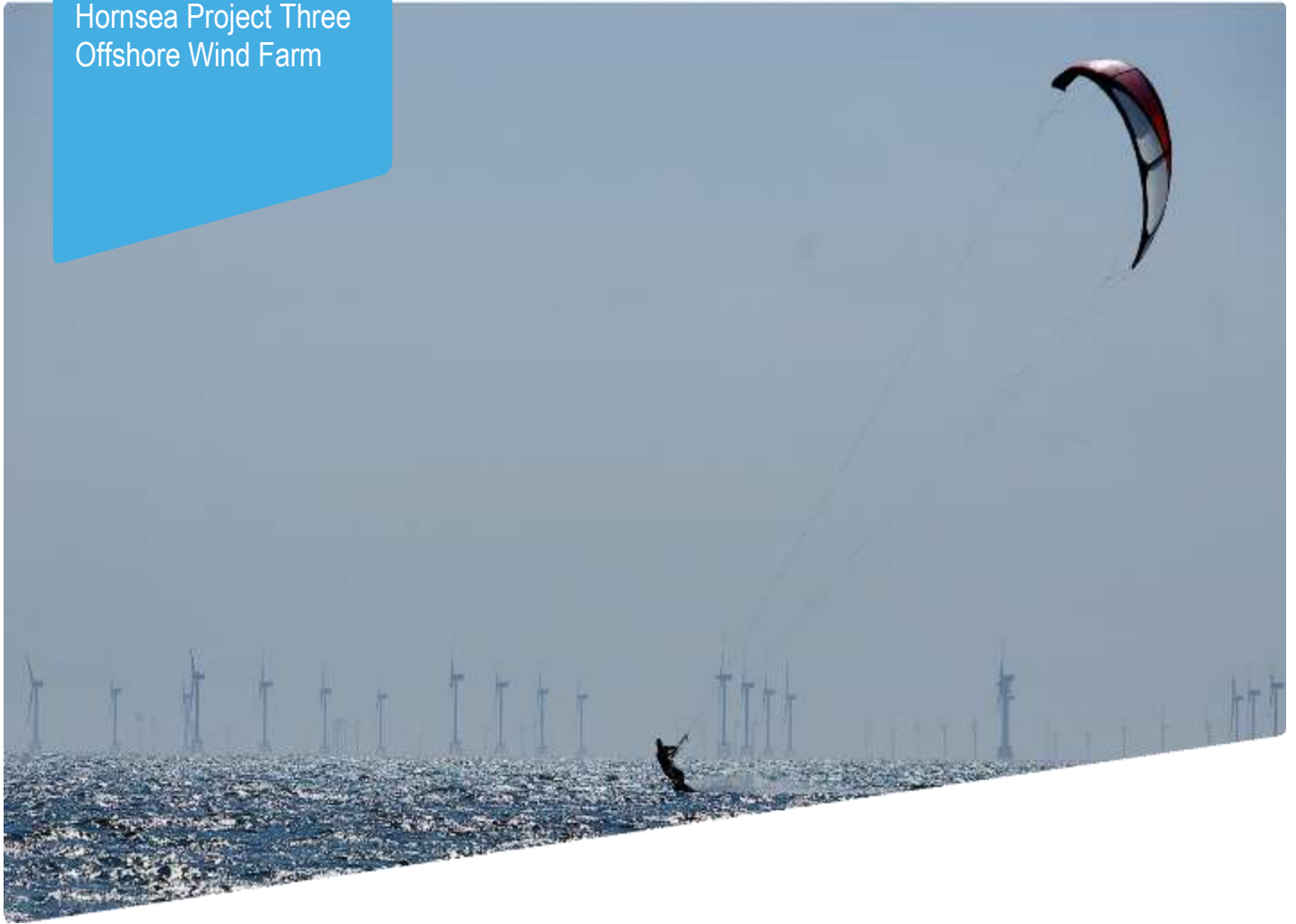
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Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Statement of Common Ground between Hornsea Project Three and the NFFO and VisNed

Date: January 2019

Statement of Common Ground between Hornsea Project Three and the NFFO and VisNed

Ørsted

5 Howick Place,

London, SW1P 1WG

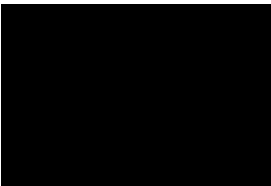
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Front cover picture: Kite surfer near a UK offshore wind farm © Ørsted Hornsea Project Three (UK) Ltd., 2019.

Revision History

Version	Date	Author	Context
1	July 2018	Hornsea Three	Pre-examination: Initial draft for discussion with NFFO and VisNed
1b	29 August 2018	NFFO	NFFO Inputs to SoCG
1c	13 September 2018	VisNed	VisNed Inputs to SoCG
2	September 2018	Hornsea Three	Updates following NFFO/VisNed Inputs
3	November 2018	Hornsea Three and NFFO	Draft for Deadline 1 submission
4	January 2019	Hornsea Three	Draft for Deadline 5 submission

Signatories

Signed	
Name	Andrew Guyton
Position	Hornsea Project Three Consents Manager
For	Orsted Hornsea Project Three (UK) Ltd

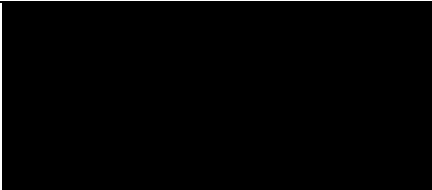
Signed	
Name	Dale Rodmell
Position	Assistant Chief Executive
For	The National Federation of Fishermen's Organisations

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Acronyms

Acronym	Definition
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ERCoP	Emergency Response and Cooperation Plan
Ex.A	Examining Authority
FCLP	Fisheries Coexistence and Liaison Plan
FIR	Fishing Industry Representative
FLO	Fisheries Liaison Officer
FLOWW	Fisheries Liaison with Offshore Wind and Wet Renewables group
HVAC	High Voltage Alternating Current
HVDC	High Voltage Directional Current
IPMP	In Principle Monitoring Plan
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
NFFO	National Federation of Fishermen's Organisations
PEIR	Preliminary Environmental Information Report
SoCG	Statement of Common Ground

1. Introduction

Overview

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ørsted Hornsea Project Three (UK) Ltd. ('the Applicant'), the National Federation of Fishermen's Organisations (NFFO) and VisNed (together 'the parties') as a means of clearly stating the areas of agreement, and any areas of disagreement, between the parties in relation to the proposed Development Consent Order (DCO) application for the Hornsea Project Three offshore wind farm (hereafter referred to as 'Hornsea Three'). This SoCG does not deal with or extend to any developments other than the Hornsea Three.

Approach to SoCG

- 1.2 This SoCG has been developed during the pre-application phase of Hornsea Three. In accordance with discussions between the parties, the SoCG is focused on the key issues raised by the NFFO and VisNed within their response to Scoping, Section 42 consultation and during the pre-application consultation.
- 1.3 The structure of this SoCG is as follows:
- Section 1: Introduction;
 - Section 2: Consultation;
 - Section 3: Agreement Log; and
 - Section 4: Summary.
- 1.4 It is the intention that this document will help facilitate post application discussions between the parties and also give the Examining Authority (Ex.A) an early sight of the level of common ground between the parties from the outset of the examination process.

Hornsea Three

- 1.5 Hornsea Three is a proposed offshore wind farm located in the southern North Sea and will include all associated offshore (including up to 300 turbines) and onshore infrastructure.
- 1.6 The key components of Hornsea Three include:
- Turbines and associated foundations;
 - Turbine foundations;
 - Array cables;
 - Offshore substation(s), and platform(s) and associated foundations;
 - Offshore accommodation platform/s and associated foundations;
 - Offshore export cable/s;
 - Offshore and or onshore HVAC booster station/s (AC transmission option only);
 - Onshore cables; and
 - Onshore HVDC converter/HVAC substation.
- 1.7 The Hornsea Three array area (i.e. the area in which the turbines are located) is approximately 696 km² and is located approximately 121 km northeast off the Norfolk coast and 160 km east of the Yorkshire coast.

- 1.8 The Hornsea Three offshore cable corridor extends from the Norfolk coast, offshore in a north-easterly direction to the western and southern boundary of the Hornsea Three array area. The Hornsea Three offshore cable corridor is approximately 163 km in length.
- 1.9 From the Norfolk coast, underground cables will connect the offshore wind farm to an onshore HVDC converter/HVAC substation, which will in turn, connect to an existing National Grid substation. Hornsea Three will connect to the Norwich Main National Grid substation, located to the south of Norwich. The Hornsea Three onshore cable corridor is 55 km in length at its fullest extent.

The National Federation of Fishermen's Organisations

- 1.10 The NFFO is the representative body for fishermen in England, Wales and Northern Ireland. All sizes and classes of fishing vessel are represented. The NFFO also represents British vessels owned and operated by Dutch interests (Anglo-Dutch).
- 1.11 The NFFO also represents three local fishermen's associations:
- North Norfolk Fishermen's Society;
 - North Norfolk Independent Fishermen's Association; and
 - Wells and District Fishermen's Association.

VisNed

- 1.12 VisNed is a Federation of recognised Fish Producer organisations in Dutch demersal fisheries, mainly flatfish. VisNed represents fishing companies landing the majority of the value of Dutch demersal fisheries. In respect of this SoCG, VisNed also represents the Dutch Fishermen's Association.

2. Consultation

Application Elements of Interest to the National Federation of Fishermen's Organisations and VisNed

- 2.1 Work Nos. 1 to 5 (offshore works) detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Hornsea Three which may affect the interests of the NFFO.
- 2.2 Work Nos. 1 to 5 (offshore works), seaward of 12 NM, detailed in Part 1 of Schedule 1 of the draft DCO describe the elements of Hornsea Three which may affect the interests of VisNed.

Consultation Summary

- 2.3 This section briefly summarises the consultation that the Applicant has undertaken with the NFFO and VisNed during the pre-application and pre-examination phases of Hornsea Three. Those technical topics of the development consent application of relevance to the NFFO and VisNed (and therefore considered within this SoCG) comprises commercial fisheries.
- 2.4 It is agreed that, whilst the NFFO and VisNed retains an interest in the topic of fish and shellfish ecology, the NFFO and VisNed has made no comments in relation to the technical assessments associated with the fish and shellfish ecology topic.

Pre-application

- 2.5 The Applicant has engaged with NFFO and VisNed on Hornsea Three during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to section 42 of the Planning Act 2008.
- 2.6 Table 2-1 summarises the consultation undertaken between the parties during the pre-application phase, including consultation through scoping, consultation on the Preliminary Environmental Information Report (PEIR) and further section 42 consultation undertaken in November 2017.

Post-application

- 2.7 Table 2-2 summarises the consultation undertaken between the parties during the post-application phase.

Table 2-1: Pre-application consultation between the parties.

Date	Detail
8 February 2017	Meeting between the Applicant and the NFFO to introduce Hornsea Three and to present an overview of the data to be collected to inform the baseline environment and the topics to be considered in the Environmental Impact Assessment (EIA).
23 February 2017	Meeting between the Applicant and VisNed to introduce Hornsea Three and to present an overview of the data to be collected to inform the baseline environment and the topics to be considered in the EIA.
26 July 2017	PEIR published by the Applicant for consultation (section 42).
14 August 2017	Section 42 consultation, responses from the NFFO to the Preliminary Environmental Information Report (PEIR).
20 September 2017	Section 42 consultation, responses from both the VisNed to the PEIR.
15 November 2017	Meeting between the Applicant and the NFFO to discuss NFFO's comments on the PEIR, project design updates to Hornsea Three and the development of a Fisheries Coexistence and Liaison Plan (FCLP).
16 November 2017	Further statutory consultation published by the Applicant.

Table 2-2: Post application consultation between the parties.

Date	Detail
6 August 2018	Meeting to discuss the draft SoCG.
30 August 2018	Conference call to discuss NFFO comments on SoCG
30 August to 13 September 2018	Email correspondence with VisNed regarding SoCG.
26 October 2018	Conference call to discuss draft SoCG
3 January 2019	Call to discuss draft SoCG and updates to FCLP

3. Agreements Log

- 3.1 The following section of this SoCG identifies the level of agreement between the parties for each relevant component of the application material (as identified in paragraph 2.1 and 2.2 above). In order to easily identify whether a matter is “agreed”, “under discussion” or indeed “not agreed” a colour coding system of green, yellow and orange, respectively, is used in the “final position” column to represent the respective status of discussions.

Overview of status of discussions

- 3.2 As set out in section 2 of this SoCG, the Applicant and the NFFO and VisNed have been engaging throughout the pre-examination and examination phases on the topics of commercial fisheries and shipping and navigation. This has included discussions on the impact assessment methodology (for Hornsea Three alone and cumulatively with other projects), assessment assumptions and assessment conclusions. Despite these discussions, the parties have concluded that they do not agree on a number of elements of the impact assessment methodology, the details of which are set out in the agreement logs below.
- 3.3 Notwithstanding these differences, the two parties agree that the Outline Fisheries Coexistence and Liaison Plan (FCLP; latest version provided at Appendix 58 to the Applicant’s response to Deadline 4) and the measures set out within it are appropriate to address residual concerns associated with the impact assessment methodology. The degree to which fishing will resume within Hornsea Three, including the array area and the offshore cable corridor, and therefore the success of coexistence between Hornsea Three and the fishing industry, will be determined by the successful implementation of the FCLP. The parties are committed to continue to work together post consent to ensure the measures outlined in the FCLP are fully delivered to maximise opportunities for coexistence.

Commercial fisheries

- 3.4 Hornsea Three has the potential to impact upon commercial fisheries and these interactions are duly considered within Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement (APP- 066). As set out above, an Outline FCLP has been prepared, which describes the approach to liaison and consultation with the fishing industry throughout the lifetime of Hornsea Three. The latest version of the FCLP is presented at Appendix 58 to the Applicant’s response to Deadline 4.
- 3.5 Table 3-1 identifies the status of discussions relating to this topic area between the parties.

Table 3-1: Position on commercial fisheries matters.

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
General			
Pre-application consultation	Sufficient consultation has been undertaken by Hornsea Three during the pre-application phase to provide the NFFO and VisNed with an understanding of the development proposals for Hornsea Three and its associated potential impacts.	Agreed.	Agreed
Environmental Impact Assessment			
Policy and planning	Section 6.4 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement has identified all appropriate plans and policies relevant to commercial fisheries and due regard has been given to them within the assessment.	Agreed, as far as we are aware.	Agreed
Baseline environment	The baseline characterisation in Section 6.7 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement is sufficient for the purposes of undertaking the EIA.	NFFO and VisNed are not in a position to confirm whether sufficient data has been collated in order to characterise the baseline environment. However, we acknowledge that the baseline characterisation provides a practical basis for undertaking the EIA.	Agreed

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
Assessment methodology	The potential effects identified within Section 6.8 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement represent a comprehensive list of potential impacts on commercial fisheries from Hornsea Three.	Agreed in terms of direct physical impacts on fishing activities as opposed to the fisheries resource.	Agreed
	The definitions used for magnitude and sensitivity, as outlined in Section 6.9 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement, are appropriate. In response to NFFO and VisNed position, the potential impacts as defined in Table 6.9 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement separately consider impacts within the project boundaries and wider impacts including displacement effects outside the project boundaries. The assessment assumes that fishing can resume within the project boundaries, to an extent i.e. outwith safety zones, advisory safety distances and assumed operating distances. Furthermore, the assessment considers that <i>“the individual decisions made by skippers with their own perception of risk will determine the likelihood of whether their fishing will resume within the Hornsea Three array area. Inclement weather will be a significant contributor to this risk perception”</i>.	We consider that while a typical methodology has been employed to conduct the impact assessment, it is not well suited to producing an assessment that is transparent in considering the extent to which fishing activity may take place within the immediate vicinity of the project site versus, the wider impacts upon fishing activity. We have noted elsewhere that we disagree with the assumption that once constructed fishing activity will return to the same levels among the wind farm array as prior to the project. We consider these matters are important in terms of meeting policy objectives towards promoting co-existence and would be best informed by considering the range of alternatives and not just the worst case scenario. In light of this assumption we do not think that the restrictions that the installation will present to fishing activities have been appropriately factored into the assessment for the operational phase.	Not Agreed (see Sections 3.2, 4.4 and 4.7)

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	The maximum design scenarios identified for each impact in Table 6.9 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement are appropriate based on the information presented in Volume 1, Chapter 3: Project Description of the Environmental Statement (APP-066).	In light of the clarification from Orsted, agreed.	Agreed
	The list of projects screened into the cumulative effect assessment (CEA) in Section 6.12.1 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement are appropriate for the purposes of undertaking the EIA.	NFFO and VisNed are not in a position to verify whether the list of projects screened into the cumulative effect assessment have captured all of the projects that are relevant. We have concerns that prior completed projects having incremental impacts upon commercial fisheries that are stated as being accounted for in the baseline but are not readily evidenced in the EIA.	Not Agreed (see Section 3.2 and 4.4)

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
Measures adopted as part of Hornsea Three	The following measures, as outlined in Table 6.13 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement, are appropriate to ensure sufficient notice to commercial fishermen, navigational safety and to minimise risk of gear snagging:	We are not clear why a 1000m clearance distance around vessels undertaking construction is required, when common practice is 500m. We consider this reduces the scope for co-existence, rather than enhances it. With respect to decommissioning we pursue a clear seabed policy and as such we do not support circumstances where hazards remain irrespective of whether they are marked on charts. We otherwise support the measures identified towards ensuring sufficient notice to commercial fishermen, navigational safety and to minimising the risk of gear snagging. In addition to these measures, we consider the following should also be included:	Agreed - with the exception of the DCO commitments in relation to exposed cables during the lifetime of the project (under discussion see Section 4.2 below).

	• Development of, and adherence to, a FCLP; • Liaison with all fishing fleets (including regular Notice to Mariners); • Use of guard vessels where appropriate; • Temporary Aids to Navigation; • Navigational markers; • Notification of structures via the Kingfisher Information Service; • Early communication of any incidents; • Application for, and use of, i) 500 m safety zones around infrastructure under construction, undergoing major maintenance or being decommissioned, ii) 50 m safety zones around incomplete structures and iii) 500 m safety zones around manned platforms; • Depending on the type of work being undertaken, advisory safe passing distances will be recommended around mobile vessels undertaking construction, major maintenance or decommissioning activities (primarily cable laying). These will typically be 500 m, but may be up to 1,000 m (see updated FCLP Appendix 58 of Applicants response to Deadline 4). These are advisory and are not enforceable; however vessels will also be displaying Restricted in Ability to Manoeuvre lights under COLREGs; • A post construction survey to detect any construction debris and subsequent removal where necessary and/or possible; and	• Determining a layout of surface infrastructure that facilitates navigation. • Planning of inter array cable routes to reduce the potential for fishing cable interactions. • Consultation with fishing industry as part of concluding the cable burial plan and over the design of any cable protection measures. • Communication of post construction survey results to the fishing industry • Communication of results from post-installation cable monitoring surveys and changes to the risk profile to the fishing industry. • Contingency protocols for detecting, communicating and remediating exposed cables* and dropped objects* to minimise seabed hazards during the lifetime of the project and with respect to any legacy risks associated with decommissioning. • Consider supporting the introduction of real-time “in the wheel-house” warning systems for safety hazards (e.g. Fish Safe used in the oil and gas sector:) This is agreed with the exception of those measures outlined below.	
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Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	A decommissioning plan to ensure that any in situ hazards to fishing activities are identified and either removed or marked on charts.		

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	In response to the NFFO's proposed additional measures, the Applicant agrees that the communication of the post construction survey results and communication of dropped objects, as these are provided to the Marine Management Organisation. This communication will be via the Fisheries Liaison Officer (FLO) and the FCLP will be updated to reflect this responsibility. Early involvement of the FLO in the process of drafting the cable specification and installation plan will ensure there is sufficient opportunity for the concerns of the fishing industry to be considered with respect to cable installation, including inter-array cables. This will take into account the safe passage and operation of fishing operations within the site and along the cable export route so that such risks are minimised or reasonably mitigated. As outlined above, safety hazards will be reported by the Applicant to the fishery industry. These can be provided in a format which would be compatible with existing warning systems being used by the fishing industry, e.g. Fish Safe system. The Applicant is willing to work with fisheries organisations to ensure the relevant information is provided in an appropriate format to minimise risks. As outlined in the FCLP, layout principles for the final design of the Hornsea Three array area and		

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	the final design plan is to be submitted to and approved by the MMO prior to commencement of construction activities (Schedule 11, Part 2, Condition 11(1)(a) and Schedule 12, Part 2, Condition 12(1)(a) of the draft DCO).		
	In response to the NFFO's comments on the need for 1,000 m safe passing distances, the Applicant has provided clarification on these within the FCLP. With respect to communicating exposed cables, the Applicant has updated the outline FCLP to specifically include communication of exposed cables to the fishing industry. As outlined in Schedule 11, Part 2, Condition 13(4) (generation assets DML) and Schedule 12,	Notwithstanding the agreement on the measures within the FCLP, the NFFO maintain residual concerns in relation to the following:	Under discussion

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	Part 2, Condition 14(4) (transmission assets DML) of the draft DCO, a final FCLP will be submitted and approved by the MMO and this will be in accordance with the current outline FCLP.	Securing within the DCO, protocols for detecting, communicating and remediating exposed cables during the lifetime of the project. NFFO and VisNed consider that a standard approach to reporting on detected exposed cables should be adopted across the marine renewable industry, secured and enforced under the DCO to address the potential risk to fishing activities and asset integrity.	
	Hornsea Three will maintain the employment of a Fisheries Liaison Officer (FLO) through the lifetime of Hornsea Three and the description of the FLO's responsibilities detailed in Section 4.2.3 of the Outline FCLP are appropriate.	Agreed.	Agreed.
	Hornsea Three will maintain the employment of an Onshore Fishing Industry Representative (FIR) through the lifetime of Hornsea Three and the description of the Onshore FIR's responsibilities detailed in Section 4.2.4 of the Outline FCLP are appropriate.	Agreed.	Agreed.
	The following measures, as outlined in Table 6.9 and Table 6.13 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement, are appropriate to minimise the exclusion of fishing and to maximise the opportunity for coexistence where it is safe and practicable to do so:	This is agreed with the exception of those measures outlined above (i.e. DCO commitments in relation to exposed cables during the lifetime of the project (see Section 4.2 below).	Agreed

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	• Development of a FCLP; • A post construction survey to detect any construction debris and subsequent removal where necessary and/or possible; • Minimum spacing of turbines of 1,000 m; • No turbines to be constructed using floating foundations; and • A decommissioning plan to ensure that any in situ hazards to fishing activities are identified and either removed or marked on charts. Under the Energy Act 2004, the Applicant is required to compile a decommissioning plan which is reviewed at intervals during the lifetime of the project, based on the latest information on standards, environmental impact, technology and cost. It is the Applicant's intention of returning the area to pre-construction conditions, as far as is possible, such that remaining infrastructure does not pose a safety hazard to fishing activity.		

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
Assessment conclusions	The assessment of potential effects on commercial fisheries during the construction, operation and maintenance, and decommissioning of Hornsea Three in Section 6.11 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement is appropriate and accurate given the implementation of the measures adopted as part of Hornsea Three (outlined in Section 6.10 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement). In response to NFFO and VisNed position, the commercial fisheries data analysed has been provided by MMO and others as amalgamated datasets to protect confidentiality. As such particular fishing businesses cannot be identified, and therefore assessment to this business / vessel level, within the context of this publicly available ES document, is not possible. Where impacts are identified and additional measures are proposed, commitment is made to following the procedures as outlined in the FLOWW guidance, including with respect to any justifiable disturbance payment. This will necessitate investigation to individual vessel or individual fishing business level.	We are not in a position to confirm whether the assessment is accurate. We also note that the methodology does not distinguish between the fishing patterns of individual vessels or fleet metiers, so it is not possible to assess whether or not for particular fishing businesses the assessment conclusions are appropriate. We have noted elsewhere, where we consider that mitigation and coexistence measures would benefit from being strengthened.	Not Agreed (see Sections 3.2 and 4.4)
	The assumption that fishing will resume within the operational Hornsea Three array area in Section 6.11.2 of Volume 2, Chapter 6:	We disagree that this assumption is appropriate. Seine netters/fly shooters will be unable to operate among the wind farm surface	Not Agreed (see Sections 3.2, 4.7 and 4.7)

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	Commercial Fisheries of the Environmental Statement is appropriate. In response to NFFO and VisNed position, the assessment assumes that fishing can resume within the project boundaries, to an extent i.e. outwith safety zones, advisory safety distances and assumed operating distances. Furthermore, the assessment considers that <i>“the individual decisions made by skippers with their own perception of risk will determine the likelihood of whether their fishing will resume within the Hornsea Three array area. Inclement weather will be a significant contributor to this risk perception”</i>. In relation to seine netters / fly-shooting, the assessment was informed by consultation with VisNed.	infrastructure and this appears to have not been appropriately assessed as it has been grouped with demersal trawling in the assessment. For other types of fishing it is highly likely that fishing will not resume at levels occurring prior to the development due to the physical presence of infrastructure, maintenance and operational activities, actual and perceived risks associated with potential seabed hazards such as cables and associated protections. Therefore, for any given set of sea state conditions, fishing is less likely to take place among the wind farm arrays than in an equivalent area of open sea and fishing will more likely be restricted in inclement conditions amongst wind farm arrays. The degree to which fishing will resume will in part depend upon the successful implementation of measures highlighted by Orsted and ourselves in this SoCG.	
	With the exception of the impact of construction and decommissioning activities leading to a reduction in access to, or exclusion from, established fishing grounds for the UK potting fleet, no effects from the construction, operation and maintenance, and/or decommissioning of Hornsea Three will be significant in EIA terms given the implementation of the embedded measures adopted as part of Hornsea Three (outlined in Section 6.10 of Volume 2, Chapter 6:	The assessment appears to have grouped seine net vessels under demersal trawls. This type of fishing activity will be unable to take place with the vicinity of the surface infrastructure and therefore does not appear to have been appropriately assessed.	Not Agreed (see Sections 3.2 and 4.7)

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	Commercial Fisheries of the Environmental Statement).		
	With the exception of the impact of construction and decommissioning activities leading to a reduction in access to, or exclusion from, established fishing grounds for the UK potting fleet, no further mitigation to those embedded measures identified in Section 6.10 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement is considered necessary as a result of the assessment conclusions.	This is agreed with the exception of those measures outlined above (i.e. DCO commitments in relation to exposed cables during the lifetime of the project and the need for the 1,000 m advisory safe passing distances).	Agreed
	Hornsea Three has adequately sought to provide further mitigation (specifically implementation of evidence based disturbance payment in accordance with the Fisheries Liaison with Offshore Wind and Wet Renewables group (FLOWW) guidance documents (FLOWW, 2014; 2015)) for construction and decommissioning activities resulting in a reduction in access to, or exclusion from, established fishing grounds for the UK potting fleet. Through the application of evidence based disturbance payments, the residual effect will not be significant in EIA terms.	This is agreed with the exception of those measures outlined above (i.e. DCO commitments in relation to exposed cables during the lifetime of the project and the need for the 1,000 m advisory safe passing distances).	Agreed
	The cumulative effects assessment followed the methodology detailed in Section 6.12 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement and included projects based on the screening exercise undertaken as	We are not in a position to verify the accuracy of the cumulative effects assessment. We are concerned that projects are not factored into the assessment and are assumed to form part of the baseline. We consider this will disguise impacts	Not Agreed (see Sections 3.2, 4.4 and 4.7)

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	part of the 'CEA long list' of projects (see Volume 4, Annex 5.3: Cumulative Effects Screening Matrix). Subject to this methodology and screening, it is agreed that the assessment of cumulative effects in Section 6.13 of Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement is accurate.	already being carried by effected parts of the fleet.	
	With the exception of the cumulative impacts of i) a reduction in access to, or exclusion from, established fishing grounds on demersal trawlers, and ii) displacement leading to gear conflict and increased fishing pressure on alternative grounds for demersal trawling fleets, no cumulative effects will be significant in EIA terms.	As above.	Not Agreed (see Sections 3.2, 4.4 and 4.7)
<i>Draft Development Consent Order</i>			
Commitments / Restrictions	The commitment to producing a FCLP (Schedule 11, Part 2, Condition 11(3) and Schedule 12, Part 2, Condition 12(3) of the draft DCO), that must be submitted to and approved by the Marine Management Organisation (MMO) prior to the commencement of construction activities, is appropriate for describing the approach to liaison and consultation with the fishing industry throughout the lifetime of Hornsea Three. The final version of the FCLP will be produced in accordance with the Outline FCLP.	Agreed subject to comments listed below with respect to the content of the outline FLCP.	Agreed

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	The commitment to producing a Project Environmental Management and Monitoring Plan (Schedule 11, Part 2, Condition 11(1)(d) and Schedule 12, Part 2, Condition 12(1)(d) of the draft DCO), that must be submitted to and approved by the MMO prior to the commencement of construction activities, is appropriate to identify the appointment of, and responsibilities of, a FLO.	Agreed.	Agreed
	The commitment to inform the Kingfisher Information Service ten days prior to the commencement of, and on completion of, offshore activities (Schedule 11, Part 2, Condition 5(7) and Schedule 12, Part 2, Condition 6(7)), and to issue notice to mariners, supplemented with VHF radio broadcasts agreed with the Maritime and Coastguard Agency (MCA), ten days prior to the commencement of activities, at weekly intervals during construction and five days before any planned operations and maintenance works (Schedule 11, Part 2, Condition 5(8) and (9), and Schedule 12, Part 2, Condition 6(8) and (9)), are appropriate notifications.	We note that the planning of activities that require the relocation of fishing gears need more advanced notice periods and should be agreed with affected fishing interests through the process of fisheries liaison. We would welcome the development of a protocol on the removal of static gear on this matter.	Agreed
	The commitment to exhibit such lights, marks, sounds, signals and other aids to navigation, and take such other steps for the prevention of danger to navigation (Schedule 11, Part 2,	Agreed.	Agreed

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	Condition 6 and Schedule 12, Part 2, Condition 7) are appropriate to aid navigation.		
Monitoring	Geophysical surveys, as outlined in Table 3.1 of the In-Principle Monitoring Plan (IPMP) (APP-182), are appropriate to confirm: • Cable burial success; • Adequate protection of buried assets, foundations and crossings; and • Presence of any dropped objects. No other monitoring is required for commercial fisheries interests.	Our interest is to ensure that seabed hazards do not occur as result of the project and if and where they do, they are appropriately managed. We are not in a position to confirm the efficacy of geophysical surveys in this respect. We have indicated above additional provisions in order to ensure the industry is made aware of the status of risk as far as practically possible and so that assurance is provided that safety and snagging risks are minimised. These measures we believe should also be in the interest of Orsted in order to maintain asset integrity.	Agreed
Outline Management Plans			
Fisheries Coexistence and Liaison Plan	The measures identified within the Outline FCLP are appropriate for liaison and consultation with the fishing industry throughout the lifetime of Hornsea Three.	We welcome the production of the outline coexistence plan. We see this as an important document that as it is fully developed can cover the relationship between the project and the fishing industry through the course of the project and as such act a single point of reference for information that otherwise be dispersed across multiple reports. As such it should support the basis for a productive working relationship. As the document presently stands we suggest that it should also reflect the various mitigation measures proposed, highlighted above, where they are not already included. This is agreed	Agreed

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
		with the exception of those measures outlined above (i.e. DCO commitments in relation to exposed cables during the lifetime of the project and the need for the 1,000 m advisory safe passing distances).	
	In response to NFFO's additional proposals, the Applicant has agreed to update the FCLP to include communication of safety hazard information and monitoring data to the fishing industry through the FLO. Standard protocols will be established post-consent and the FCLP will be updated to confirm that this will be undertaken. The development of protocols will draw on those already established on other projects such as the standard operating procedure on Race Bank. The Applicant has established voluntary Community Benefit Funds (CBFs) for a number of our projects, which are currently under construction. These funds can make a valuable contribution to the local area, by supporting projects such as community building improvements and recreation facilities, conservation and wildlife projects etc. The Applicant will review the interactions of the Hornsea Three, as the proposal is refined and consider an appropriate way to feed benefits back into the local community. However, any decision to establish a community benefit fund for	Table 4.1 (p8) would benefit from expansion to include relevant aspects covering post installation cable monitoring surveys and communication of seabed hazard information. We would very much welcome: • The formation of a community support fund along the lines of the West of Morecambe Fisheries Fund in order to create some form of support for wind energy in an industry that is most impacted and affected by it. • The development of protocols/arrangements for the removal/relocation of static gears associated with marine works and survey that require them. • A commitment to sourcing local vessels for work where practical to do so.	Not agreed (see Section 4.11)

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
	Hornsea Three would be made post financial investment decision. With regard to sourcing of local vessels, whilst there will be opportunities for local fishing vessels to tender for work packages during construction, operation and maintenance and decommissioning of Hornsea Three (e.g. guard vessels), the Applicant cannot give a specific commitments to sourcing local vessels at this time.		

Shipping and Navigation

- 3.6 Hornsea Three has the potential to impact upon shipping and navigation, with consequent effects on commercial fisheries. These interactions are duly considered within Volume 2, Chapter 7: Shipping and Navigation of the Environmental Statement (APP-067).
- 3.7 Table 3-2 identifies the status of discussions relating to this topic area between the parties.

Table 3-2: Position on shipping and navigation matters.

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
<i>Environmental Impact Assessment</i>			
Baseline environment	The baseline characterisation in Section 7.7 of Volume 2, Chapter 7: Shipping and Navigation of the Environmental Statement, with respect to commercial fishing vessels, is sufficient for the purposes of undertaking the EIA.	NFFO and VisNed acknowledge that the baseline characterisation provides a practical basis for undertaking the EIA.	Agreed
Assessment methodology	The potential effects identified within the chapter, with respect to commercial fishing vessels, represent a comprehensive list of potential effects on shipping and navigation from the Project.	Agreed	Agreed
	The definitions used for magnitude and sensitivity are appropriate for the purposes of undertaking the EIA.	We accept these are standard definitions used for the purpose of undertaking the EIA	Agreed
	The worst case scenarios identified for each effect are appropriate for commercial fishing vessels, based on the information presented in the Project Description.	NFFO and VisNed are not in a position to confirm whether Orsted has identified worst case scenarios. The layout of the turbines, cabling and other infrastructure, cable burial success and extent and position of any protection measures will influence any worst case scenario.	Not Agreed (see Sections 3.2, 4.4 and 4.7)

Assessment conclusions	The assessment of potential changes to shipping and navigation, as presented in Paragraph 7.11.1.47 et seq. (construction), Paragraph 7.11.2.74, Paragraph 7.11.2.105 et seq. (operation and maintenance) and 7.11.3.26 et seq. (decommissioning) of the chapter for commercial fisheries, is appropriate and no impacts from the construction, operation and maintenance and/or decommissioning of the Project will be significant in EIA terms.	The commercial fisheries assessment also notes that (6.11.2.33) that “It is considered likely that fishermen would operate appropriately given adequate notification of the locations of any snagging hazards; and are highly likely to avoid the Hornsea Three array area infrastructure and cable protection. For this reason, the magnitude of gear snagging is considered to be minor.” We consider that assessing “Physical presence of Hornsea Three area leading to gear snagging” cannot be assessed in the same way as other impacts as fundamentally it is about ensuring safe operational practice. As such we consider that a health and safety approach along the lines of assessing the project according to meeting ALARP is more suitable for this impact. With respect to snagging risks on structures, including subsea elements and cables, the navigational impact assessment notes (7.11.2.109) that “additional mitigation may need to be discussed with Defra and the owners of fishing vessels known to be active within the area to fully mitigate this impacts”. A number of our suggested measures in	Agreed – with the exception of the DCO commitments in relation to exposed cables during the lifetime of the project (under discussion see Section 4.2 below).
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Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
		this SoCG are intended to address this risk as outlined in Table 3-1.	
	Volume 5, Annex 7.1: Navigation Risk Assessment (NRA) of the Environmental Statement (APP-112) assesses the risk to commercial fishing vessels and the risk to commercial fishing vessels are either “broadly acceptable” or, at worst, tolerable (Section 22 and Appendix B: Hazard Log of the NRA). The commitments to communicate safety hazards (e.g. snagging risks) to the fishing industry through the FLO, as outlined in Table 3-1, will further minimise the risk of snagging.	NFFO and VisNed acknowledge the results of the navigation risk assessment. We agree with the measures proposed to manage safety risk with the exception of those measures outlined in Table 3-1 (i.e. DCO commitments in relation to exposed cables during the lifetime of the project and the need for the 1,000 m advisory safe passing distances).	Agreed – with the exception of the DCO commitments in relation to exposed cables during the lifetime of the project (under discussion see Section 4.2 below).

Discussion point	Hornsea Three position	NFFO and VisNed position	Final position
Monitoring	Monitoring commitments to identify snagging risks (e.g. exposed cables, dropped objects) are outlined within Table 7.15 and Table 7.17 of Volume 2, Chapter 7: Shipping and Navigation of the Environmental Statement and Table 3.1 of the In-Principle Monitoring Plan (IPMP) (APP-182) are appropriate to ensure subsea infrastructure are not left exposed and to reduce the snagging risk to fishing gear. The requirement to undertake this monitoring is secured within Schedule 11, Part 2, Condition 15 and Schedule 12, Part 2, Condition 16 of the draft DCO, which states that a monitoring plan, in accordance with the IPMP, must be submitted to and approved by the MMO prior to the commencement of construction activities. The findings of these monitoring surveys will be communicated to the fishing industry via the FLO.	NFFO and VisNed agree to this approach with the exception of those measures outlined in Table 3-1 (i.e. DCO commitments in relation to exposed cables during the lifetime of the project and the need for the 1,000 m advisory safe passing distances).	Agreed – with the exception of the DCO commitments in relation to exposed cables during the lifetime of the project (under discussion see Section 4.2 below).

4. Summary

- 4.1 This SoCG has been developed with the NFFO and VisNed to capture those matters agreed, under discussion and not agreed in relation to commercial fisheries.

Matters under discussion

Fisheries Co-existence and Liaison Plan

- 4.2 The parties agree that the FCLP is an important document that will ensure that the Hornsea Three and the fishing industry can co-exist, through open and continuous communication between the Applicant and the fishing industry. The measures to achieve this, as outlined in the outline FCLP are appropriate and are agreed.
- 4.3 Notwithstanding the agreement on the measures within the FCLP, the NFFO maintain residual concerns in relation to the following, which the Applicant is continuing to discuss with the NFFO:
- Securing within the DCO, protocols for detecting, communicating and remediating exposed cables during the lifetime of the project. NFFO and VisNed consider that a standard approach to reporting on detected exposed cables should be adopted across the marine renewable industry, secured and enforced under the DCO to address the potential risk to fishing activities and asset integrity and has submitted the following suggested clause under the provisions for notifications DML Schedule 11, Part II, Article 5 and DML Schedule 12, Part II, Article 6,:
- *In case of exposure of cables on or above the seabed or due to damage to, destruction of or decay of cable protection, the undertaker must within five days following the undertaker becoming aware of the exposure notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure.*
 - The Applicant's position is that this is sufficiently secured within the draft DCO, as part of the outline FCLP (see Applicant's response to ExA question Q2.6.3 at Deadline 4; REP4-012) however the Applicant is continuing discussions with NFFO on this.

Matters not agreed

Impact assessment methodology, including CEA

- 4.4 The Applicant has undertaken an impact assessment for the Hornsea Three alone and a CEA for Hornsea Three cumulatively with other activities, plans and projects following best practice guidelines and established methodologies.
- 4.5 The NFFO maintain residual concerns in relation to the methodology, specifically:

- The methodology is not well suited to producing an assessment that is transparent in considering the extent to which fishing activity may take place within the immediate vicinity of the project site versus, the wider impacts upon fishing activity;
- The methodology does not distinguish between the fishing patterns of individual vessels or fleet metiers, so it is not possible to assess whether or not for particular fishing businesses the assessment conclusions are appropriate; and
- Concerns in relation to the CEA, and in particular that prior completed projects are having incremental impacts upon commercial fisheries that are stated as being accounted for in the baseline but are not readily evidenced in the EIA.

4.6 The two parties acknowledge that there are differences in opinion on the approach to the impact assessment and CEA, although the measures outlined in the FCLP are sufficient to address these concerns.

Impact assessment assumptions and conclusions

4.7 The parties agree that fishing will resume, to some degree, within the operational Hornsea Three array area and that the degree to which fishing will resume will in part depend upon the successful implementation of measures outlined in the FCLP.

4.8 The NFFO and VisNed note that it is highly likely that fishing will not resume at levels occurring prior to the development during the operation and maintenance phase of Hornsea Three. This is particularly the case for seine netting and fly shooting, which the NFFO and VisNed note are unlikely to be able to operate within the operational Hornsea Three array area.

4.9 The Applicant's position is that the significance of the impact on those fleets which utilise fly shooting is minor adverse. While under the maximum design scenario, fly shooting is likely to be more restricted, these vessels typically deploy beam trawl gear seasonally and would have opportunity to continue to fish within the Hornsea Three array area, should they change gear to beam trawl.

4.10 While the two parties have differences of opinion with respect to the impact assessment assumptions and conclusions, the parties agree that the FCLP and the successful implementation of measures outlined within it will help to promote coexistence with the fishing industry through all phases of Hornsea Three.

Additional measures

4.11 The NFFO and VisNed proposed additional measures, including formation of a community support fund and a commitment to sourcing local vessels for work where practical to do so.

4.12 As outlined in Table 3-1, the Applicant has established voluntary Community Benefit Funds (CBFs) for a number of our projects, which are currently under construction. The Applicant plans to review the interactions of Hornsea Three, as the proposal is refined and consider an appropriate way to feed benefits back into the local community and any decision to establish a community benefit fund for Hornsea Three would be made post financial investment decision.

4.13 With regard to sourcing of local vessels, whilst there will be opportunities for local fishing vessels to tender for work packages during construction, operation and maintenance and decommissioning of Hornsea Three (e.g. guard vessels), the Applicant cannot give a specific commitments to sourcing local vessels at this time.

5. References

Fisheries Liaison with Offshore Wind and Wet Renewables group (FLOWW) (2014) FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison. January 2014.

Fisheries Liaison with Offshore Wind and Wet Renewables group (FLOWW) (2015) FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds (FLOWW, 2015).