FIVE ESTUARIES OFFSHORE WIND FARM

REPORTS

VOLUME 9, REPORT 16: OUTLINE FISHERIES LIAISON AND CO-EXISTENCE PLAN – REVISION C (TRACKED)

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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 the purpose.

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	Mar-24	ES	NiMa	GoBe	VE OWFL
B	Oct-24	Deadline 1	NiMa	GoBe	VE OWFL
C	Jan-25	Deadline 5	GoBe	GoBe	VE OWFL

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DEFINITION OF ACRONYMS

Term	Definition
ADR	Alternative Dispute Resolution
CBRA	Cable Burial Risk Assessment
CFLO	Company Fisheries Liaison Officer
CFWG	Commercial Fisheries Working Group
COLREGS	Convention on the International Regulations for Preventing Collisions at Sea
CSIP	Cable Specification and Installation Plan
DESNZ	The Department of Energy Security and Net Zero
DCO	Development Consent Order
dML	Deemed Marine Licence
ECC	Export Cable Corridor
EIA	Environmental Impact Assessment
ES	Environmental Statement
FIR	Fisheries Industry Representative
FLCP	Fisheries Liaison and Co-existence Plan
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
FLP	Fisheries Liaison Plan
HDD	Horizontal Directional Drill
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
NFLR	Nominated Fisheries Liaison Representative
NtM	Notice to Mariners
OFLO	Offshore Fisheries Liaison Officer
OFTO	Offshore Transmission Owner
PEIR	Preliminary Environmental Information Report
SOLAS	The International Convention for the Safety of Life at Sea
UK	United Kingdom
UKFEN	UK Fisheries Economic Network
VEOWF	Five Estuaries Offshore Wind Farm
VMS	Vessel Monitoring System

GLOSSARY OF TERMS

Term	Definition
Commercial Fishing	Any form of fishing activity legally undertaken for taxable profit and does not include recreational or angling fisheries.
Commercial Fisheries Working Group (CFWG)	Group formed to allow dialogue between the Applicant and local fisheries stakeholders.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Projects (NSIP).
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Fish stock	Any natural population of fish which an isolated and self-perpetuating group of the same species.
Fishery	A group of vessel voyages which target the same species or use the same gear.
Fishing ground	An area of water or sea bed targeted by fishing activity.
Fleet	A physical group of vessels sharing similar characteristics (e.g., nationality).
Fly seine	Fly seining, also known as fly shooting or demersal seining, is a fishing method involving use of long weighted ropes to herd fish into the mouth of the trawl net to target demersal species which live or feed on or near the sea bed.
Gear type	The method / equipment used for fishing.
Hooked gear	Fishing gears using hooks include longlines and handlines. Longlining involves setting of a long length of line with baited hooks attached at regular intervals; this rig is set on the seabed or in midwater with a marker buoy at either end and allowed to fish for a set period. Handlining involves fishing using a rod and line or a hand-held line.
Nets	Nets refers to a wall of netting that hangs in the water column, typically made of monofilament or multifilament nylon. Net mesh size and position in the water column vary depending upon the target species. Nets are deployed and left to soak before being hauled. In the context

Term	Definition
	of this document, ‘nets’ includes both anchored (fixed to seabed) and suspended (drift, moves with tide or current) nets.
Offshore Transmission Owner	Offshore Transmission Owners (OFTOs) are responsible for operating and maintaining the offshore electricity transmission infrastructure in Great Britain. This infrastructure connects offshore wind farms to the National Grid. OFTOs are selected through a competitive tender process run by Ofgem.
Otter trawl	A net with large rectangular boards (otter boards) which are used to keep the mouth of the trawl net open. Otter boards are made of timber or steel and are positioned in such a way that the hydrodynamic forces, acting on them when the net is towed along the seabed, pushes them outwards and prevents the mouth of the net from closing.
Pelagic trawl	A net used to target fish species in the mid water column.
Pots	Pots and traps are generally rigid structures into which fish or shellfish are guided or enticed through funnels that make entry easy but from which escape is difficult. There are many different styles and designs, each one has been designed to suit the behaviour of its target species.
Scallop dredge	A method to catch scallop using steel dredges with a leading bar fitted with a set of spring loaded, downward pointing teeth. Behind this toothed bar (sword), a mat of steel rings is fitted. A heavy net cover (back) is laced to the frame, sides and after end of the mat to form a bag.

1 INTRODUCTION

1.1 PROJECT BACKGROUND

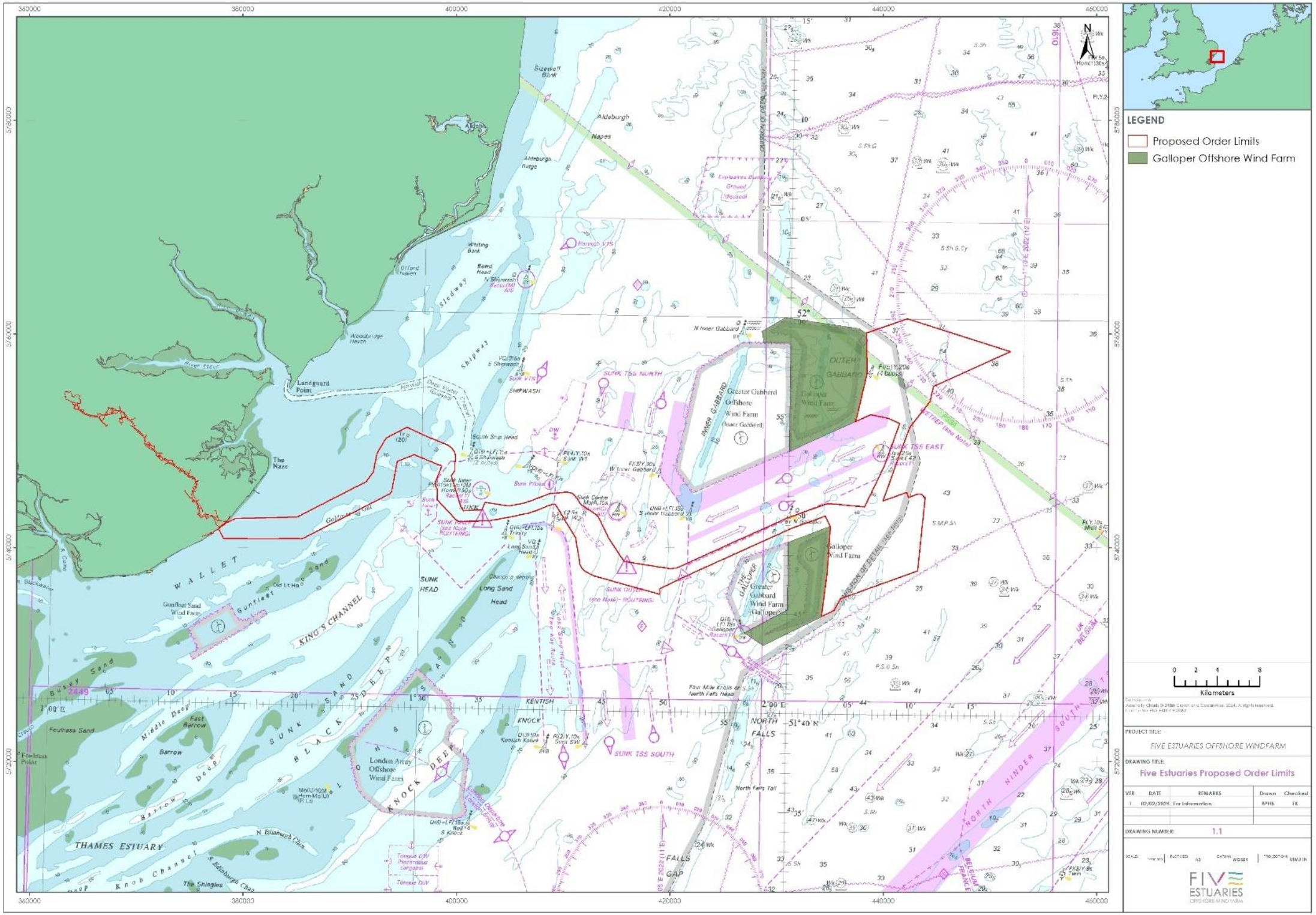
1.1.1 Five Estuaries Offshore Wind Farm (hereafter 'VE') is a proposed expansion of the existing and operational Galloper Offshore Wind Farm (Galloper) located off the Suffolk coast. An Agreement for Lease for VE was signed with The Crown Estate in August 2020. VE is being developed by Five Estuaries Offshore Wind Farm Ltd (hereafter 'the Applicant'), a company owned by RWE, Macquarie, ESB and Sumitomo, with RWE Renewables UK Ltd leading on the development phase of VE.

1.1.2 VE is proposed to have two array areas, covering 128 km^2 between them, which will be located approximately 37 km off the Suffolk coast. The two array areas (which are separated by the Sunk East Traffic Separation Scheme) will accommodate wind turbine generators (WTGs). Inter-array subsea cables will connect the WTGs to each other and up to two offshore substation platforms (OSPs), and the electricity generated by VE will be transmitted to the onshore electricity transmission network by export cables, located within an offshore export cable corridor, which connect the array to a point on the Essex coast, between Holland-on-Sea and Frinton-on-Sea. One onshore substation will be required for VE which will be sited north of the A120 to the west of Little Bromley, this has been chosen to facilitate connection to the National Grid East Anglia Connection Node substation. Figure 1.1~~Figure 1.1~~ shows the location of VE.

1.1.3 The key offshore elements of VE will be as follows:

- Up to 79 offshore WTGs and associated foundations and scour protection where required;
- Up to 200 km of inter-array cables;
- Up to 2 OSPs; and
- Up to 196 km offshore export cables, each in its own trench within the overall offshore export cable corridor (ECC).

1.1.4 Main offshore construction works are anticipated to commence in 2029, with some preliminary survey and clearance works potentially taking place in 2026 to 2028. The wind farm is anticipated to be operational in 2030.



LEGEND

- Proposed Order Limits
- Galloper Offshore Wind Farm

0 2 4 8
Kilometers

PROJECT TITLE:
FIVE ESTUARIES OFFSHORE WINDFARM

DRAWING TITLE:
Five Estuaries Proposed Order Limits

VER	DATE	REMARKS	Drawn	Checked
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DRAWING NUMBER: 1.1

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FIVE ESTUARIES
OFFSHORE WIND FARM

1.2 DOCUMENT PURPOSE

1.2.1 The purpose of this document is to facilitate a positive approach to co-existence of VE and local existing commercial fishing interests and provides an outline of the approach to fisheries liaison during the construction, operational and decommissioning phases. This Outline Fisheries Liaison and Coexistence Plan (FLCP) aims to document and demonstrate how the Applicant will liaise and coexist with the commercial fishing industry and deliver commitments to mitigation made in the VE Development Consent Order (DCO) Application, which are intended to avoid or reduce potential impacts on the fishing industry. This document provides an overview of sections that will be included in the final FLCP such as procedures to manage interactions between VE and the fishing industry including fisheries liaison, safety issues and claims procedures as well as mitigation measures and their delivery. This Outline FLCP has been drafted to be applicable to, and active during, all phases of VE through construction, operation and maintenance, and decommissioning. Where mitigations or measures are only relevant to a particular phase, this will be clearly stated.

1.2.2 In line with anticipated requirements of the DCO deemed Marine Licences (dMLs), the FLCP will be finalised post-consent and prior to the commencement of construction. It is anticipated that the final FLCP will be subject to approval by the Marine Management Organisation (MMO) following consultation with relevant stakeholders. All conditions of VE's DCO dMLs (including those related to the development of a FLCP) will be applicable to any future Offshore Transmission Owners (OFTOs). The FLCP will be reviewed prior to the commencement of each of these phases and as a minimum on a three-yearly cycle during the lifetime of VE, in line with Project milestones and will exist alongside the existing Galloper Fisheries Liaison Plan, approved pursuant to its Marine Licences. Relevant updates to the final FLCP may be incorporated during review cycles, as considered necessary to reflect any material changes to fisheries liaison requirements at the time, and with the purpose of maintaining effective fisheries liaison. The MMO will be consulted on any material changes to the final FLCP.

1.2.3 The Applicant recognises the importance of consultation in developing a successful and sustainable, coexistence plan which works for both sectors and, therefore, consultation with VE's Commercial Fisheries Working Group (CFWG) will be integral to the finalisation of this document.

1.3 RELEVANT GUIDANCE

1.3.1 The FLCP, as outlined in this document, will be prepared having regard to good national and international practice publications and engagement with commercial fishing industry to date including:

- Fisheries Liaison with Offshore Wind and Wet Renewables group (FLOWW) Recommendations for Fisheries Liaison: Best Practice guidance for offshore renewable developers (FLOWW, 2014);
- FLOWW Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Disruption Settlements and Community Funds (FLOWW, 2015);

- Code of Practice on Interaction with Static Gear Fisheries, United Kingdom Offshore Operators Association (UKOOA, 2006);
- The European Subsea Cable Association (ESCA) Guideline 01 - Fishing Liaison (ESCA, 2018);
- A series of liaison meetings undertaken with national fishermen's federations and regional associations; and
- Direct liaison undertaken to date with individual fishermen, vessel owners and landing agents.

1.3.2 It is noted that at the time of document preparation, FLOWW Best Practice Guidance is intended to be revised with revision currently ongoing. Updates to the FLCP will take account of any revised guidance as applicable.

1.3.3 In preparation of this outline FLCP, other relevant guidance has also been considered, including draft Marine Scotland Guidance on preparing a Fisheries Management and Mitigation Strategy (2020), Seafood/ORE Engagement in Ireland– A Summary Guide published by the Government of Ireland's Department of Housing, Local Government and Heritage (2023) and, as relevant to the commercial fishing sector, Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries (Draft) prepared by the United States Bureau of Ocean Energy Management (2022).

1.3.4 The Applicant has considered practices of other offshore wind developers in the Southern North Sea and lessons learned from RWE's UK and Ireland portfolio of offshore wind farms, alongside VE's own history and experiences with contracted activities, in developing a fisheries liaison and coexistence strategy which minimises disruption on fisheries stakeholders.

1.4 DEVELOPER'S APPROACH TO FISHERIES ENGAGEMENT

1.4.1 The development of VE is being led by RWE Renewables UK Limited. RWE projects in the UK and Ireland are making progress towards a consistent, portfolio approach to fisheries engagement which allows for reciprocity of experience, lessons learned and best practice between 20 offshore wind projects in various life phases in the UK and Ireland. A portfolio approach is considered to be the most effective way to maximise opportunities for consistent, successful, coexistence and colocation across all projects.

1.4.2 The Applicant will, therefore, work in line with RWE's ambitions for a portfolio approach to fisheries engagement. As such RWE's ambitions are embedded in this FLCP to minimise impacts on fisheries stakeholders, maximise opportunities for coexistence and colocation and ensure fair treatment of all parties across the UK and Ireland portfolio.

1.4.3 RWE appreciate the value (social, cultural, and economic) of the fishing industry and acknowledge the spatial squeeze facing the fishing industry which offshore wind contributes to. Consequently, RWE are dedicated to contributing to the establishment of, and loyally complying with existing, best practice principles and guidelines (as listed in Section 1.3) while also working towards a portfolio approach and ensuring that the suitability of mitigation efforts and measures are considered in the context of VE and its stakeholders.

1.4.4 RWE's portfolio approach to fisheries engagement identifies five main pillars and is based on best practice guidance and experience from across RWE's UK & Ireland offshore wind portfolio.

1.4.5 The pillars are:

- Honest and open communication;
- Knowledge sharing;
- Meaningful engagement;
- Safety and cooperation of both industries; and
- Data based decision making.

1.4.6 These pillars relate closely to principles of liaison laid out in liaison guidance documents listed in Section 1.3~~1.3~~, which reflects the consideration of acknowledged best practice in defining RWE's portfolio approach.

1.4.7 RWE value local fisheries knowledge and experience and will endeavour to take a flexible approach to engagement with fishers, working with stakeholders to understand which engagement methods (format of engagement, frequency of engagement etc) may be the most effective. RWE projects may tailor their engagement approach with fishers, based on regional lessons learned from fishers, however, these tailored, regional, approaches will always align with the main pillars outlined above.

1.5 DOCUMENT STRUCTURE

1.5.1 This document has been structured to meet the conditions of the dMLs as included in the draft DCO, as outlined in Table 1.1~~Table 1.1~~. The final FLCP will follow the same format.

Table 1.1: FLCP document structure.

Section	Summary of Content
Section 1~~1~~: Introduction	Identifies the scope and structure of this FLCP.
Section 2~~2~~: VE Fisheries Overview	Provides an overview of VE and fishing activity in the area.
Section 3~~3~~: Fisheries Management and Liaison Strategy	Sets out the Applicant 's approach to ongoing engagement and liaison with the fishing industry and other relevant stakeholders.
Section 4~~4~~: Fisheries Mitigation Strategy	Sets out the Applicant 's approach to mitigation, focused on enabling co-existence.
Section 5~~5~~: Compliance with the Application	Confirms that the details set out in this FLCP are in accordance with those presented in the Application and assessed in the environmental statement in Volume 6, Part 2, Chapter 8: Commercial Fisheries.

2 VE FISHERIES OVERVIEW

2.1 FISHING ACTIVITY WITHIN VE

2.1.1 This Outline FLCP has been informed by the data collected to support the ES (Volume 6, Part 2, Chapter 8: Commercial Fisheries), together with engagement with commercial fisheries industry stakeholders.

2.1.2 The fishing fleets with which VE may interact are identified and detailed in Volume 6, Part 2, Chapter 8: Commercial Fisheries, Table 8.7. These include various UK static fleets, UK hooked gear fleets, UK demersal fishing and trawling fleets, and European trawl fleets.

2.1.3 It is noted that a portion of vessels in the inshore UK fleets which may interact with VE form part of a local UK multi-purpose fleet comprised of vessels mainly under 10 m in length which switch between fishing gears (for example, pots, nets and gears using hooks) to adapt to seasonal variations in fisheries, market prices and quotas.

2.2 FISHERIES STAKEHOLDERS AND ENGAGEMENT

2.2.1 The Applicant has undertaken statutory and non-statutory consultation with fisheries stakeholders in relation to VE since 2021. A summary of consultation undertaken prior to DCO application is provided in Section 8.3 within Volume 6, Part 2, Chapter 8: Commercial fisheries.

2.2.2 Stakeholders and authorities consulted have included the National Federation of Fishermen's Organisations (NFFO), Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA), the Marine Management Organisation (MMO) and local fishermen.

2.2.3 The Applicant has set up a Commercial Fisheries Working Group (CFWG) to support consultation and regular engagement with local fisheries stakeholders. 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 Fishermen's Association
- KEIFCA
- Orford and District Fishermen's Association.
- Southwold Fishermen's Association
- Thanet Fishermen's Association
- West Mersea Fishermen's Association

2.2.4 It is envisaged that these groups will remain active throughout the lifetime of VE to support ongoing relationships between the Applicant and local fishermen, to enable advanced notification of upcoming activities and planned works and to facilitate discussions as required. One-to-one discussions between the Applicant and individual local fishers (and any representatives) will occur as needed throughout all phases.

3 FISHERIES MANAGEMENT AND LIAISON STRATEGY

3.1.1 The Applicant recognises the importance of effective communication with fisheries stakeholders in managing relations and, therefore, has developed appropriate liaison and information sharing strategies.

3.2 ROLES AND RESPONSIBILITIES

3.2.1 Figure 3.1~~Figure 3.1~~ and the following sections outline the relevant roles and responsibilities of the Applicant, the Company Fisheries Liaison Officer (CFLO) and any other fisheries liaison personnel which VE may employ in an effort to achieve good relations with the fishing industry. Contact details will be provided in Appendix A within the final FLCP.

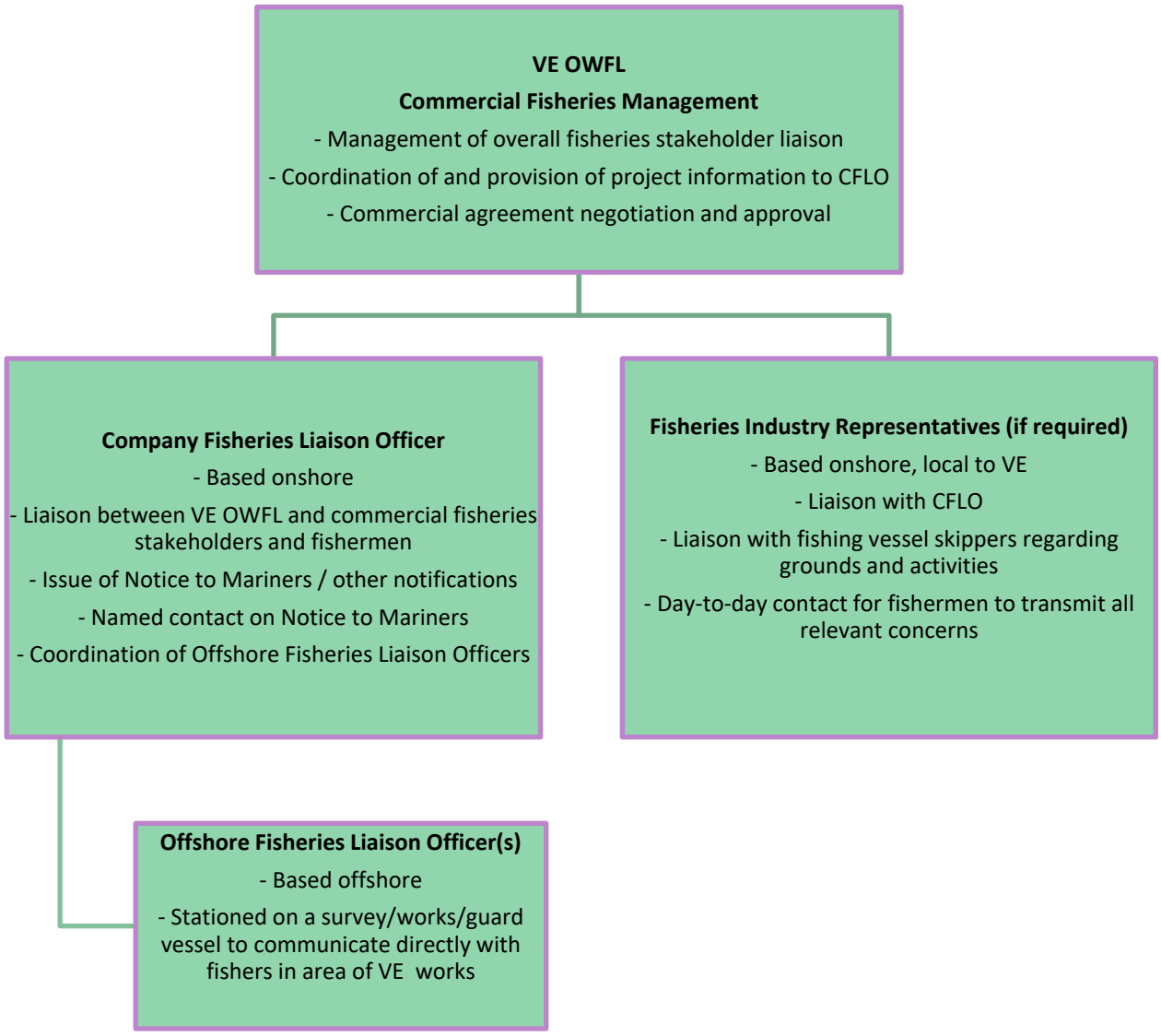

Figure 3.1: Organogram highlighting key fisheries liaison roles and responsibilities.

THE APPLICANT

3.2.2 The primary responsibilities of the Applicant in managing relationships and good liaison with the fishing industry are:

- Progress the development of VE with the least disturbance practicable to the local fishing activities and ensuring commitments outlined in this FLCP are adhered to;
- Maintain the appointment of a CFLO throughout the lifetime of VE as necessary;
- Aid in the prevention of conflict through the timely provision of information to the CFLO, Fishing Industry Representative (FIR) (if required) and fishermen;
- Provide a detailed level of information to the fishing community in relation to construction plans and the timing of Project works;
- Prepare and issue Notices to Mariners (NtMs) for the CFLO to forward to relevant fishermen and ensure upload to Kingfisher so that all mariners can be aware of activities and hazards; and
- Identify standard vessel transit routes for operation and maintenance vessels and make these available to local fishermen.

3.2.3 The Applicant has also identified responsibilities and standards required of vessels under contract to VE throughout all life phases:

- Vessels will be requested to maintain a reasonable speed if fishing vessels are in proximity to reduce vessel wash;
- All vessels should adhere to The International Regulations for Preventing Collisions at Sea 1972 (COLREGs) and observe the requirements of International Convention for the Safety of Life at Sea (SOLAS), 1974;
- All vessels will be requested to maintain polite, proactive and professional communications with fishing vessels during offshore operations;
- All vessels will be required to maintain and monitor open channels so as to receive communications directly from fishing vessels; and
- All vessels will include potential interactions with commercial fishing vessels and their gears in appropriate risk assessments.

COMPANY FISHERIES LIAISON OFFICER

3.2.4 The responsibilities of the CFLO are, but not limited, to:

- To have a detailed understanding and awareness of the fishing industry, to understand the potential impact of VE related activities on fishing and to identify individual commercial vessels and skippers operating in areas relevant to VE;
- To be the direct point of contact for the fishing industry and will support on all fisheries related matters throughout all phases of the wind farm life cycle;
- To identify appropriate methods of communication for engaging regularly with fishers as well as circulating the Project's related information;
- To establish and maintain a strong working relationship with the fishing industry, communicating clearly and accurately on behalf of VE;
- To obtain and transmit to VE all relevant fishermen's concerns and sensitivities in respect of the various activities associated with VE;
- To monitor fishing activities within and around VE; and
- Organise and attend meetings with stakeholders including coordination of the CFWG meetings.

FISHERIES INDUSTRY REPRESENTATIVE

3.2.5 To further aid the establishment of effective communication channels and to benefit from extensive local knowledge, one or more FIR(s) may be contracted. To date fisheries stakeholders relevant to VE have been represented by CFWG members and the CFWG may be in a position to deliver aspects of the FIR role, as has been the case for Galloper. VE will continue to review this position with the CFWG. Future revisions of the FLCP will reflect any changes in utilising an FIR.

3.2.6 While a FIR may be associated with a specific organisation or association, they will not be acting to the sole benefit of that association. Should an instance arise whereby an industry association or individual fishermen does not wish to communicate via the FIR for that area, the CFLO will undertake such direct responsibilities to ensure that the association/fishermen still have a line of communication to the Applicant and vice versa.

OFFSHORE FISHERIES LIAISON OFFICER

3.2.7 An OFLO may be stationed on a survey/works/guard vessel to communicate directly with fishers and request them to keep works locations and transit routes free from gear and fishing activities which may pose health, safety and environmental risks. Wherever possible, local expertise will be used as an OFLO.

~~3.2.7~~3.2.8 The primary responsibilities of the OFLO are:

- To regularly broadcast survey and construction vessel locations, operations, schedules, safety zones, advisory safe passing distances and health and safety requirements on relevant Very High Frequency (VHF) and Medium Frequency (MF) radio frequencies during operations;
- To maintain daily contact with fishing vessels observed to be within the vicinity of the work areas of survey and construction vessels and provide sufficient notice to enable the relocation of any static fishing gears present within defined safety zones or advisory safe distances from infrastructure; and
- To keep the masters and watch officers of survey and construction vessels informed of fishing vessels in the vicinity of their vessels working area and the gears and modes of operation of such vessels.

~~3.2.8~~3.2.9 When OFLOs are not present on site during offshore works, a specific point of contact, known as the nominated Fisheries Liaison Representative (FLRf) will be identified and tasked with liaison with fisheries stakeholders and the CFLO as required.

FISHERIES SUPPORT VESSELS

~~3.2.9~~3.2.10 During periods of offshore work VE may utilise fisheries support vessels, such as guard vessels or pilot vessels to support safe operations and facilitate close communications with mariners to ensure their awareness of any hazards or activities. For example, during construction VE may have guard vessel(s) on site to facilitate safe construction through liaison with other sea users in the vicinity of the works. Wherever possible, local expertise will be used for fisheries support vessels.

~~3.2.10~~3.2.11 Guard and pilot vessel(s) will also be in regular communications with the OFLO and CFLO to exchange information on fishing activity and any static fishing gear in the VE area. The OFLO may be deployed on board a guard vessel rather than on a construction vessel.

MARINE COORDINATION

~~3.2.11~~3.2.12 In addition to CFLO, FIR(s) and OFLO, a Marine Coordinator for VE will be appointed during the construction and operational phase. The Marine Coordinator will ensure the marine coordination function is delivered continuously 24/7. The Marine Coordinator will coordinate all marine operations relating to VE; including monitoring and managing all construction and operations phase vessel activity. Fishers can communicate with marine coordination to get an understanding of activities on site on approach to the wind farm during the operational phase. Marine Coordination will also issue and update Notice to Mariners (NtMs) for work outside of usual Operations and Maintenance works, such a major maintenance campaigns.

3.3 INFORMATION DISSEMINATION

3.3.1 Appropriate communication channels will be established with fisheries stakeholders to ensure they are informed of the location and status of offshore activities and infrastructure. VE will disseminate information to the fishing community via the CFLO, Marine Coordinator, OFLO (as appropriate) and any appointed FIRs. Notices and information for fishermen (including survey and construction schedules, notification of any major maintenance activity, notices and activity specific information) will be distributed to all relevant fisheries interests by CFLO OFLOs that accompany survey and works vessels will communicate directly with fishing vessels as appropriate.

3.3.2 Details of information dissemination by activity type is provided in Section 3.3~~3.3~~.

Table 3.1: Means of information dissemination.

Activity	Timing and frequency
Construction activities	Notices and information distribution not less than 2 weeks prior to the commencement of offshore construction activities. Confirmation of final installed locations will be provided on completion of works.
Pre and post construction surveys and activities	Notices and information distribution not less than 2 weeks prior to the commencement of offshore construction activities.
Operation and Maintenance activities	Notices and information distribution not less than 2 weeks prior to the commencement of offshore construction activities.
Decommissioning	Notices and information distribution not less than 2 weeks prior to the commencement of offshore construction activities.
CFWG meetings	Up to four meetings per year during the pre-construction and construction phases and up to two meetings per year during the operational phase. These meetings will enable advanced notification of any planned surveys and works. VE will offer at least 1 meeting each year.
Unscheduled Liaison	Additional unscheduled liaison and consultation will be undertaken as required to address issues or fishermen's concerns as they arise and in the instance of any requirement

Activity	Timing and frequency
	for urgent or emergency works or notification of any seabed hazard associated with the project

3.3.3 Notices and information for fishermen (including survey and construction schedules, notification of any major maintenance activity, notices and activity specific information) will be distributed to:

- Kingfisher updates; and
- Notices issued direct to:
  - Individual fishermen on the CFLO database;
  - Local and international fishermen's associations;
  - Local harbour masters and ports;
  - Marine Management Organisation (MMO) District Fisheries office;
  - Trinity House;
  - Maritime and Coastguard Agency (MCA); and
  - NFFO for their awareness

3.3.4 The content of NtMs will be based on guidance issued by FLOWW and KIS-ORCA.

GUIDANCE FOR FISHERS AND EXPECTATIONS OF FISHING SECTOR

3.3.5 The success of the FLCP in helping to ensure co-existence will require open and transparent communication between the Applicant and the fishing industry and the support and engagement of both parties.

3.3.6 As VE will make every effort to minimise disturbance of fisheries stakeholders and to provide accurate and timely information, it is requested, and expected, that the fishing community will take precautions and make efforts to minimise risks of conflict or interaction with infrastructure and working vessels and provide accurate information on the nature of fishing activity in locations of shared interest.

3.3.7 Commercial fishers active within the VE array area or the export cable corridor are requested to comply with the following standards:

- Observe safety zones and requested safe working distances; and observe and comply with legislation and industry standards (e.g. following the MMO's guidance on marking of deployed gear; COLREGs including the correct display of lights and appropriate sound signals and International Convention for the Safety of Life at Sea (SOLAS), 1974.
- Ensure AIS (where available) is on at all times when working within and near to the VE array and export cable route;
- Take note of Notices to Marines (NtM) and be considerate of information or requests in these notices;
- Communicate and provide accurate information on fishing activity undertaken and gear used to the CFLO/OFLOs on request;
- Be open and willing to work with VE to provide information in a timely manner through the correct communication channels (utilising CFLOs, primarily);

- Take heed of information relayed through the relevant VHF radio channel from VE survey, construction and operation vessels;
- Raise any issue through the CFLO and participate in constructive discussion with the CFLO to address potential areas of conflict; and
- During the operational phase, refrain from deploying fishing gear markers and anchors are within 50 meters of sea surface piercing project infrastructure including an allowance for tidal flows and wind or any vessels conducting operational and maintenance activities, and ensure that all anchors and gear markers are at least 50m away from any sea surface piercing project infrastructure, especially around WTG boat landings;
- All vessels wishing to transit through, or work within or close to the VE wind farm site during the operational phase, or any other phase whilst offshore works are ongoing, should maintain and monitor VHF CH16 and make every effort to contact the CFLO, any OFLOs on site, any Marine Coordinators or vessels on site before entering the array area (transiting or fishing) to notify site personnel of plans and to ensure awareness of any risks which may occur as a result of activities on site;
- Contact the Marine Coordinator if fishing gear is lost or snagged within the windfarm array area of the export cable corridor, during the operational phase.

3.3.8 Reciprocal effort by the fishing industry is crucial to the success of VE's liaison strategy.

4 FISHERIES MITIGATION STRATEGY

4.1.1 It is the intention of the Applicant to facilitate coexistence wherever possible during all phases of VE which will include the implementation of mitigation strategies to minimise the overall impacts of the Project. Following consultation on the Preliminary Environmental Information Report (PEIR), an Environmental Impact Assessment (EIA) has been undertaken and an Environmental Statement (ES, reporting on the EIA) has been drafted for submission of the consent application. The ES documents any impacts on fisheries and the fishing industry and proposed suitable mitigations and measures to reduce impacts, identified through the EIA and the application of the mitigation hierarchy in Volume 6, Part 2, Chapter 8: Commercial Fisheries.

4.1.2 Advice within FLOWW (2014) has been duly considered while identifying suitable coexistence promoting procedures and mitigation measures. Though suitable mitigation procedures to facilitate coexistence may evolve through discussions with fisheries stakeholders and as construction plans for VE become better defined, the Applicant have identified, and are willing to implement, a variety of mitigation commitments, including several good practice measures, so that successful coexistence and long-standing good relationships with fisheries stakeholders can be achieved. These mitigation measures are listed below:

- The Applicant will follow the fisheries management and liaison strategy, based on best, practice, which is outlined in Section 33 of this document;
- The Applicant will implement measures to minimise and mitigate as far as practicable, potential impacts to commercial fishers during the lifetime of VE;
- The Applicant will minimise the size and duration of advisory safety distances and/or fishing clearance areas during periods offshore work during construction and operation where safe and practicable to do so.
- The Applicant will encourage early dialogue between the VE and the affected fisheries stakeholders in order to understand the importance of the fishing ground;
- The Applicant will ensure regular and routine communications to provide reasonable time to enable decisions around operating practices to be made;
- The Applicant will endeavour to provide timely construction and cable laying plans, including location and methods for cable protection, if required;
- The Applicant expect that all vessels undertaking operations related to VE affiliated vessels will undertake safe working practices, underpinned by appropriate safety management systems. Vessels employed by the Applicant will only undertake activities prescribed in their line of work;
- The Applicant will provide local fisheries stakeholders with procedures for registering claims for loss of/damage to fishing gear in association with surveys, construction activities and during the operational phase of VE;
- The Applicant will ensure consideration of the use of guard vessels and OFLOs, where appropriate during the construction phase, to ensure good communication is maintained between Project vessels and fishing vessels offshore during periods of offshore activities. Wherever possible, these guard vessels and OFLOs will use local expertise;
- The Applicant will ensure appointment of a NFLR during the operations phase to ensure a single point of contact for fishers;
- The Applicant will provide a Code of Good Practice for all vessels involved in the construction, and operation and maintenance of VE, including guard vessels and

survey vessels. All vessels will also be provided with the relevant lines of communication (as outlined within the FLCP) to minimise disruption to fishing vessels undertaking their normal activities;

- The Applicant will develop a summarised fisheries guidance document to reduce interactions with fishing activity and provide easy reference to response and communication procedures; and
- The Applicant will ensure appropriate communication with the fishing industry in the event that cables become unburied during the operational phase (i.e. through the CFLO and appropriate channels such as the Kingfisher Information Service).

4.1.3 The Code of Good Conduct and procedure for processing lost or damaged gear forms will be provided either in the main body or as an appendix to the final FLCP.

4.1.4 The final FLCP will take account of any additional measures identified during consultation on the plan or resulting from new guidance.

4.2 MITIGATION

4.2.1 As part of the Project design process, a number of designed-in mitigation measures were provided within the ES, to which VE OWFL remain committed. Commitments have been made in relation to:

- marking and lighting;
- cable burial; and
- safety zones .

4.2.2 These commitments are in line with best practice and industry guidance. Full detail of these measures can be found in Volume 6, Part 2, Chapter 8: Commercial Fisheries, with further clarification on navigational safety measures for ease of access below.

4.2.3 The Applicant have also made commitments in relation to fisheries liaison as detailed in Section 3~~3~~ of this document. Additionally, the Applicant reduced the VE design in order to reduce potential impacts as far as practicable.

4.2.4 The Offshore Order Limits area, within which WTGs are proposed to be installed, has been reduced from 149 km^2 to 128 km^2, a reduction of 14% from the design put forward for consultation in the Scoping Report (VEOWFL, 2021), in response to feedback received from Shipping and Navigation stakeholders and the Rochdale Envelope process. This has had a positive knock on effect for commercial fisheries stakeholders also.

NAVIGATIONAL SAFETY MEASURES

SAFETY ZONES AND SAFE WORKING DISTANCES

4.2.5 The Applicant does not intend to apply for restrictions on fishing activity within the array post construction and restrictions will be limited to the standard safety zones only to minimise impacts on fishers. Applications for safety zones and restricted areas will be made post consent.

4.2.6 In addition to safety zones, it is requested that in order to maintain access to as built assets, fishers do not anchor or place gear within 50 m of WTGs or the offshore substations, in line with guidance from the MCA and UKHO. It is also requested that all fishing gear remains clear of WTG boat landings and mariners remain a safe distance from all infrastructure at all times.

TRANSIT ROUTES

4.2.7 The Applicant will provide indicative vessel transit routes to and from the works area once the location of VE working ports is confirmed. Working vessels will adhere to these routes wherever possible. Vessel anchorage areas, and areas to be avoided, will also be identified and contractors will be instructed to comply.

4.2.8 The Applicant will organize a pre-construction CFWG to discuss avoidance areas with stakeholders.

CABLE BURIAL AND PROTECTION

4.2.9 Cable burial is the preferred means of cable protection. Details of planned cable burial will be outlined in Volume 9, Report 12: Outline Cable Specification and Installation Plan (CSIP) and Volume 9, Report 9: Outline Cable Burial Risk Assessment. Outline versions have been prepared by the Applicant and final versions will approved ahead of VE construction. The CSIP will be informed by the cable burial risk assessment and provide detail on the final routing on the seabed of all cables, confirming target cable burial and protection measures where target burial cannot be achieved. The CSIP will also set out an approach to surveys of cables and any protection during the operational life of VE, and measures to be taken in the event of cable exposure.

4.2.10 The Applicant will organize a pre-construction CFWG to discuss cable protection options with stakeholders.

MARKING AND CHARTING

4.2.11 The Applicant will ensure that, during the construction phase, the VE construction area will be clearly marked using buoys.

4.2.12 The Applicant will ensure that, all construction vessels and installed infrastructure will be appropriately lit and marked.

4.2.13 The Applicant will ensure that, all installed infrastructure will be marked on United Kingdom Hydrographic Office (UKHO) Admiralty Charts.

DROPPED OBJECTS

4.2.14 In the event of a dropped object offshore, VE will notify the MMO and other relevant stakeholders using the standard Marine Licence Dropped Incident Report proforma.

4.2.15 Should the dropped object pose a navigational risk, a NtM and Kingfisher notice will be issued once the location, and details of the object can be established.

4.2.16 Any further steps as required in consultation with the MMO will be notified through a NtM where applicable.

4.3 FURTHER MITIGATION MEASURES

4.3.1 The ES Volume 6, Part 2, Chapter 8: Commercial Fisheries identified potentially significant effects on the local UK potting, fixed and drift net, and hooked gear fleets during the construction phase of VE resulting from temporary reduced access to or exclusion from established fishing grounds. In response to this, it was identified that further mitigation beyond that described in Sections 3~~3~~, 4.2~~4.2~~, 4.3~~4.3~~ and specific to the local UK potting, fixed and drift net, and hooked gear fleets during construction, may be required to address the potentially significant impact. Significant impacts on fishing fleets during the operational phase of VE are not anticipated given there will be no restriction on fishing activity with the exception of within any licenced Safety Zones. The full justification for these assumptions is provided in the ES.

4.3.2 Further detail on the principles that the Applicant will apply in delivery of further mitigation measures are set out below.

COOPERATION AGREEMENTS

4.3.3 Where significant residual impacts remain after minimisation and mitigation efforts have been considered, the Applicant may consider evidence based commercial cooperation agreements with affected fishing fleets ~~as identified in the ES (namely UK potting, fixed net and drift net, and hooked gear fleets)~~ which may be required to relocate fishing activities from the VE order limits during the construction phase as a last resort, in line with FLOWW (2014) and FLOWW (2015) guidance and redrafting efforts.

4.3.4 The Applicant is committed to following an evidence based approach to cooperation agreements, as well as RWE fleetwide portfolio alignment ambitions which act as guidance to encourage consistency and commitment to best practice across all offshore wind farm projects. Cooperation Agreements will be made on the basis of factually accurate and justifiable claims, 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.

4.3.5 Relevant evidence needed to support a case for a cooperation agreement is detailed below. These should include, but may not be limited to:

- Copy of the vessel's certificate of Registry;
- Copy of the relevant vessel fishing licenses and entitlements for each vessel for which a claim is being made;
- Copy of a valid vessel MCA certificate or equivalent sea safety certificate;
- Accounts submitted for tax purposes for three years (select the 3 most representative of the past 5 years); OR signed data release form for provision of landings data from relevant authority, across three years of accounts (MMO and supported by Monthly Shellfish Activity Returns (MSARs) where applicable); OR full sales notes for the previous 3 years;
- Sales notes and weekly landings declarations (where available) to show that the vessel is actively fishing throughout the year, and to support identification of fair price per kg if only landings data shared;

- The total amount (fleets or pots) of fishing gear worked during the time of year of the survey on average for the past 3 years, and the proportion of gear typically worked within the area of requested clearance (i.e. percentage of affected gear);
- Sight of vessels historic fishing activity, whether that is VMS/ AIS or photographs of GPS plotter records to provide clear historic evidence of potential disruption in the area of the planned work.

4.3.6 Evidence provided by each fisher will be reviewed and analysed by competent fisheries consultants, with the project team having a transparent understanding of the analysis undertaken. VE may have additional requests to support their assessment of each individual's eligibility for cooperation agreements.

~~4.3.4~~4.3.7 If mutual agreement cannot be reached then both parties should seek to undertake Alternative Dispute Resolution (ADR), in line with FLOWW (2015) guidance. Either party can activate the ADR process in relation to any stage of the disruption payment process, prior to reaching agreement, in an attempt to resolve disagreements or stalemates generated through the process of establishing cooperation agreements, so that a mutually agreed position can be reached. Both parties have to agree to refer their dispute to ADR, which will be undertaken by a mutually agreed third party by both sides of the dispute. ADR will be considered as an escalation process and an effort to avoid any contentious and unpreferable legal procedures. Mediation is the preferred ADR mechanism, which is confidential in nature.

~~4.3.5~~4.3.8 The Marine Management Organisation will not act as arbitrator or be involved in any commercial negotiations with any association/organisation, and/or individual fishermen.

4.4 ALTERNATIVE MEASURES

4.4.1 The Applicant is committed to exploring further measures with the CFWG; the final FLCP will confirm commitment to any additional measures if demonstrated to be appropriate to the CFWG and the Applicant.

4.4.2 Initial discussions with the CFWG have focussed on the below potential options.

- 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;
- 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 training for fishers, or contribution to a fisheries vessel fuel allowance scheme.

4.4.3 Due to complexity of the Outer Thames region, it was concluded that the science and monitoring option was unlikely to be effective for VE. Initial discussions on the option of a fisheries community adaptation scheme indicated this measure also has drawbacks as previous experience of the CFWG has been that regional schemes are very hard to administer effectively and fairly across the various local fishing organisations and individual fishers. However, it has been agreed with the CFWG that this measure may have some benefits if a scheme were to be effectively designed and implemented.

4.4.4 Alternative measures will continue to be discussed in CFWG forum in the pre-construction phase.

5 COMPLIANCE WITH THE APPLICATION

5.1.1 The ES chapter set out a number of commitments in relation to various aspects of VE. The effects of VE on commercial fishing activities were assessed in Volume 6, Part 2, Chapter 8: Commercial Fisheries on the basis that these commitments would be implemented. The commitments were made to ensure that VE followed good practice in relation to its interaction with commercial fisheries interests. Section 44 provides an overview of the commitments made in the Application and ES with respect to commercial fisheries, and highlights where these commitments are carried through in this Outline FLCP.

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APPENDIX A

Contact Details

[To be provided in final FLCP]

APPENDIX B

Claim form for damage/loss of gear

[To be provided in final FLCP]

APPENDIX C

Claim form for disruption payment

[To be provided in final FLCP]

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