

FIVE ESTUARIES OFFSHORE WIND FARM STATEMENT OF COMMON GROUND NATIONAL FEDERATION OF FISHERMEN'S ORGANISATION (NFFO)

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

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DEFINITION OF ACRONYMS

Term	Definition
SoCG	Statement of Common Ground
NFFO	National Federation of Fishermen's Organisation
DCO	Development Consent Order
VE	Five Estuaries Offshore Windfarm
NSIP	Nationally Significant Infrastructure Project
ETGs	Expert Topic Groups
FLCP	Fisheries Liaison and Co-Existence Plan



1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared between Five Estuaries Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and the National Federation of Fishermen's Organisation (NFFO) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Five Estuaries Offshore Wind Farm (hereafter referred to as "VE").
- 1.1.2 Following detailed discussions undertaken between the parties, the Applicant and the NFFO have sought to progress a SoCG. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified or any positions change during the Examination.

1.2 APPROACH TO SOCG

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

1.3 THE PROPOSED DEVELOPMENT

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



2 NFFO'S REMIT

2.1 INTRODUCTION

- 2.1.1 The NFFO is the representative body for the fishing industry in England and Wales. The NFFO exists to provide a voice for fishermen and leads policy change for the benefit of their members and the wider UK fishing industry.
- 2.1.2 The following application documents have informed the discussions with the NFFO and address the elements of VE that may affect the interests of the interested party:
 - > 6.2.6 Fish and Shellfish Ecology [APP-075]
 - > 6.2.8 Commercial Fisheries [APP-077]
 - > 6.5.8.1 Commercial Fisheries Technical Report [APP-127]
 - > 9.16 Outline Fisheries Liaison and Co-existence Plan Revision B [REP1-037]
- 2.1.3 The main areas of interest raised by the NFFO were the following:
 - The NFFO have raised that the displacement of commercial fishing will result in economic harm and spatial squeeze on fisheries in the region; and
 - > The NFFO have concerns about the data presented in 6.2.6 Fish and Shellfish Ecology [APP-075] assessments which they believe underestimates the impacts of the proposal.
- 2.1.4 The NFFO and the Applicant have been working together to minimise possible impacts of the project on the NFFO's operations.

2.2 CONSULTATION SUMMARY

2.2.1 Since 2019, the project has been engaging with relevant stakeholders through different levels of activity. The project has undertaken the necessary consultations before submitting the application and has held Expert Topic Groups (ETGs) on a number of specific topics, as well as bilateral meetings with key stakeholders. The NFFO has replied to the Stage 1 consultation and to the Section 42 consultation, in addition to submitting Relevant Representations. The comments received and the meetings between the project and the interested party have informed the basis for this SoCG.



3 AGREEMENTS LOG

- 3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and the NFFO for each relevant component of the Application identified in paragraph 2.1.3. The tables below detail the positions of the Applicant alongside those of the NFFO and whether the matter is agreed or not agreed.
- 3.1.2 In order to easily identify whether a matter is 'agreed', 'agreed with caveats', 'not agreed- no material impact' or an 'not agreed—material impact', the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 3.1 below. The format for this Position Status Key was set and agreed by the NFFO and differs slightly to other SoCGs submitted to this examination. Colours were chosen in order to ensure inclusivity for the visibility of data.

Table 3.1: Position Status key

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties.	Agreed
The matter is considered to be agreed between the parties with caveats.	Agreed with Caveats
The matter is not agreed between the parties; however, the outcome of the approach taken by either the Applicant or the NFFO is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this SoCG.	Not Agreed – no material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or the NFFO is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed – material impact
The matter is not agreed between the parties.	Not agreed



Table 3.2: Status of discussions

Reference Number	Discussion Point	Applicant's Position	NFFO's Position	Position Status
Commercial	Fisheries ES Chapter			
NFFO-CF-3	Baseline environment	Sufficient data has been collated to appropriately characterise the baseline environment for the purposes of informing the EIA (see Section 8.7 of Volume 6, Chapter 8, Commercial Fisheries [APP-077] and Volume 6, Annex 8.11, Commercial Fisheries Technical Report[(APP-127].	The NFFO are content that sufficient data was collated to undertake the EIA.	Agreed
NFFO-CF-4	- Assessment methodology	The potential impacts identified in Section 8.4 of Volume 6, Chapter 8, Commercial Fisheries [APP-077] represent a comprehensive list of potential impacts on commercial fisheries from the Project.	The NFFO are not content with the potential impacts included within the Commercial Fisheries ES Chapter. The methodology doesn't consider sufficient socioeconomic/cultural impacts.	Not Agreed – No material impact
NFFO-CF-5		The impact assessment methodology described in Section 8.5 of Volume 6, Chapter 8, Commercial Fisheries [APP-077] for the EIA provide an appropriate approach to assessing potential impacts of the Project.	The NFFO are not content with the potential impacts included within the Commercial Fisheries ES Chapter. The methodology doesn't consider sufficient socioeconomic/cultural impacts.	Not Agreed – No material impact
NFFO-CF-6	Assessment of the Project-alone impacts	The realistic worst-case scenarios presented in Section 8.8 of Volume 6, Chapter 8, Commercial Fisheries [APP-077] are appropriate in relation to commercial fisheries.	The NFFO are content with the MDS used in the assessment.	Agreed
NFFO-CF-7		The conclusions of the assessment of impacts for construction, operation and decommissioning of the Project are agreed (see Section 8.10 to 8.12 of Volume 6, Chapter 8, Commercial Fisheries [APP-077].	The NFFO are not content with the methodology taken to the EIA and therefore are not content with the conclusions assessed. The NFFO have growing concern on the reliability of modelling used by offshore wind developers regarding cable burial and the chance of cable exposure over the lifetime of the project. The NFFO expect to see a commitment to remediate any cable exposures, if this is not the case the risk to fisheries stakeholders negates the return to fish mitigation during the operational phase.	Not Agreed – No material impact
NFFO-CF-8	Assessment of cumulative impacts	The methodology used for assessment of cumulative impacts on commercial fisheries (see Section 8.13 of Volume 6, Chapter 8, Commercial Fisheries [APP-077] is in line with that used for assessment of impacts as a result of the Project alone. In line with standard EIA methodology, it follows a significance matrix approach, taking account of receptor sensitivity and impact magnitude.	The NFFO are not content with the methodology taken to the EIA and therefore are not content with the conclusions assessed. The NFFO have growing concern on the reliability of modelling used by offshore wind developers regarding cable burial and the chance of cable exposure over the lifetime of the project. The NFFO expect to see a commitment to remediate any cable exposures,	Not Agreed – No material impact



Reference Number	Discussion Point	Applicant's Position	NFFO's Position	Position Status
		The assessment considers a comprehensive range of offshore wind farm developments at different stages in the planning process, as well as Marine Protected Areas (MPAs). The Applicant notes that information included in the Cumulative Impact Assessment presented in the Environmental Statement (ES) was based on best available information at the time of writing.	if this is not the case the risk to fisheries stakeholders negates the return to fish mitigation during the operational phase.	
NFFO-CF-9		The conclusions of the Cumulative Impact Assessment are agreed (see Section 8.13 of Volume 6, Chapter 8, Commercial Fisheries [APP-077]. The Applicant considers given the size and location of the wind farm site the contribution to cumulative effects from the Project is not significant, with cumulative effects still arising in the absence of the Project.	The NFFO are not content with the methodology taken to the Cumulative Impact Assessment and therefore are not content with the conclusions assessed. The NFFO have growing concern on the reliability of modelling used by offshore wind developers regarding cable burial and the chance of cable exposure over the lifetime of the project. The NFFO expect to see a commitment to remediate any cable exposures, if this is not the case the risk to fisheries stakeholders negates the return to fish mitigation during the operational phase.	Not Agreed – No material impact
NFFO-CF-10	Mitigation	Given the impacts of the Project, the following proposed embedded measures outlined in Section 8.9 of Volume 6, Chapter 8, Commercial Fisheries [APP-077] are appropriate: • Fisheries liaison • Marking and lighting • Dropped objects procedure • Cable installation and burial protocols • Safety Zones • Marine coordination	The NFFO are content with the embedded mitigation outlined in the Commercial Fisheries Chapter.	Agreed
Fisheries Liai	son and Coexistence Plan			
NFFO-CF-13	Measures and monitoring identified within Outline FLCP	The measures identified within Volume 9, Report 16, Outline Fisheries Liaison and Co-Existence Plan – Revision B [REP1-037] are appropriate for liaison and consultation with the fishing industry throughout the lifetime of the Project. Including 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.	The NFFO request VE to produce a mitigation and monitoring plan to monitor the status of commercially targeted fish and shellfish activity.	Not agreed - No material impact



Reference Number	Discussion Point	Applicant's Position	NFFO's Position	Position Status
NFFO3	The NFFO have reviewed and submitted comments regarding 9.16 Outline Fisheries Liaison and Co-existence Pan [FLCP] [APP-247].	At Deadline 1 the Applicant submitted an updated 9.16 Outline FLCP [REP1-037]. The Applicant believes the FLCP suitably demonstrates 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. The Applicant is submitting an updated Outline FLCP at Deadline 5 to address the NFFOs outstanding comments.	The NFFO have reviewed the updates made to the Outline FLCP and are content with the majority of updates with 2 outstanding comments relating to use of local vessels and FLOs wherever possible and the justification for reducing the array boundary. Following discussion the Applicant will make the relevant updates to the Outline FLCP and submit this at deadline 5. NFFO are content that once these updates are made they agree that the Outline FLCP demonstrates 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).	Agreed – With caveats
Cable Burial	Risk Assessment	The Applicant notes that the Cable Burial		
	CBRA	Risk Assessment (CBRA) submitted at application [APP-239] is an outline submitted as information only. A full CBRA will be produced to inform the final CSIP during the preconstruction phase. The Commercial Fisheries chapter although does not act as a physical barrier to the laying of the offshore export cable, The Applicant has assessed fisheries impacts from the cable during construction, operation and decommissioning in detail in 6.2.8 Commercial Fisheries [APP-077]. In addition, a Cable Specification Installation Plan (CSIP) will be developed and adhered to, with an outline version submitted at application [APP-242]. The CSIP will set out appropriate cable burial depth in accordance with industry good practice, minimising the risk of cable exposure. The CSIP will also ensure that cable crossings are appropriately designed to mitigate environmental effects, these crossings will be agreed with relevant parties in advance of CSIP submission. The Applicant will endeavour to ensure Commercial Fisheries is considered within the CSIP.	The NFFO have concerns relating to the Outline cable burial and risk assessment is lacking in detail on how the risk associated with cables and fishing will be assessed, conclusions drawn and mitigation strategies.	Not Agreed – No Material Impact
	Cable Exposures	The Applicant will monitor cables throughout the lifetime of the project and will inform stakeholders through the relevant notification channels (Notice to Mariners, Kingfisher Bulletin etc).	The NFFO have growing concern on the reliability of the modelling used by offshore developers regards cable burial and the chance of cable exposure over the lifetime of the project. It has been demonstrated at several operational wind farms, one in close proximity	Not Agreed- Material Impact



Reference Number	Discussion Point	Applicant's Position	NFFO's Position	Position Status
			to this development (London Array) that the target burial depth during construction has not been of sufficient depth resulting in required mediation. The NFFO would like to see a commitment to remediation to cables in the circumstance that	
			cable exposures were to occur.	
Fish and She	llfish Ecology		The NETO bears are about the date	
NFFO-FSE-3	Baseline environment	Sufficient data has been collated to appropriately characterise the fish and shellfish ecology baseline environment for the purposes of informing the EIA in 6.2.6 Fish and Shellfish Ecology [APP-075].	The NFFO have concerns about the data presented in the fish and shellfish ecology assessments. Without using site specific survey contemporary data the baseline environment is not sufficiently characterised and would like to see ecological surveys conducted to inform the baseline environment. NFFO note that the key receptors this relates to is demersal and shellfish species.	Not Agreed- No Material Impact
NFFO-FSE-4	Assessment methodology for Project alone and cumulative	The potential impacts identified in Section 10.6 of Volume 5 - Chapter 10 - Fish and Shellfish Ecology [APP-047] represent a comprehensive list of potential impacts on fish and shellfish ecology from the Project.	The NFFO are content with the assessment methodology for potential impacts identified.	Agreed
NFFO-FSE-6	Worst Case Scenario presented	The realistic worst-case scenarios presented in 6.2.6 Fish and Shellfish Ecology [APP-075] are appropriate in relation to fish and shellfish ecology.	The NFFO are content with the worst case scenarios presented in the ES.	Agreed
NFFO-FSE-7	Assessment of the Project-alone impacts	The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed in relation to fish and shellfish ecology in 6.2.6 Fish and Shellfish Ecology [APP-075].	The NFFO are not content with the conclusions of the impact assessment due to the lack of site specific contemporary data used for demersal and shellfish species that advise the assessment outcomes.	Not Agreed- No Material Impact
NFFO-FSE-8	Assessment of cumulative impacts	The conclusions of the assessment of cumulative impacts are agreed in relation to fish and shellfish ecology in 6.2.6 Fish and Shellfish Ecology [APP-075].	The NFFO are not content with the conclusions of the impact assessment due to the lack of site specific contemporary data used for demersal and shellfish species that advise the assessment outcomes.	Not Agreed- No material impact
NFFO-FSE-9	Mitigation	Given the impacts of the Project, the following proposed embedded measures outlined in 6.2.6 Fish and Shellfish Ecology [APP-075] are appropriate: • Cables and cable burial • Foundation installation • Construction practices • Decommissioning works	The NFFO are content with the embedded mitigation presented in relation to the impact assessments that have been conducted, however as the impact assessment is not agreed due to the lack of site specific contemporary data used for demersal and shellfish species that advise the assessment outcomes the embedded mitigation concluded may not be sufficient.	Agreed – With caveats



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