



NORTH FALLS

Offshore Wind Farm

Draft Statement of Common Ground

Commercial Fisheries Working Group
(CFWG)

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NORTH FALLS

Offshore Wind Farm

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Glossary of Acronyms

CFWG	Commercial Fisheries Working Group
EIA	Environmental Impact Assessment
NFFO	National Federation of Fishermen's Organisations
NFOW	North Falls Offshore Windfarm
PEIR	Preliminary Environmental Impact Report
RR	Relevant Representations
SoCG	Statement of Common Grounds

Glossary of Terminology

The Applicant	North Falls Offshore Wind Farm Limited (NFOW)
The Project or 'North Falls'	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.

1. Introduction

1.1 Background

1. This Draft Statement of Common Ground (SoCG) has been prepared by North Falls Offshore Wind Farm Limited (NFOW) (the Applicant) to support discussions with the Commercial Fisheries Working Group (CFWG). It identifies areas of North Falls Offshore Wind Farm (hereafter 'the Project' or 'North Falls') where matters are agreed, not agreed or that remain under discussion between the parties. The content of this document has not yet been agreed between parties and the draft will be updated following further engagement with the CFWG.
2. The Applicant has had regard to the Planning Inspectorate (2024) guidance regarding Statements of Common/Uncommon Ground for Hearings and Inquiries when compiling the SoCG.
3. This SoCG has been structured to reflect topics of the application which are of interest to CFWG.
4. Table 1.1 presents the topics included in the SoCG with the Applicant and CFWG.

Table 1.1 Topics included in the SoCG

Topic/Chapter	DCO Document Reference
<u>Commercial Fisheries</u> <ul style="list-style-type: none">• Environmental Statement (ES) Chapter 14 Commercial Fisheries• ES Chapter 14 Figures• ES Appendix 14.1 Commercial Fisheries Technical Report	<ul style="list-style-type: none">• APP-028• APP-059• APP-105
<u>Fish and Shellfish Ecology:</u> <ul style="list-style-type: none">• ES Chapter 11 Fish and Shellfish Ecology• ES Chapter 11 Figures• ES Appendix 11.1 Fish and Shellfish Ecology Technical Report	<ul style="list-style-type: none">• APP-025• APP-056• APP-095

2. Topic specific matters agreed, not agreed, and matters that remain under discussion between the Applicant and CFWG are included within this draft SoCG. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicant and CFWG to reach agreement on each matter whatever possible or refine the extent of disagreement between parties.

1.2 Consultation with CFWG

3. The Applicant set up the CFWG to support consultation and regular engagement with fisheries stakeholders on the project during the pre-application process, both

in terms of informal non-statutory engagement and statutory consultation carried out pursuant Section 42 of the Planning Act 2008 (Statutory Consultation).

4. The CFWG includes representatives of the following associations:
 - Felixstowe Ferry Fishermen's Association;
 - Harwich Harbour Fishermen's Association;
 - Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA);
 - Orford and District Fishermen's Association;
 - Southwold Fishermen's Association;
 - Fishermen from Lowestoft;
 - Thanet Fishermen's Association; and
 - West Mersea Fishermen's Association.
5. The CFWG associations represent approximately fifty fishing vessels. Most vessels are under 10m length and a large portion use multiple fishing methods.
6. The Applicant notes that the CFWG has not raised any specific concerns during Statutory Consultation or submitted any Relevant Representations during the examination phase. However, during Statutory Consultation, the Harwich Harbour Fishermen's Association (HHFA) which is a member of the wider CFWG, did provide comments on the Preliminary Environmental Information Report (PEIR) and issued Relevant Representations. As noted in the Procedural Decisions letter dated 28 November 2024, the North Falls ExA considered it appropriate to develop a SoCG with the HHFA to address their concerns. This was discussed during a CFWG meeting on 26 February 2025, where the CFWG attendees decided that rather than progressing a SoCG only with the HHFA, it would be beneficial to develop it on behalf of the wider CFWG.
7. The SoCG has therefore been drafted to cover the key topics mentioned during Statutory Consultation with the HHFA, HHFA's Relevant Representations and to include the additional concerns of the CFWG.
8. A separate SoCG has been developed with the National Federation of Fishermen's Organisations (NFFO).

1.3 Summary of Agreed, Not Agreed and In Discussion

9. In order to easily identify whether a matter is 'agreed', 'not agreed', or 'in discussion' the position status colour coding system set out in Table 1.2 is used in the draft SoCG.
10. Details of specific topics that are 'agreed', 'not agreed', or 'in discussion' between the Applicant and CFWG are presented in Table 2.2.

Table 1.2 Position status key

Position Status	Position Colour Coding
Agreed. The matter is considered to be agreed between the parties.	Agreed
Not Agreed- no material impact The matter is not yet agreed between the parties however the outcome of the approach taken by either the Applicant and CFWG 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. Discussion on these matters have concluded.	Not Agreed- no material impact
Not Agreed- material impact The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant and CFWG is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed- material impact
In discussion The matter is neither 'agreed' nor 'not agreed' and is a matter where further discussion is required between the parties (e.g. where the documents are yet to be shared with CFWG.	In discussion

2. Statement of Common Ground

11.A summary of the consultation undertaken to date with the CFWG and the matters agreed or not agreed between the Applicant and the CFWG, are set out below for each of the SoCG topic areas, based on discussions and information exchanged between the Applicant and the CFWG during the pre-application phase of the Application and continued engagement following the submission of the application.

Table 2.1 Summary of Consultation with the CFWG

Date	Contact Type	Topic
Pre-Application		
9 th March 2021	CFWG	Meeting to introduce the Project to CFWG members
11 th October 2022	Letter	Letter to the HHFA and wider CFWG members request information for the Commercial Fisheries Baseline
19 th October 2022	CFWG	Meeting to discuss updates on the Project and EIA methodology
23 rd April 2024	CFWG	Meeting to discuss updates on Project after hiatus in meetings due to no material updates
Post-application		

Date	Contact Type	Topic
26 th February 2025	CFWG	Standard CFWG meeting
28 th February 2025	Email	Email communication to organise meeting between the Applicant and CFWG
14 th March 2025	Email	Email communication to organise meeting between the Applicant and CFWG
27 th March 2025	Meeting	Meeting with CFWG members to discuss the SoCG.
27 th March 2025	Email	Email from CFWG member containing text to be added to the SoCG.
31 st March 2025	Email	Email from CFWG member with proposed additional text to be added to the SoCG.
24 th April 2025	Email	Email from the Applicant containing the draft SoCG that had been updated to reflect feedback received from the CFWG representatives at the meeting on the 27/03/2025 and from emails containing additional text for inclusion from CFWG members.
30 th April 2025	Email	Email from the Applicant summarising information from Chapter 14 Commercial Fisheries [APP-028].
12 th May 2025	Email	Email from CFWG member with further updates to the text stating that the SoCG should state that survey and construction vessels will give way to fishing vessels, and stating that the representatives would be meeting soon to discuss the SoCG.
23 rd May 2023	Email	Email from the Applicant confirming that the updated position had been added to the SoCG, and asking if any progress had been made during the representative's meeting.
24 th May 2023	Email	Email from Applicant requesting a meeting with the CFWG.
9 th June 2025	Email	Email from Applicant to CFWG member containing updated draft SoCG and requesting available dates for a meeting to discuss the SoCG
10 th June 2025	Email	Email communication between a CFWG member and the Applicant in regard to information from the ES chapter that was included in the SoCG.
10 th July 2025	Email	Email from Applicant to the CFWG querying progress on reviewing the SoCG and expected time frame for signature.
13 th July 2025	Email	Email from CFWG member requesting meeting to discuss SoCG.
14 th July 2025	Email	Email from Applicant to CFWG member offering dates for meeting to discuss CFWG.

Date	Contact Type	Topic
19 th July 2025	Email	Email from Applicant to CFWG outlining final deadline and request for final input into the SoCG.
21 st July 2025	Email	Email from CFWG member containing feedback on SoCG.
21 st July	Email	Email from CFWG member containing feedback on SoCG.

Table 2.2 Topics agreed, in discussion or not agreed in relation to Commercial Fisheries

ID	The Applicant Position	CFWG Position	Position Summary
Commercial Fisheries Baseline			
1	Sufficient data has been collated to appropriately characterise the commercial fisheries baseline environment for the purposes of informing the EIA (Chapter 14 Commercial Fisheries [APP-028]).	The CFWG are not content that data used to inform the EIA appropriately reflects their fishing activity.	Not agreed
Commercial Fisheries Impact Assessment Methodology			
2	The impact assessment methodology used in Chapter 14 Commercial Fisheries [APP-028] is appropriate.	The CFWG are not content with the assessment methodology used to inform Chapter 14 Commercial Fisheries [APP-028].	Not agreed
Project-alone Commercial Fisheries Assessment			
3	The conclusions of the assessment of impacts for construction, operation and decommissioning of the Project are considered appropriate. (see Section 14.6.1 to 14.6.3 of Chapter 14 Commercial Fisheries [APP-028])	The CFWG does not believe the EIA represents the type of vessel, and indeed business, represented by the Group. Therefore, at present mutual agreement on the impact conclusions on the CFWG vessels is not possible.	Not agreed
4	The realistic worst-case scenarios presented in Table 14.3 of Chapter 14 Commercial Fisheries [APP-028] are suitable for the assessment of impacts on commercial fishing.	The CFWG believes that the realistic worst-case scenarios presented in Table 14.3 of Chapter 14 Commercial Fisheries [APP-028] likely give a correct broad overview of the worst-case scenario, but doesn't sufficiently address what will happen if many of them are realised	To be discussed
Cumulative Commercial Fisheries Assessment			
5	The methodology used for assessment of cumulative of impacts on commercial fisheries is considered appropriate. This is in line with that used for assessment of Project-Alone impacts.	The CFWG are not content with the methodology used for the Project Alone and therefore are also not content with the methodology that underpins the cumulative impact assessment.	Not agreed
6	The conclusions of the cumulative impact assessment presented in section 14.7.3 of Chapter 14 Commercial Fisheries [APP-028] are appropriate. Given the location and characteristics of the Project, it is the Applicant's view that it	The CFWG are not content with the methodology taken to the Cumulative Impact Assessment and therefore are not content with the conclusions assessed. The Inner and Outer Thames Region has undergone, and continues to face, extensive spatial restrictions and there are specific concerns that the region has	Not agreed

	will not result in a significant contribution to cumulative impacts to commercial fisheries in the region.	reached an over-saturated state, and this is having an ever, increasing effect on the regional and wider fishing industry.	
Embedded Mitigation			
8	It is the Applicant's position that the embedded mitigation measures outlined in Section 14.3.3 of Chapter 14 Commercial Fisheries [APP-028] and in Table 4.1 of the Outline FLCP (2023) [REP7-021] will reduce impacts on commercial fishing and have been accounted for when identifying impact significance.	The CFWG is concerned that the target minimum burial depth is not sufficient, and believe that the cables will become exposed, given the experience from other projects in the Outer Thames Estuary.	Not Agreed
9	It is the Applicant's position that in instances where the relocation of static fishing gear may be necessary, measures and procedures set out in the FLCP, in line with FLOWW guidance, will be adhered to.	All the vessels represented by the CFWG are multi-method, using both static and mobile fishing gears, and with limited operational ranges and will be impacted by survey and cable installation works, regardless of their predominant gear type.	Not agreed
Outline Fisheries Liaison and Coexistence Plan			
10	The measures outlined in the Outline Fisheries Liaison and Coexistence Plan [REP7-021] are appropriate for liaison and consultation with the fishing industry throughout the lifetime of the Project.	<p>The CFWG has highlighted points of concern regarding the Outline FLCP [REP7-021], including:</p> <ul style="list-style-type: none"> • The Developer's "set policy" on mobile gear disruption payments; • No mitigation for the dispersal of fish during construction has been included; • That a safety zone of only 500m is unlikely; • The consultation methods employed; • Concern relating to cable exposures and gear snagging; and • Post lay and cable burial inspections are not sufficient to establish whether it is safe to fish. 	Not Agreed
Outline Fisheries Liaison and Coexistence Plan – Alternative Measures			
11	<p>It is the Applicant's position that the following alternative measures are potential measures which could be appropriate to the CFWG:</p> <ul style="list-style-type: none"> • 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 North Falls development; <p>The Applicant is committed to exploring further alternative measures with the CFWG, the final FLCP will confirm commitment to any additional measures in</p>	The CFWG are unclear on what this commitment means specifically and are concerned that the commitments may not be sufficient post-consent.	To be discussed

	the pre -construction phase if demonstrated to be appropriate to the CFWG and the Applicant.		
12	<p>In order to minimise disruption to vessels actively engaged in fishing, survey vessels engaged in North Falls activities will adhere to seafarers' etiquette to avoid being in the path of mobile fishers.</p> <p>Whilst vessels would seek to give way to mobile fishers operating in the area, it would not be possible for vessels engaged in activities such as operating a borehole, to move off.</p> <p>This commitment has been added to the Outline FLCP [REP7-021].</p>	The CFWG believe that during survey works, fishing vessels actively engaged in fishing should be given priority over survey vessels using towed survey equipment, unless COLREGs need to be applied for safety reasons.	Agreed
13	It is the Applicant's position that the commitment for vessels to give way to mobile fishers operating in the area during surveys will minimise disruption to vessels actively engaged in fishing. However, it is not practicable for this commitment to extend into the construction phase.	The CFWG believe that during survey and construction works, fishing vessels actively engaged in fishing should be given priority over survey vessels using towed survey equipment, unless COLREGs need to be applied for safety reasons.	Not Agreed

Table 2.3 Topics agreed, in discussion or not agreed in relation to Fish and Shellfish Ecology

ID	The Applicant Position	CFWG Position	Position Summary
Project-alone Fish and Shellfish Ecology Assessment			
1	The likely significant effects of the operation and maintenance phase of the Project on fish and shellfish species, including those of commercial importance in the commercial fisheries study area are assessed in ES Chapter 11 Fish and Shellfish Ecology [APP-025], no significant effects on fish and shellfish species were identified. It is therefore the Applicants position that there will be no significant impacts to commercial fisheries as a result of impacts on commercially exploited fish and shellfish species during operation (Section 14.6.2.7 Chapter 14 Commercial Fisheries [APP-028].	The CFWG have stated that they consider that the presence of windfarm infrastructure prevents commercially exploited fish species from entering an area.	Not agreed

3. Signatures

27. The above SoCG is agreed between the Applicant and CFWG on the day specified below.

Signed: _____

Print Name: _____

Job Title: _____

Date: _____

Duly authorised for and on behalf of the CFWG by Trevor Armstrong-Honorary Secretary of the Harwich Harbour Fisherman's Association

Signed: _____

Print Name: _____

Job Title: _____

Date: _____

Duly authorised for and on behalf of North Falls Offshore Wind Farm Ltd

4. References

Planning Inspectorate (2024) Statements of Common/Uncommon Ground for Hearings and Inquiries. Available at: Statements of Common/Uncommon Ground for Hearings and Inquiries - GOV.UK



NORTH FALLS

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HARNESSING THE POWER OF NORTH SEA WIND

North Falls Offshore Wind Farm Limited

A joint venture company owned equally by SSE Renewables and RWE.

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