

Meeting Notes

Project Name	FLOWW
Name of Meeting	Minutes of Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW)
Meeting Venue	Virtual meeting held via video conference
Date & Time of Meeting	<i>1.30pm on Tuesday 2nd June 2020</i>

Chair of the Meeting	Jess Campbell - TCE	
Names of the Attendees	<ul style="list-style-type: none"> ▪ Aaron Mair – Port Hill Marine Ltd ▪ Amelia Chilcott - Innogy ▪ Andronikos Kafas – EDPR ▪ Ben Sims – Vodafone/ESCA ▪ Caitlin Long – EMEC ▪ Chris Willey – ESCA ▪ Claire Gilchrist – NNG Offshore Wind ▪ Courtney French – Ørsted ▪ Dale Rodmell – NFFO ▪ Darryl Hall – Vattenfall ▪ David Jones – Blue Gem Wind ▪ David O’Sullivan – EDPR (Moray West) ▪ Femke de Boer - Scottish White Fish Producers Association ▪ Hannah Whyte – Crown Estate Scotland ▪ Harriet Thomas – Innogy ▪ Hugh Kelly – Blue Gem Wind ▪ Iain McMyne - SSE ▪ Ian Rowe – NFFO 	<ul style="list-style-type: none"> ▪ John Hartley – Hartley Anderson/BEIS SEA Programme ▪ John Wrottesley - ESCA ▪ Kirsty Wright – Marine Scotland ▪ Malcolm Morrison – SFF ▪ Mark Pearce – Puissance ▪ Martin Goff - Equinor ▪ Matt Seal - TCE ▪ Matthew Frow – Seafish (Kingfisher) ▪ Nick Brockie – SSE ▪ Nick Salter – MCA ▪ Peter Jamieson – Virgin Media/ESCA ▪ Roger May – Marine Scotland ▪ Rosie Scurr – NNG Offshore Wind ▪ Sign Nielsen – Innogy ▪ Simon Matson – XceCo ▪ Solomon Judah – SPR

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1.0	<p>WELCOME AND INTRODUCTION</p> <p>Review of actions from last meeting:</p> <ul style="list-style-type: none"> • Members to submit final comments on draft cables document to Dale Rodmell at NFFO – <i>to be addressed later in the agenda</i> • TCE and Dale Rodmell to bottom out with ESCA on how best to deal with snagging protocol section and wording of cables document – <i>to be addressed later in the agenda</i> • Members to let Jess Campbell know if they want to be on steering group for Liaison BPG update – <i>to be covered later in the agenda</i> • Include floating wind as a regular update agenda item for future FLOWW meetings – <i>Actioned/closed.</i> • Include agenda item for next FLOWW meeting to look at existing data – <i>Ongoing/rolled over to next (full length) FLOWW meeting</i> <p>ACTION: Members to advise of any amendments/comments on the draft meeting minutes from 13th November meeting.</p>
2.0	MEMBER UPDATES

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	<p data-bbox="264 320 635 342">Crown Estate – Jess Campbell</p> <ul style="list-style-type: none"> <li data-bbox="312 376 1412 589">• <u>Leasing update – Round 4</u> - The invitation to tender (ITT) Stage 1 opened on 1 April, and the tender submission deadline has been extended slightly in light of the Covid-19 situation. This will be followed by internal assessment of tenders, then the ITT Stage 2 ‘multi-cycle bid process’ will open. Following this stage, TCE will undertake its plan-level Habitats Regulations Assessment (HRA) before award of seabed rights later in 2021. Further information on Round 4 leasing and the latest updates are available on the dedicated R4 webpage. <ul style="list-style-type: none"> <li data-bbox="408 595 1412 775">○ <u>Floating wind</u> – TCE have an ongoing leasing opportunity for test and demonstration offshore wind projects of up to 100MW; an application for a floating wind development in Welsh waters has been received and is currently the subject of a notice on TCE’s website (link below). Relevant to flag given increasing interest in FLOWW In looking at floating wind and understanding the particular issues associated with this technology. <li data-bbox="312 781 1412 1055">• <u>Offshore wind strategic enabling actions programme</u> – since the last FLOWW meeting, a stakeholder workshop was held on 4th Dec focused on defining outcomes and priorities, and scoping actions that will help us shape the structure and delivery plan for the programme. A summary of key themes, issues and outcomes of the workshop is available on TCE’s website here. Over the coming months, TCE will be engaging further with stakeholders on further establishing and defining the programme, coordinating with other research groups and workstreams, and providing stakeholder updates on a few early projects being progressed in advance of formal launch of the programme (planned for later in 2020). <li data-bbox="312 1061 1412 1178">• <u>Staff updates</u> – Jess Campbell will be going on maternity leave in late July and maternity cover is currently being recruited. It is still being decided how FLOWW and fisheries work will best be covered in her absence, and an alternative TCE contact will be circulated to FLOWW over the coming weeks. <p data-bbox="264 1211 528 1234"><i>Discussion/questions:</i></p> <ul style="list-style-type: none"> <li data-bbox="312 1240 1412 1357">- UK FIM data – DR flagged that NFFO now hold the UK FIM data and are keen to engage with developers on fisheries using the data – developers are encouraged to contact NFFO and liaise with them on early proposals, so that UK FIM data can inform discussion on potential fisheries interactions. <p data-bbox="264 1397 836 1420">Marine Scotland – Roger May and Kirsty Wright</p> <ul style="list-style-type: none"> <li data-bbox="312 1462 1412 1615">• <u>Sectoral Marine Plan for Offshore Wind</u> – Draft Sectoral Marine Plan consulted on Dec – March; process of reviewing written responses received is underway. Final Plan will be prepared and presented for approval and adoption by Scottish Ministers; once adopted, the SMP will be subject to iterative Plan review to ensure it makes use of best scientific understanding and knowledge, and is relevant to wider regulatory and policy context. <li data-bbox="312 1621 1412 1738">• <u>Fisheries Mitigation and Management Strategy guidance</u> – FMMS guidance nearly finalised – was due to be published before Covid-19 so is near finalised, but MS expect developers to be familiar with content and be starting to use to support their applications. <li data-bbox="312 1744 1412 1897">• <u>ScotMER fisheries workstreams – Evidence Map</u> - Fish and Fisheries Strategic Working Group meeting held 1st April, with discussion focused on evidence map which identifies key gaps in knowledge on fisheries interactions with renewables. KW is finishing update to the map in light of comments, and plans to hold follow up meeting with stakeholders to discuss these updates, on the back of which the map will be updated and finalised. <li data-bbox="312 1904 1412 2112">• <u>Ongoing/planned research</u> – MS in process of launching some tenders on fisheries projects: <ul style="list-style-type: none"> <li data-bbox="408 1962 1412 2020">○ Project to look at displacement of fishing activity – 6 month desk based study, planned to commence August 2020 and run until January 2021. <li data-bbox="408 2027 1412 2112">○ Tender on improving communication and engagement with the fishing sector- also planned for launch in June. Aimed at understanding what's working and what's not working, and ways forward for improved practices.

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	<ul style="list-style-type: none"> • <i>Upcoming workshop</i> – Marine Scotland planning a floating wind evidence gap workshop at MASTS conference in September – focus is environmental challenges and technical solutions. Open for all receptors, not just fisheries; FLOWW members welcome to register their interest in attending. <p>Crown Estate Scotland – Hannah Whyte</p> <ul style="list-style-type: none"> • <u>Leasing update</u> – Scotland leasing cycle to be informed by Marine Scotland planning activity. Planning on launching very soon – updated stakeholders in April, with docs pending Scottish Govt approval. CES hoping to make final leasing docs available during coming weeks. Will be asking interested parties to register, but won't expect applications until Sectoral Marine Plan has been finalised and adopted by Ministers – this safeguards against any changes that may occur between the draft and final plan. CES looking to award option agreements once applications reviewed and evaluated, likely to be into 2021 • <u>Strategic research</u> – CES is in close discussion with TCE on OW strategic enabling actions programme and join up with Scottish research priorities to ensure UK-wide relevance. <p><i>Discussion/questions:</i></p> <ul style="list-style-type: none"> - Question raised regarding potential grid connections and to what extent these are assessed by TCE and CES in their leasing. TCE response that broadscale assumptions are made about export cable corridors and these are assessed as part of TCE's plan-level HRA, but recognise that the grid connection process is a separate regime and so assessment of potential connection locations and cable routes is best addressed following site award (as part of the developer-led planning and consenting process), once further detail of grid offers made to the developer is known. CES response that grid connections are assessed at a strategic level in the SMP, with in built assumptions re potential location of cable routes, and consideration of key sensitivities. Given level of uncertainty surrounding specific grid connection locations, detailed assessment is conducted at the project level, similar to TCE's response. - Comment that there seem to be a lot of programmes at the moment looking at coordination of offshore grid, with a view to minimising impacts; not clear what level of engagement with fisheries stakeholders/consideration of fisheries impacts are undertaking. There was an OWIC paper published on this last year; and BEIS is currently leading a study looking at an appropriate framework for offshore transmission to support increased ambition for offshore wind (National Grid, Ofgem and TCE are involved).
3.0	<p>FLOWW WORKING GROUPS UPDATE</p> <p>Liaison Best Practice Guidelines review and update – Roger May</p> <ul style="list-style-type: none"> • Marine Scotland have volunteered to lead the update to the Liaison BPG; two documents were circulated in advance of the meeting (mind map and action plan) setting out overview of RM's proposal to look at all FLOWW guidance/docs and combine into one, and to produce in a modular form to make it more reader friendly and easy to use. • Much of the content already there in the current Liaison BPG, can lift and re-jig; however will need some new content/further detail on some aspects e.g.: <ul style="list-style-type: none"> ○ Useful to have more detail on the description of a wind farm, required buffer zones etc – look to draw upon guidance and agreed positions from other groups like NOREL; ○ Need more from developers on what marine control centres are going to do ○ Mapping – reference to UKHO and Kingfisher, scope for FishSafe to be included? ○ Compensation and cooperation payments;

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	<ul style="list-style-type: none"> ○ More on the planning/consenting process – reflecting discussion at previous FLOWW meetings that we need to help some fisheries stakeholders understand the process better and so recognise key opportunities for engaging and getting their views across. ● RM plans to use MS’s centralised record keeping system, ERDM connect –allows documents to be edited and altered, and to involve outside bodies and stakeholders to access, review and comment. In order to set this up RM needs to know who wants to be involved in the update so can arrange access. ● Next steps: <ul style="list-style-type: none"> ○ Need to agree with the FLOWW group modules/topics to be covered; ○ Need feedback on what members think is wrong/missing with the Liaison BPG as they are; ○ Arrange access to EDRM for FLOWW members involved in the update; once on ERDM, members will have opp to look at different modules and flag what they think is missing/needed <p>ACTION: Members to let Roger May know if they wish to help with review and update of the Liaison BPG</p> <p>ACTION: Members to let Roger May know what they think is wrong/missing/needs updating with the Liaison BPG</p> <p>ACTION: TCE to organise call for 3-4 weeks’ time for the newly formed Liaison BPG steering group.</p> <p>Cables subgroup and guidance – Dale Rodmell</p> <ul style="list-style-type: none"> ● At last meeting version 0.4 of the draft cables document was presented with a view to any final comments to be sent in following the meeting; only a couple of minor changes made to document since previous version, e.g. checking a couple of things with UKHO and on marking/lighting; reflecting status of Welsh National Marine Plan; also reference MCA’s MGN 543 currently out for consultation. ● ESCA comments shared just before today’s meeting (<i>see Annex 1</i>); overview of these summary points provided by John Wrottesley, the new liaison officer for ESCA (taking over role from Peter Barham). Despite some of the concerns raised with the document, ESCA see welcome opportunity to put together a document outlining best working practices and how fisheries and cables can work together. ● Main point of ESCA’s comments is that the document appears to endorse bottom fishing over cables – it has been a longstanding position of ESCA that it’s not possible to say fishermen can safely trawl over submarine cables. References in the FLOWW document to trying to make it safe to trawl goes against ESCA position that it’s not possible. <ul style="list-style-type: none"> ○ Quite a significant safety point; and note that neither ESCA position statements referenced in the draft doc; ○ ESCA unable to endorse bottom gear fishing over cables; JW noted that that’s not to say it’s not possible in some cases, but that would have to be looked at and agreed on a case by case basis; ○ Question of liability has not been addressed to ESCA’s satisfaction. <p><i>Discussion/questions:</i></p> <ul style="list-style-type: none"> - Clarification that ESCA don’t oppose all types of fishing gear over cables, only bottom contact gear (i.e. trawling, scallop dredging etc.) where there is potential to snag the cable with associated safety implications. There are other fishing activities which don’t pose a risk to people or cables. - Concern raised that ESCA position is at odds with OWF developer position and assumptions made during EIA and in consent being issued, i.e. that fishing can resume

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	<p>within an OWF. E.g. there has been discussion on Scotland with developers on over-trawlability surveys.</p> <ul style="list-style-type: none"> - Worth noting that not all OWF developers are members of ESCA. Also need to recognise the position that individual OWF developers may take wrt liability if they promote fishing over cables/say that it's safe to fish over all cables, vs reality that in many cases fishing over cables does take place, so need to find a way to deal with that in the document and highlight ways in which the sectors can coexist, e.g. sharing information on cable location. - Suggested by JC that a separate call is organised to focus on the cables document and the latest set of comments, with a view to finding a suitable form of wording to reflect the respective positions. I.e. that as a body ESCA is unable to endorse fishing over or near cables, but agreement may be reached on an individual case by case basis between developers and their stakeholders. <p>ACTION: Members to let Jess Campbell know if they want to be involved in follow up cables document discussion.</p> <p>ACTION: TCE to set up dedicated call in 2-3 weeks' time to address outstanding comments on the cables document.</p>
4.0	<p>DISCUSSION ITEMS AND UPDATES</p> <p>Floating wind – Jess Campbell</p> <ul style="list-style-type: none"> • <i>Research</i> - Recent conversation between JC and Jim McKie (formerly of MS-LOT) giving overview of some floating wind work underway in Scotland; Quaybridge Scotland are working with ORE Catapult to develop a proposal for a workstream reviewing the interaction between floating wind and the Scottish fishing community. It would aim to identify potential measures, programmes and technological solutions to reduce the impact of the build out of floating wind over the next two decades on the Scottish fishing community. Potential areas to be covered within the workstream (for further discussion within the group) are: improving knowledge and data, development of guidelines and to find solutions through innovation and science that could potentially minimise the negative impact and maximise any positive impact of FOSW on Scotland's fishing communities. JMCK happy to keep FLOWW group updated on progress with the project. • <i>Increasing market interest</i> – Application received by TCE (as covered above in TCE update), as well as other market interest in floating wind; also work planned by both MMO and WG to map and understand resource areas for this technology. • Highlights importance of keeping floating wind on the FLOWW agenda and a regular update item <p><i>Discussion/questions:</i></p> <ul style="list-style-type: none"> - Comment that the fishing industry view floating wind developments as closed areas – mainly due to mooring systems, before getting into cables discussion and potential exclusion of fishing activity. - Agreement that floating wind should be a regular FLOWW agenda item. <p>Safety Zones and SOV operations – Dale Rodmell</p> <ul style="list-style-type: none"> • (See slides in Annex 2, presented by DR during this agenda item). SOV operations are routine maintenance, but captured by the definition of the 'major maintenance' under the Safety Zone regulations for offshore renewables. Prospect of SOVs (and so associated Safety Zones) being triggered several times a day – implications for disruption of fishing activities. • Recent example of Race Bank, which applied for a variation to the standard 500m to be reduced to 150m to reduce impacts on fishing activity.

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	<ul style="list-style-type: none"> • MCA view that Safety Zones for SOVs are not necessary and don't provide any additional benefit over existing practices of good seamanship, communication, Collision Regulations and that SOVs detach quickly if needed – MCA continue to put forward their view, as discussed at previous NOREL meetings. Discussion also held at NOREL that 150m is irregular, the standard 500m should be applied for where a Safety Zone is deemed necessary. • Agreement that it would be useful to have BEIS come and speak at the next FLOWW meeting to provide further insight into their position; MS able to give perspective as Scottish regulator for safety zone applications in Scottish waters. MCA happy to contribute to the discussion. Noted that useful to make contact with Kate Harvey at G+ on this topic <p>ACTION: Table further discussion on SOV operations and safety zones for next FLOWW meeting; seek input from BEIS, MS, developer perspective.</p> <p>FLOWW look ahead – Jess Campbell</p> <ul style="list-style-type: none"> • JC wanted to use this meeting as opportunity to discuss briefly with FLOWW members potential key topics/discussion items for the group going forward; keen to ensure the group is useful for all members and covers what members wish to see discussed and addressed. Would like to invite views on shaping a 'work plan' for the group and topics members are keen to address. • Also interested in views on frequency/timing/duration of FLOWW meetings – e.g. given the Covid-19 it is likely many organisations will remain working remotely for a considerable time and this could perhaps mean that it is best to move to shorter, but more frequent virtual FLOWW meetings, e.g. as with today's. <p><i>Discussion/questions:</i></p> <ul style="list-style-type: none"> - Cumulative issues – comment that these tend to materialise in HRA and the need to compensate for impacts on ecology receptors e.g. marine mammals and seabirds, sometimes with fisheries related measures. Useful to look at under what circumstances these would come into play. - Given timing of JC's maternity leave, unlikely to be possible to organise the next FLOWW meeting before then; suggestion that we could aim for next FLOWW meeting to be in September, with dedicated calls on the Liaison BPG and cables document in the interim. <p>ACTION: Members to provide feedback to Jess Campbell on issues and topics, frequency of meetings etc for FLOWW going forward.</p> <p>ACTION: TCE to suggest date for next meeting sometime in September- Doodlepoll to be circulated.</p>
8.0	<p>AOB / NOTICEBOARD</p> <p>None arising</p>

SUMMARY OF ACTIONS		
Action	Owner	Due Date/Status
Members to advise of any amendments/comments on the draft meeting minutes from 13 th November meeting.	FLOWW members	10th July
Members to let Roger May and Jess Campbell know if they wish to help with review and update of the Liaison BPG.	FLOWW members	3rd July
Members to let Roger May know what they think is wrong/missing/needs updating with the Liaison BPG.	FLOWW members	3rd July

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TCE to organise call for 3-4 weeks' time for the newly formed Liaison BPG steering group.	JC	10 th July
Members to let Jess Campbell know if they want to be involved in follow up cables document discussion.	FLOWW members	26 th June
TCE to set up dedicated call in 2-3 weeks' time to address outstanding comments on the cables document.	JC	3 rd July
Table further discussion on SOV operations and safety zones for next FLOWW meeting; seek input from BEIS, MS, developer perspective.	JC	Ongoing/next meeting
Members to provide feedback to Jess Campbell on issues and topics, frequency of meetings etc for FLOWW going forward	FLOWW members	10 th July
TCE to suggest date for next meeting sometime in September- Doodlepoll to be circulated.	JC	10 th July

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ANNEX 1: ESCA comments on draft FLOWW cables document**FLOWW Best Practice Guidance for Offshore Renewables****Developments:****Recommendations for Fisheries-Cable Interactions, Planning and Mitigation,
And Guidance on The Offshore Transmission Owners (OFTOs) Regime****Summary of points raised by ESCA:**

- The purpose of the document is to provide a structured and reasonable view of the best working practices between the fishing industry and submarine cables related to renewables developments and as such the principle of it is welcomed.
- Collaborative engagement cross-sector will lead to increased understanding and a safe environment both for fishing vessel operators and the vital seabed assets that must be protected.
- The document constitutes advice and contains positions which are unacceptable to cable owners and operators by endorsing unsafe working practices.
- ESCA has a clear position regarding vessels operating in the vicinity of submarine cables. It is unsafe to undertake bottom trawling, scallop dredging and use other such bottom contact gear over submarine cables. It poses a threat both to the vessel and to the cable.
- The Admiralty Mariners' Handbook (NP100) set out the clear position of the MCA that fishing amongst other activities should not take place within 0.25NMI of any submarine cable.
- The document appears to endorse 'Operating bottom contacting towed gears' as normal standard practice amongst fishing vessel operators. This is an unsafe practice and ESCA has for many years promoted that view in support of maritime safety and has disseminated information to other sea users to discourage fishing over submarine cables.
- Noting that it is highlighted as normal standard practice - is there specific advice from the fishing industry to advise vessel operators to conduct bottom contact towed gear operations over cables?
- ESCA's primary goals are the promotion of marine safety and the safeguarding of submarine cables from man-made and natural hazards. They have a dedicated fishing liaison officer who regularly undertakes port visits, information is disseminated, cables are charted, KIS-ORCA is in place and freely distributes information on safe working practices. The positions of ESCA are not unfamiliar to fishing groups yet appear not to have been taken into account.
- ESCA has a clear position statement on other vessels operating in the vicinity of submarine cables which has not yet been noted or referenced in the document:
<https://www.escaeu.org/download/?Id=403&source=documents>
- Post-lay trawl sweeping is also not a common practice for submarine cables despite fishing groups lobbying regulators to include it as a condition of licence. ESCA has a clear position statement on this which has not yet been referenced or noted in the document:

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<https://www.escaeu.org/download/?Id=319&source=documents>

- ESCA will not endorse post-lay trawl sweeping – the issue of assumption of liabilities is not acceptable. Approval or requirement of such practice poses a threat to safety of life and integrity of critical infrastructure.
- Clearly it is unacceptable to publish such a document aimed at promoting best practice that currently selectively includes only certain references and ignores others.
- There are inaccuracies within the document which need amending as well as references and links which are out of date – including within the marine plans. Specific comments on the document will be included separately to this summary.
- Any agreement for ongoing fishing within a development can only be agreed on an individual case by case local basis with developers. Such considerations cannot be generally accepted across the cable sector.
- The position is very clear that bottom contact gear cannot be endorsed to be used over submarine cables and poses a serious threat to safety of people onboard fishing vessels as well as the integrity of critical energy infrastructure.

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ANNEX 2: NFFO slides used to inform SOV and Safety Zones discussion


FLOWW

Interim Meeting (on-line)

2nd June 2020




Safety Zones and SOV Operations

- Even though SOV operations are routine maintenance, under 2007 regulations, as a result of how “major maintenance” is defined they are captured under this definition.
- Implication – existing Safety Zone authorisations grant SOV operations with 500m Safety Zones even though not envisaged in original applications or assessed as part of EIA.
- Safety Zones triggered several times a day potentially will lead to disruption, and if safety risk of activity is ALARP is not in the spirit of co-existence.



Race Bank Variation

- Race Bank: Variation from 500m to 150m - To mitigate impacts on fishing activities.
- MCA: Safety Zones not necessary – detach quickly, existing measures incl. COLREGs, visual look out, radio watch and radar mean safety zone provide no benefit.
- SoS approved with day-to-day notice given of structures where SOV will be attaching to.
- Emergency detachment: SoS - 30-40mins; NOREL - immediately.
- NOREL (2019): No consensus, but 150m irregular. 500m should be applied for.
- NFFO: Existing safeguards sufficient, but in light of SoS decision, a standard (subject to site specific circumstances) should be 150m (with notice requirements) taking account of the need to balance safety concerns without unnecessarily disrupting the activities of other marine users.