



BWEA Recommendations for Fisheries Liaison

Thursday 5th August 2004

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1 Introduction

The offshore wind industry is developing rapidly. As we develop we must continue to be aware of those who make the majority of their living from the sea, on both a local and national level.

The following recommendations have been written by the British Wind Energy Association working in close cooperation with various fisheries groups such as NFFO (National Federation of Fishermen's Organisations), SFF (Scottish Fishermen's Federation), SFI (Sea Fisheries Inspectorate) and other relevant marine organisations. They are intended as guidelines for developers of offshore wind and the fishing community. They are based on best practice developed through the experience of the UK's fishing community, and the offshore oil and gas and cable industries.

BWEA is grateful to the various fisheries organisations for the time and expertise they have given in helping BWEA compile these recommendations. We would also like to thank both the United Kingdom Offshore Operators' Association (UKOOA) and the Cable Industry/Fishing Industry Liaison Group (CIFIG) for providing BWEA with extensive suggestions, feedback and comments as to the appropriate content of this document. These guidelines also draw on the extensive experience gained by 'Round One' Offshore Wind Farm Developers.

These guidelines therefore hold much valuable information and represent an invaluable reference. They have been compiled in a spirit of cooperation and with the intention of forming a long term partnership between the offshore wind industry and the UK's fisheries community. Both sides believe that they can continue to co-exist and, further, that the activities of each will continue to be mutually beneficial to the other; however, both also recognise that if we are to do this we have to continue to work closely together.

Throughout this document we have used the terms fishing industry, fisheries industry and fisheries on an interchangeable basis. For the purposes of this document all of these terms refer to the Fishing and Fisheries Industry in its broader context. All Developers should be aware that there are many different types of fishing activity, using different types of equipment. Key activities around the UK include:

- Trawling – fishing with one or more towed nets being dragged along the sea bed (also known as demersal trawling);
- Mid-water trawling – fishing for pelagic species such as herring and mackerel by towing one or more nets through the water column;
- Long-lining – using static or trailed hooks and lines usually set on the sea bed and left for a number of hours before being lifted, cleared and re-set;
- Dredging – towing several dredges either side of a vessel and through the sea bed, typically for scallops;
- Fixed netting – using 'fleets' of nets anchored in some way to the sea beds. As with long lines above these nets are lifted, cleared and re-set from time to time;

- Drift netting – allowing nets (attached to a vessel) to drift with the vessel down wind/tide. Usual target species are herring, mackerel, bass and, in some specialised fisheries, cod;
- Potting – typically for crab, lobster and whelks using numbers of pots (a string of pots) anchored to the sea bed. Again, this gear is lifted, cleared and re-set from time to time.

Due to the difference in activities and equipment used, concerns from each section of the fishing community may be different.

These recommendations are being compiled jointly by the various UK fishing and fisheries groups and the BWEA and they will be reviewed on a regular basis by the sub-group of the DTI's Fishing Industry Liaison Group. In this regard BWEA would like to acknowledge the work of DTI in acting as crucial facilitator in bringing together the wind and fishing industries.

2 Purpose

The purpose of this document is to provide guidelines for any company involved in offshore wind development when dealing with fishing and fisheries. Wind farms and fisheries should coexist to the advantage of both parties. This document and the Fishing Liaison for Offshore Wind (FLOW) group aims to facilitate that process through encouraging effective liaison with the fishing industry and the production of industry-wide standards for fisheries liaison.

3 Fishing Liaison for Offshore Wind (FLOW)

FLOW (formerly the Offshore Renewable Industry/Fishing Industry Liaison Group or ORIFILG) has been set up as a result of cooperation between the fishing industry, BWEA and Government (through DTI) to be the focal point for all nationwide fishing and fisheries matters pertaining to the Offshore Wind Industry, and:

- To discuss issues arising from the interaction of fishing and offshore wind farm activities;
- To share best practice;
- To agree standards under which recompense may be considered for any direct disruption to work and loss of income.

3.1 Objectives

The purpose of FLOW is to:

- liaise effectively on generic national issues with the fishing industry including with inshore fisheries managers who, in England and Wales, are the Sea Fisheries Committees (SFCs);
- represent the industry on national issues to the Government;
- develop a common set of standards in accordance with which offshore wind Developers will work with the fishing industry;
- share best practice with UKOOA and CIFIG;
- share best practice with the European and American Wind Industries;
- distribute information to the fishing industry;
- produce industry-wide proposals for fisheries liaison;
- produce and maintain a fisheries guidebook.

4 Liaising with the Fishing Industry

The offshore wind farm consents (Section 36 and TWA) require that close liaison is maintained with the relevant government departments and fishing organisations in respect of any wind farm construction activity or associated cable laying.

To establish *and* maintain the requisite good relations, due note should be taken of all recommendations and guidelines contained within this document.

4.1 Establishing contact

In order to benefit from industry knowledge it is recommended that contact between the wind project and the local fishing industry is established from the earliest possible time in the planning phase. Contact should be made with fishing organisations representing the areas of interest. In England and Wales the primary industry contacts are the National Federation of Fishermen's Organisations and in Scotland the Scottish Fishermen's Federation. In England and Wales only the Sea Fisheries Committees (SFCs) may provide information on local fishing activities and contact details for local representative fisheries groups. It would be useful for the SFCs to be consulted, along with other fisheries groups, at the earliest possible stage. Care should be taken to include all interest groups; eg an inshore fishery and an offshore fishery may have different representative groups. Remember that cables from offshore sites have to come ashore at some point. The inshore fishermen's groups and the SFCs should therefore always be important points of contact however far offshore a wind farm development may be.

Contact should also be established with Government agencies, either local or national, such as MCA (it should be noted that HM Coastguard is part of the MCA, having merged with the Marine Safety Agency in 1998), local DEFRA Sea Fishery Inspectorate (SFI) district offices (or in Scotland the Scottish Fisheries Protection Agency (SFPA)), Port Authorities and the UK Hydrographic Office (UKHO). The SFI is the primary contact through which all other relevant local organisations can be referenced.

Each of these bodies requires specific information. MCA's Marine Guidance Notes for wind farm Developers are posted in the members' area of the BWEA web site. UKHO has also provided BWEA with information on its data requirements. Details are available in the members' area of the BWEA web-site and Appendix 3 to this document. Provision of this information will enable the promulgation, for example, of the expected construction works to the marine community by means of Preliminary Notice to Mariners and/or navigational warning at the earliest opportunity. In addition the 'Final Information' outlined in Appendix 3 will enable permanent chart corrections by means of 'Notice to Mariners'. BWEA notes that timely provision of this information to fishermen will be of great assistance to them.

It is recommended that contact/introductions be made with the Harbour Master and local DEFRA/SFPA officials during the planning phase – they have significant knowledge about local fisheries activities and movements. The relevant local DEFRA fishery office will be able to provide contact details of representative local fisheries groups and individuals.

4.2 Introducing the project

Where possible, wind farm Developers will at the earliest possible stage and preferably prior to a bidding round and/or to announcing the position of the wind farm or of the associated cable routes, seek to:

- Discuss the offshore wind farm position, size, layout and associated submarine cable routes and landing points with local fishermen, shell fisheries, local sea fisheries committees and Port Authorities;
- Ask for advice on specific fishing activities in the area;
- Hold a briefing session to advise fishing groups and other interested parties of key activities;
- Consider additional briefing sessions as necessary through the life of the project;
- Provide a wind farm and cable awareness chart. During the planning stages an A4 chartlet of the area which will affect the local fishermen may be sufficient; this should include information on fishing grounds and local shell-fisheries (see Section 8.1 **Information Dissemination**). Hopefully local fishermen will be able to distribute the bulk of such information amongst the fishing community more efficiently than the Developer. Nonetheless we recognise that the Developer will still need to make sure that the information is posted at local Harbour Master offices. It would also help if Developers seek to identify fishermen who are not members of any organisation in order that they can also be provided with the relevant information.

Developers will seek to invite all fisheries-related organisations to meetings (not just fishermen), for instance harbourmasters, local DEFRA/SFPA representatives etc.

The key learning point for the wind industry is to involve the fishing community in their project as soon as reasonably practicable. Presenting anything as a 'fait accompli' is inviting challenge.

4.3 Environmental surveys

Fishermen should be able to provide significant information to the EIA process. It is important that this is appropriately acknowledged and credited.

4.4 Managing contact

For contact between wind Developers and the fishing community to proceed smoothly, it is important to be clear about who is the right person to call. Developers should therefore aim to appoint a Fishing Liaison Officer (FLO) within the company as early as possible and seek to recruit a Fishing Liaison Representative (FLR) as well. In the pre-consent stage activities such as surveying can be negotiated by liaisons, so they are recommended ahead of any requirement for them by DEFRA as a condition of a FEPA licence. Should such a licence stipulate requirements for liaison, representatives will need to be approved by DEFRA, though normally those nominated prior to issue of FEPA consent would be allowed unchanged. All representatives should be notified to DEFRA and SFI, both its headquarters and the relevant district office. As part of their engagement with the fishing industry, Developers should set out a Fishing Liaison Plan, which sets out who the Fishing Liaison Officer is and how they will operate.

4.4.1 Fishing Liaison Officer

Every Developer should have one individual, *who is a full time company employee*, nominated as the Developer's fishing/fisheries contact, known as the Fishing Liaison Officer (FLO); the identity of this person should be made widely available to the fishing community. While this person may delegate much of the day-to-day liaison between the fishing industry and the Developer to a Fishing Liaison Representative (see below), they will nonetheless be the point of contact for the fishing industry in those situations where direct communication with the Developer company is sought. The FLO will be the principal liaison between the Developer and the fishing community.

During the construction phase, the FLO can help to mitigate any perceived adverse impact of a project by ensuring the timely provision of information regarding programmed vessel movements or delays. In addition, this communication channel also facilitates dissemination of information, for example urgent bulletins in the event of any marine hazards (eg unmarked piles, loss of plant onto the seabed etc). (See Section 8.1 **Information Dissemination**.)

4.4.2 Duties

It will be the responsibility of the FLO to liaise with and between the fishermen and the Developer. To ensure that the FLO is able to carry out these duties they should:

- have a detailed understanding and awareness of the fishing industry;
- have a good understanding of the potential impacts on fishing of the offshore wind industry;
- be able to communicate with the fishing industry, government departments, and other Developers.

To achieve these, the FLO may wish to consider:

- a) Preparing and maintaining a register of local fishermen's groups and associations;
- b) Advising of standards and potential fishermen's concerns with any near shore activities;
- c) Being aware of and organising as necessary meetings for fishermen in order to:
 - ascertain fishermen's concerns;
 - garner fishermen's views on effects of projects on their working practices, historic rights to navigation etc;
 - discuss the construction phase.

This list contains ideas. It is not intended to be exhaustive and Developers are encouraged to elaborate on it at their site(s).

4.4.3 Internal Support

In order for the FLO to carry out his or her duties, good internal communications and explicit senior management support are required from the start. Prior to any work that may impact on fishing activities by any section of the company, the relevant department should contact the FLO to quantify the degree of impact on fisheries activities.

4.4.4 Information needed by FLO

In order to be able to carry out his or her duties, the FLO should be informed on a timely basis of the following:

- All works and proposed works that may impede fishing/fisheries activities; this will include, but not be limited to, pre-development surveys (including hydrographic and geological surveys), pre-submarine cable laying surveys, changes to traffic routes, restrictions to vessel movements, changes or additions to navigation aids, prohibited/restricted areas, exclusion/safety zones, submarine cable laying, home port(s) and routes of vessels to and from wind farm installation sites, installation activities, cable routes and cable installations, anchor patterns of installation vessels etc;
- Planned schedule for these works;
- Details of vessels involved (call signs, Inmarsat numbers, comms links etc), their planned routes, work times and movements to and from the installation sites.

4.5 Fishing Liaison Representatives

It is enormously helpful for the wind industry when they are able to have a single contact point within the fishing community who can be trusted to represent the fishing industry view to the Developer. That person, termed a Fishing Liaison Representative (FLR), should also be able and willing to disseminate information from the Developer to the fishing community, on a timely and all-inclusive basis.

The FLRs should be nominated by elected members of the fishing industry and should therefore be representative of those bodies in carrying out the activities detailed below. The easiest way to ensure this is the case is to recruit the FLR through the relevant national federation (NFFO or SFF), which will also give assurance that the representative has reasonable skills for the job and adequate third party insurance.

Problems have been created in the past where the FLR has been unacceptable to the affected fishermen because there is little local knowledge of or trust in that person. Where the various fisheries groups are unable to agree on a single individual to represent them, then the relevant local fishing federation or association will be approached to make the decision (it may be that this will be one of the National Federations).

4.5.1 Principal roles

The principal roles of the FLR should include, but not be limited to:

- Form the principal link between the fishing community and the wind farm operator;
- Provide the operator with guidance on fishing activity in the area and draw attention to particular fishing sensitivities;
- Liaise with fishing skippers with the objective of relaying accurately their concerns back to the FLM;
- Disseminate updated project information to fishermen and communicate any changes that occur;
- Promote methods of work which minimise disturbance to fishing;
- Monitor fishing activities in the wind farm area;
- Advise fishing vessels of works activities;

- Coordinate actions with vessels not adhering to safe practices;
- Liaise with fishermen with a view to informing the FLO of any particularly sensitive sites/issues that the fishing community requires to see in environmental statements as well as any other particular EIA requirements that they may consider to be appropriate;
- Fishing is a 24-hour operation, therefore the FLR will be expected to be on call 24 hours a day.

Details are contained in Appendix 1.

4.5.2 FLRs as 'Guides' on construction/maintenance vessels

The International Regulations for Preventing Collisions at Sea (COLREG) 1972 provides for the actions to be taken by fishing vessels and those restricted in their ability to manoeuvre, when two vessels are approaching one another. In normal circumstances the provisions laid down in these regulations are sufficient to ensure that both can continue operating with a minimum of disruption.

In recent years fisheries organisations have encouraged cable installation and maintenance vessels and, in certain instances, oil and gas related vessels, to employ a representative from the local fishing community on board. There may be occasions when this is appropriate for vessels during the construction period of offshore wind farms and this is something that BWEA would encourage individual Developers to consider. The FLR would use his extensive fishing knowledge to develop acceptable working patterns and to offer advice to the officers of the construction and/or maintenance vessels on how to minimise or avoid unnecessary interruptions between the fishing and wind industry activities.

In the offshore oil and gas sector anyone going offshore needs to have valid offshore medical and sea survival certificates. BWEA will therefore give consideration to the pre-qualifications that the FLR will need to have in order to act in this capacity.

A set of guidance notes for Fishing Liaison Representatives working offshore, as well as companies seeking to employ them in offshore operations, is included in Appendix 1.

5 Guard Vessels

Guard vessels may be required during the construction phase as well as during major tower/turbine maintenance and cable repair and at any other time. Additional details are contained in Appendix 2 which also contains information on the safety standards which such vessels are required to meet.

Where possible and where the vessels proposed are suitable and are available at competitive rates, local fishing vessels should be employed to carry out any guard vessel duties. Developers should note that there are clear standards applied by the MCA for fishing vessels engaged as guard vessels, which must be adhered to. If Developers wish to use fishing vessels as guards, recruitment through NFFO will ensure standards are kept and appropriate insurance is in place.

6 Information for Construction and Maintenance Personnel

The following is intended for all personnel undertaking installation and maintenance operations. It has been compiled in order to reduce potential conflicts between wind farm and fisheries related activities.

The following section may contain a certain amount of repetition. This is because it is designed to be read by Contractors, working for short periods on the wind farm developments, who may not have the time to read this entire document.

6.1 General

The most significant point of which Contractors must be aware is that safety of navigation is paramount during pre-installation activities, the construction process and operation. Appropriate navigational aids must be used. In addition:

- The wish of most fishermen is simply to be allowed to continue with their profession with the least possible external interference. This wish should be respected where possible;
- Good communication is key. Conflicts/problems can be significantly reduced by disseminating information to all parties as early as possible and ensuring that information flows smoothly throughout the construction and maintenance periods;
- Vessels should strictly observe the relevant requirements of COLREG. In accordance with this:
 - o relevant lights and shapes should be displayed at all times;
 - o a proper lookout is to be maintained at all times;
- Radio warnings are to be regularly transmitted and when vessels are operating in controlled areas the Vessels Traffic Service (VTS) is to be apprised of the operation as required;
- In areas where fixed gear fishing is conducted, vessels associated with wind farm development should ensure they remain within their designated work area;
- A dedicated IMM VHF working channel is recommended for the exchange of relevant information between contractors afloat and other vessels in the area.

6.2 Project Updates

Any construction or maintenance activities will have an overall Project Manager. It will be the responsibility of this person to provide regular updates to the relevant organisations listed in Appendix 3 & 4.

The MCA must be contacted, and the local and/or national system for the issue of navigational warnings (UKHO - See Appendix 3 for details regarding notification requirements) should also be considered for the broadcast of any safety messages. A charge is levied by the MCA for this service. Updates should be issued daily during periods of heavy activity and weekly at all other times and should include details on the vessel, location of works and the expected time of those works. The Developer may also wish to refer to Section 8.1 (Information Dissemination) for additional detail re disseminating project update information.

Prior to commencing work, the Project Manager should also have established contact with any fisheries activities. Sécurité transmissions can be made from VHF channel 16 for general coverage. Local fishermen will use, and can provide details on, working channels.

6.3 Direct Contacts

Details of proposed operations should be advised to the local Coastguard, DfT, UKHO, and national fisheries organisations. Details must also be advised to MCA Headquarters (Hydrography, Meteorology and Ports Branch), in addition to the local HM Coastguard Office. BWEA notes that the timing of contact is crucial. The UKHO would like at best two months and at least one month of notice of any proposed operations (See Appendix 3 for details).

See Section 8.1 (Information Dissemination) for additional details.

6.4 Other Contacts

In addition the local fishing organisations and harbour masters will pass on information to local fishermen and hence need to be informed on a regular basis. Developers will need to monitor this process, possibly through regional groupings. SFI and DEFRA should also have a role in ensuring this information flows smoothly. In Appendix 3 BWEA has provided the names of some of the principal national bodies; it will be the responsibility of individual Developers to compile and maintain a list of key local contacts.

6.5 Key legislation

6.5.1 Wind piles, anemometers and towers

BWEA recognises that local fishermen are likely to be justifiably concerned about surrendering what may be historical fishing acreage without a clear understanding of the bigger picture in terms of the number of wind farms, the safety zones that may be created in their local area and so on.

BWEA is currently working with MCA to clarify the role of safety zones as they pertain to offshore wind farms and we are therefore unable to include further information in this section at this time. Safety zones are covered within the Energy Act which achieved Royal Assent on 22nd July 2004. The final version of the Act can be found on the HMSO website (www.hmso.gov.uk). Now the Act is law, BWEA is working to clarify how the provisions on safety zones will be applied.

6.5.2 Cable activities

Two acts of parliament apply to cable operations: The Submarine Telegraph Act 1885 and the Telecommunications Act 1984. These have the following implications for offshore wind development:

- It is a punishable offence to break or injure any submarine cable; wilfully or by culpable negligence (STA 1885). Section 8 of the Continental Shelf Act 1964 extended the provisions of the Act to cover all submarine cables and pipelines including high voltage electrical cables. The Energy Bill currently before Parliament further extends the provisions of the 1885 Act to cover all submarine cables and pipelines in the territorial sea;
- Owners of vessels that can prove that they have sacrificed equipment (such as fishing gear) in order to avoid injuring a submarine cable shall receive compensation from the cable owner (STA 1885). With the extensions noted above, this means that the compensation regime will therefore cover all cables and pipelines in the territorial sea and UK Continental Shelf;
- The Secretary of State shall not approve any plan unless he is satisfied that any person affected by those works has been adequately compensated (TA 1984).

6.6 Conduct of vessels

It is not only the installation vessels themselves that have the potential to cause nuisance to fishermen – crew of all vessels involved in the installation, including attendant craft (e.g. those ferrying workers to and from installation vessels – these may or may not be the same as the Guard Vessels (See Section 5)), have the potential to create unnecessary problems for fishermen and must be aware of appropriate behaviour. For such 'attendant craft', Developers may also seek to employ local fishermen to act in an advisory capacity. See Appendix 2.

7 Assistance to Fishermen

Assistance given to vessels or persons in distress and requiring essential aid is standard seagoing practice. The requirements for giving assistance are given in the United Kingdom Guidance Document on the implementation of SOLAS Chapter V. They are also implemented under UK legislation by the Merchant Shipping (Safety of Navigation) Regulations 2002. This publication has been prepared to help ship-owners, masters, crews and industry to understand and comply with the new regulations. This legislation also offers practical guidance on how the regulations should be complied with.

This is no different for the offshore wind farm industry and whenever vessels are called on to assist fishermen they should be prepared to do so.

Notwithstanding the above any vessel that provides assistance, other than for immediate life saving, must first ascertain whether it is contractually able to do so.

8 Fishermen fouling their gear

Anchoring or trawling in the vicinity of submarine cables should be avoided. Seabed mobility may leave cables spanning sub-sea sandbanks and this, in turn, may cause fishing gear to be snagged and may put the fishing vessel in severe danger. For these reasons certain Developers in Round One are considering exclusion/safety zones around their developments and where these are in effect fishermen should observe the limits of those zones. In Round Two such zones may be introduced automatically as part of the new legislative requirements introduced by the Energy Bill.

For information, BWEA notes that in the oil and gas industry safety zones prohibit unauthorised entry to a designated area around a platform or subsea well. They reduce the risk of collision, protecting both mariners and the lives of those working in the zones. They also afford a degree of protection for equipment within the zones throughout the operating life of the wind farm. In UK Territorial Waters all oil and gas installations which project above the sea surface at any state of the tide, including those being constructed or dismantled, are automatically protected by safety zones under the Petroleum Act 1987. These zones are 500 metres in radius around the platform from its outer edge. Safety zones for sub-sea installations are established by statutory instruments in the form of Offshore Installations (Safety Zones) Orders.

As mentioned in 6.5.1, BWEA is currently working with MCA to clarify the position regarding safety zones around offshore wind farms.

The Submarine Telegraph Act (1885) states that if a person wilfully or by culpable negligence damages a submarine telecommunications cable, they have committed a punishable offence. However, in the event that there is no wilful or culpable negligence and fishing gear is subsequently sacrificed in order not to damage a submarine cable, then no such offence will have been committed and there may be an entitlement to compensation from the owner of the cable. As noted in section 6.5.2 above, this regime also applies to submarine power cables.

8.1 Information dissemination

Information dissemination is central to avoiding problems in the offshore, particularly the fouling of gear. BWEA therefore recognises the need for the timely communication of information, and is currently considering using such a system as the Sea Fish Industry's Kingfisher® Cable Awareness Chart series as well as the Kingfisher® Fortnightly Bulletin.

Such information tools are already used by the offshore Oil & Gas and Cable industries. There is therefore significant logic for employing the same process for offshore wind farms and BWEA is considering a joint awareness programme with the offshore oil and gas industry and also the cable industry.

If a suitable arrangement is negotiated with the Kingfisher Information Service, the process will be as follows. When a project reaches the stage whereby the positional information is available for a proposed site, ie area, turbine positions, submarine cable routes etc., then this information, together with a list of contacts for the operators/contractors and timeframe, should be sent to Kingfisher Information at the Seafish Industry Authority. The datum of all positional information should be clearly defined on all associated documents. Kingfisher can issue proposed information and update when the as built/as laid information is available. Route position lists for submarine cables should preferably be sent in excel spreadsheet format, datum WGS84, although other formats will be accepted.

During both the development and construction stages of an offshore wind farm, information on vessel movements associated with the projects and any other marine activities should be sent to Kingfisher for inclusion in the Fortnightly Bulletin. This may include the vessel name, call sign, duration in the field and contacts for personnel onboard connected to the project. The information can be included in any number of issues and should be constantly updated when necessary. All information for the information service and bulletin should be sent to Kingfisher at the address listed in Appendix 4 under the Sea Fish Industry Authority.

Information should also be communicated on a timely basis to the UK Hydrographic Office (UKHO) who will subsequently promulgate preliminary and permanent Notices to Mariners for developments and completed structures/sites leading to the correction of hydrographic charts and publications and in due course, revised editions of paper charts (See Appendix 3 as well as Section 4). Radio Navigational Warnings are also issued when appropriate, for which the MCA raises a charge.

The MCA may issue separate guidance to all shipping in the vicinity of wind farms using the established M Notice procedures. UKHO will also liaise with the relevant local authorities for the broadcast of maritime safety information.

8.2 Action in event of fouling

Fishermen are reminded of the need to exercise extreme caution when fishing in areas where wind turbine installations and associated submarine power cables are located. Furthermore, fishermen are cautioned of the real snagging risk if trawling in close proximity to a submarine power cable and/or wind farm installation.

In the event that a skipper believes that a cable or wind turbine has been fouled he will initially attempt to free his gear. In the event that immediate release is not possible, or if the skipper believes that there may be a risk to crew or vessel, then he will contact the Developer of the cable and/or wind turbine or potentially the Coastguard (see below), i.e. 'call-in'.

BWEA is currently giving serious consideration to establishing a 'hotline' that will be available for fishing vessels to call at any time of the day or night, 365 days/year. We need to consult further with our members about how this will work before we will be able to confirm details.

Until such time as a 'hotline' has been established, 'call-ins' should be made to the local Coastguard who should have been previously instructed to inform the Developer concerned. In order to ensure that this facility works properly, BWEA notes that it is the responsibility of the Developer concerned to ensure that they submit their contact details with the Coastguard.

If personal safety, weather and other conditions permit, the fisherman should make all reasonable efforts to contact the Developer before taking any actions that might further damage any submarine cabling or machinery connected with the wind farm.

Following the reporting of the incident and once the immediacy of the problem has passed, the fisherman concerned should contact his local DEFRA/Sea Fisheries Inspectorate and arrange for a visit from them immediately upon arrival of the vessel back in port.

9 Dealing with Claims for loss or damage of gear

Under the Submarine Telegraph Act 1885, cable owners are obliged to compensate the owners of vessels if those owners can prove that they have sacrificed an anchor, net or other fishing gear in order to avoid damaging a submarine cable.

BWEA is currently investigating the procedure for submarine power cables and is also working on guidelines that will detail the process by which any claims will be handled. In the meantime it is important for the fishing community to note that there can be no automatic assumption of liability by the industry whenever a fisherman snags a cable associated with a particular wind farm.

9.1 Claims due to construction work or survey work

Construction and/or cable laying may be facilitated by the temporary removal of static fishing gear in order to facilitate access to a site and to prevent damage to both fishing gear and survey installation equipment. If such removal is required the wind industry will negotiate the details with the fishermen concerned prior to taking any action.

In instances where it can be proved that the fisherman has subsequently damaged his gear during this removal process then he may be entitled to compensation. Nonetheless BWEA notes that any such claim in these instances would have to be supported by strong evidence of wrongdoing by the Developer. The skipper should know how to move and lift his own equipment.

9.2 Claims due to fastening to anemometer, wind turbine or transformer station

BWEA is mindful that there are a number of matters on this issue that require further clarification: Exclusion/Safety Zones in particular. BWEA will provide clarification at a later date.

9.3 Claims due to fastening to a submarine cable

Under the Submarine Telegraph Act 1885, cable owners are obliged to compensate the owners of vessels who can prove that they have sacrificed an anchor, net or other fishing gear to avoid injuring a

submarine cable. Nonetheless BWEA also notes that there are certain areas of an offshore wind farm where trawling could be hazardous. This is a matter on which we are seeking additional clarification such that we can reach a mutually agreeable position with the fishing industry.

10 Other

- Both parties need to accept the ruling of an independent body where they are unable to reach agreement on certain issues.
- It would be helpful if both parties could agree an approach to EIA preparation which would ensure that disagreements over study methodology are resolved before the publication of the final EIA.
- The same point as above applies to site surveys.

11 Appendix 1 - Fishing Liaison Representative (Offshore)

The Contractor employing the FLR for offshore operations should be responsible for ensuring that the FLR is suitably qualified and is capable of undertaking the duties required. As a minimum the FLR should be fully conversant with all methods of fishing employed in the area of operations and should have experience of fishing in the area. Whenever possible the FLR should be local to the area of operations.

The FLR should be responsible to the Developer or Contractor representative on board for liaison with fishing vessel skippers in the area of such operations.

11.1 Duties

11.1.1 General

The duties of the FLR should include but need not be necessarily limited to:

- Ensure that fishing vessel skippers are made aware of all operations in progress. The purpose of this is to ensure that fishing vessels in the area are given early and adequate warning to enable such vessels to take action, wherever possible, in order that interference between fishing and wind farm operations is minimised;
- Use his specialist knowledge to ensure that a harmonious relationship is maintained between the Contractor's vessels and fishing vessels in the area of operations;
- Provide specialised fishing advice to the Developer's representative on board and to other personnel requiring it.

11.1.2 Other

The duties of the FLR should be as directed and required by the contactor/Developer representative on board but shall specifically include the following:

11.1.2.1 Information

Promulgate in the morning and evening and at other times as may be required, on the relevant VHF and MF frequencies specifically used by fishing vessel skippers the following information:

- a) name and call sign of vessel(s);
- b) details of vessel's course and speed;
- c) brief details of work to be undertaken in next 12 hours;
- d) details of attendant vessels;
- e) vessel's VHF working frequency;
- f) warning to fishing vessels to keep clear.

In addition the FLR should also provide the following details to fishing vessels in the near vicinity of the Contractor's vessel(s):

- the area astern, ahead and abreast of vessels in which operations are taking place;
- a warning to such fishing vessels that on no account should they pass through that area.

11.1.2.2 Log

The FLR should maintain a log of all contacts made with fishing vessels in the area. This log should record the name and registered number of the fishing vessel, its distance and bearing from the vessel on which the FLR is positioned, the type of fishing being pursued and an accurate record of all conversations.

11.1.2.3 Reporting

The FLR should report immediately to the Contractor or Developer representative on board the name of any fishing vessel not co-operating with or adhering to the FLR's instructions or advice. The name and associated details of any such fishing vessel should also be logged.

11.1.2.4 Confidentiality

The FLR should ensure that the confidentiality of ongoing operations is maintained and that only sufficient information regarding the operation is passed to fishing vessel skippers to enable them to keep a safe distance from the vessels and any equipment being towed or deployed.

11.1.2.5 Liability

The FLR should not under any circumstances admit any liability on behalf of the Contractor and/or Developer in respect of any claim for compensation made by a fishing vessel skipper for whatever reason. Any such claim should be reported immediately to the Developer/Contractor representative on board who should inform the Developer's Fisheries Liaison Officer at the earliest possible opportunity.

11.1.2.6 Liaison

Liaise with any fishermen that have pots, creels or other static gear deployed in the vicinity of the operations and advise them in sufficient time to allow them to recover their gear. The time of such advice and details of the gear recovered should be logged. The FLR should report immediately, to the Developer/Contractor representative on board, details of any such gear seen in the water in the path of the Contractor's vessel and should attempt to contact the fishing vessel to which the gear belongs.

11.1.2.7 Other

- Establish a reporting relationship with the personnel on board to ensure that any details of Developer's and/or fishing operations can be quickly and accurately exchanged.
- Establish a working relationship with the relevant personnel on board any other vessels being used in the operation.
- Ensure only minimum time is spent on the VHF to exchange relevant information.
- Report immediately, to the Contractor's representative on board, any deficiencies or problems encountered on board the vessel.

12 Appendix 2– Use of Local Fishing Vessels as Guard Vessels

These guidance notes can be applied whenever the services of a Guard Vessel are perceived by the Developer or the Developer's agent (hereafter 'The Developer') to be of benefit to their offshore operations.

12.1 Responsibilities

The Developer should be responsible for ensuring that the Guard Vessel is suitably equipped, certificated and capable of undertaking the duties required.

The Guard Vessel should be responsible to the Developer's offshore representative or the FLR as appropriate. In the absence of both, then clear lines of communication should be established.

12.2 Duties

These will generally consist of:

- Complying with the COLREGS;
- Providing protection, for as long as agreed between the parties, for any exposed and vulnerable structures, cables etc as specified by the Developer;
- Liaising with skippers of vessels operating in the vicinity of the project so as to ensure that those vessels are given early and adequate warning to enable them to take action to avoid any dangers that exist;
- Liaising with any other marine craft as necessary;
- Making broadcasts at frequent intervals giving details of the area to be protected. These should be made on the appropriate working channels used by fishing vessels.

Skippers of the guard vessels should be required to:

- Keep a detailed log of broadcasts made, vessels contacted/sighted etc;
- Prepare a detailed written report of any incident of fishing vessels or other marine traffic not responding to radio contact and warning signals thereby threatening the integrity of any aspect of the project;
- Advise the Developer or the FLR immediately of any incident;
- Effect the agreed protection for the entire time period agreed with the Developer.

The Guard Vessel will not leave the area that it has been assigned to monitor except:

- a) With the express consent of the Developer;
- b) In accordance with SOLAS regarding distress calls, together with any call necessitated thereby to any port or ports for fuel or other supplies;

- c) For reasons of safety of the vessel or personnel on board that vessel. For the avoidance of doubt the skipper of the Guard Vessel shall have absolute discretion concerning matters of safety relating to his vessel or the personnel on board.

12.3 Guard Vessel specification

If fishing vessels are to be used as Guard Vessels, they should be:

- British Registered Fishing Vessels;
- Meet MCA statutory safety specifications for fishing vessels;
- Be in possession of a valid MCA Safety Certificate(s) or exemption certificate that permits use of the vessel and its personnel to act in the capacity of a guard vessel. In this regard it should be noted that certain minimum standards have been set, in the oil and gas industry, in respect of guard vessels. Local fishing vessels recruited as guard vessels must carry a 'Load Line Exemption' or a 'Brown Code Work Boat Certificate' which is issued by the Maritime & Coastguard Agency (MCA). In order to maintain common high safety standards, vessels working with the offshore wind industry should also conform to this requirement;
- Equipped with radar GPS navigator, Radar, Echo Sounder, VHF radio and a suitable telephone as a minimum¹;
- Have appropriate Employers Liability and Third Party Liability cover under the terms and conditions of their own vessel insurance.

¹ Beyond waters close inshore and in shipping lanes, the radio equipment will be appropriate GMDSS equipment.

13 Appendix 3 - Standard Information required by The United Kingdom Hydrographic Office [UKHO] from Offshore wind farm Developers

13.1 Initial Information

The Initial Information should be supplied to the United Kingdom Hydrographic Office (UKHO) as early as possible; 1-2 months prior to works commencing is considered a practicable timescale. Also, 1 week's notice of any subsequent significant changes would be required. This will enable the promulgation of the projected works to the marine community, by Preliminary Notice to Mariners (PNM) and/or Navigational Warning, at the earliest opportunity. If an anemometer mast is to be erected prior to the building of a wind farm, full details of the structure should also be sent at the earliest opportunity. Information required:

- Geographic co-ordinates of site – positions of maximum extent of projected works;
- Period of projected works, eg: May 2004 – April 2005;
- Details of lights, buoys and other navigational aids – positions/descriptions/whether temporary or permanent;
- Positions of projected cable route(s), from site to shore;
- Changes to existing routeing measures/vessel movement;
- Proposed routes of vessels involved in wind farm development (from port to site);
- Details of any exclusion zones, restricted areas or prohibitions;
- Details of extraction areas or dumping grounds.

13.2 Final Information

The Final Information should be supplied to the United Kingdom Hydrographic Office (UKHO) as soon as details become available. This information will be promulgated by permanent chart correcting Notice to Mariners as soon as possible after the receipt of the information [see example attached]:

- Positions of turbines and other associated features [eg new masts];
- Maximum height of turbines & of blades, above Mean High Water Springs (MHWS), or Mean Sea Level (MSL);
- Minimum clearance height of blades above MHWS or MSL;
- Radius of turbine blades;
- Positions and full descriptions of all permanent navigational lights, radar/radio aids, fog signals, air obstruction lights;
- Designations of each turbine [eg letters/numbers];
- Positions and full descriptions of associated buoys;
- Positions of 'as laid' cables, between turbines and from site to shore;
- Details of any special rules or regulations – if applicable, geographic co-ordinates of any associated area for which such rules or regulations apply;
- Effect wind turbines may have on Radar navigation Systems (also AIS when introduced).

Note: if possible all positions to be quoted in World Geodetic System 1984 [WGS84], lat/long., in deg/mins & 3 dec places of mins; or in Ordnance Survey of Great Britain 1936 [OSGB36] lat/long or grid. If other Grid used, datum to be quoted.

For further information please contact:
Mr Roger Cavill

United Kingdom Hydrographic Office
Admiralty Way, Taunton, Somerset TA1 2DN
TEL: **01823 337900 x 3634**
FAX: **01823 325823**
roger.cavill@ukho.gov.uk
UKHO Ref: HA123/001/004/02

14 Appendix 4 - Principal Government Departments and Fishing Organisations

14.1 Government departments

Centre for Environment, Fisheries & Aquaculture Science (CEFAS)

Lowestoft Laboratory
Pakefield Road
Lowestoft
Suffolk
NR33 0HT
Tel: 01502-562244

Centre for Environment, Fisheries & Aquaculture Science (CEFAS)

Remembrance Avenue
Burnham-on-Crouch
Essex
CMO 8HA
Tel: 01621-787200

Department for Environment, Food and Rural Affairs (who have now taken over the role of the Ministry of Agriculture, Fisheries and Food)

Offshore Renewable Energy Team
Floor 3
Eastbury House
30-34 Albert Embankment
London
SE1 7TL
Tel: 020-7238-3000

Department for Transport (DfT)

Enquiry Service
Great Minster House
76 Marsham Street
London
SW1P 4DR
Tel: 020-7944-8300

Department of Agriculture and Rural Development Northern Ireland (DARDNI)

Fisheries Division
Annexe 5
Castle Grounds
Stormont
Belfast
BT4 3PW
Tel: 028-9052-0100

Department of Trade and Industry (DTI)

Oil & Gas Division
Atholl House
86-88 Guild Street
Aberdeen

AB11 6AR
Tel: 01224-254095

Fisheries Research Services Marine Laboratory

PO Box 101
Victoria Road
Aberdeen
AB11 9DB
Tel: 01224-876-544

Health and Safety Executive (HSE)

Offshore Safety Division (OSD)
Lord Cullen House
Fraser Place
Aberdeen
Tel: 01224-252500

Maritime and Coastguard Agency (MCA) Headquarters

Spring Place
105 Commercial Road
Southampton
Hampshire
SO15 1EG
Tel: 023-8032-9100

Maritime and Coastguard Agency (MCA) Aberdeen

Marine House
Blaikie's Quay
Aberdeen
AB11 5PB
Tel: 01224-592334

Scottish Executive Environment and Rural Affairs Department (SEERAD)

Pentland House
47 Robb's Loan
Edinburgh
EH14 1TY
Tel: 0131-256-8400

Scottish Fisheries Protection Agency (SFPA)

Controller of Coastal Operations
Pentland House
47 Robb's Loan
Edinburgh
EH14 1TY
Tel: 0131-256-8400

Sea Fishery Inspectorate (SFI) (Agency of DEFRA)

SFI HQ
Ground Floor,
DEFRA,
10 Whitehall Place (East Block)
London
SW1A 2HH
Policy & admin Fax: 020-7270-8345
Operations & Enforcement Fax: 020-7238-6438

North eastern district

DEFRA Fisheries Office,
Neville House,
Central Riverside,
Bell Street,
North Shields,
Tyne & Wear NE30 1LJ
Tel: 0191-257-4520/0159
Fax: 0191-257-1595

DEFRA Fisheries Office,
Harbour Commissioner's Office,
The Quayside Amble,
Northumberland NE65 OAP
Tel & Fax: 01665-712807

DEFRA Fisheries office,
103 Northgate,
The Headland
Hartlepool,
Cleveland TS24 OJX
Tel & Fax: 01429-860221

Humber district

DEFRA Fisheries Office,
Estuary House,
Wharncliffe Road,
Grimsby,
North east Lincolnshire DN31 3QL
Tel: 01472-355112/3
Fax: 01472-241868

Scarborough Fisheries Office,
20 West Pier,
North Yorkshire YO11 1PD
Tel: 01723-361703
Fax: 01723-501179

Whitby Fisheries Office,
The Custom House,
1 Old Market Place,
North Yorkshire YO21 3BT
Tel & Fax: 01947-602627

King's Lynn Fisheries Office,
Room 44,
Yancouver House,
County Court Road,
Norfolk PE30 5EH
Tel: 01553-763486
Fax: 01553-691971

South eastern district

DEFRA Fisheries Office,

Fish Market,
Rock-a-Nore Road,
Hastings,
East Sussex TN34 3DW
Tel: 01424-424109/438125
Fax: 01424-444642

Portslade Fisheries Office,
Pilots Watch House,
West Sussex BN41 1WD
Tel & Fax: 01273-424849

Poole Fisheries Office,
The Quay,
Dorset BH15 1HP
Tel: 01202-677539

Portsmouth Fisheries Office,
Unit 12,
St George's Business Centre,
St George's Square PO1 3EX
Tel: 02392-291856
Fax: 02392-296812

South western district
DEFRA Fisheries Office,
Fish Quay,
Sutton Harbour,
Plymouth,
Devon PL4 0LH
Tel: 01752-228001
Fax: 01752-221239

Brixham Fisheries Office,
New Fish quay,
Devon TQ5 8AW
Tel: 01803-853383
Fax: 01803-882837

Western district
DEFRA Fisheries Office,
46 Fore Street,
Newlyn,
Penzance,
Cornwall TR18 5JR
Tel: 01736-362805
Fax: 01736-350429

Fisheries Office,
Seaway House,
Commercial Road,
Penryn,
Cornwall TR10 8AQ
Tel: 01326-375394

Fax: 01326-376443

Wales district

DEFRA Fisheries Office,
4/5 Hamilton Terrace,
Milford Haven,
Pembrokeshire SA73 3AL
Tel: 01646-69341/693466
Fax: 01646-690158

Fisheries Office,
The Old Vicarage,
Newry Street,
HOLYHEAD
Anglesey LL65 1DB
Tel: 01407-765757
Fax: 01407-769018

North west district

DEFRA Fisheries Office,
Bradley's Chambers,
26 London Street,
Fleetwood,
Lancashire FY7 6JG
Tel: 01253-872515/872589
Fax: 01253-7794124

Fisheries Office,
Fish hall,
North Harbour,
North Shore,
Whitehaven,
Cumbria CA28 7XY
Tel & Fax: 01946-591287

Sea Fish Industry Authority

18 Logie Mill
Logie Green Road
Edinburgh
EH7 4HG
Tel: +44 (0)131 558 3331
Fax: +44 (0)131 558 1442

St Andrews Dock
Hull
HU3 4QE
Tel: +44 (0)1482 327 837
Fax: +44 (0)1482 223 310

Manchester St
Hull
HU3 4TX
Tel: +44 (0)1482 327 837
Fax: +44(0)1482 587 013

Kingfisher Information Services

Kingfisher is based at the St Andrews Dock, Hull office of Sea Fish.
Email: kingfisher@seafish.co.uk

UK Hydrographic Office (UKHO)

Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823-337900

14.2 Sea Fisheries Committees

The Sea Fisheries Committees are inshore fishing management bodies established by parliament and separate from DEFRA. The Association of Sea Fisheries Committees is the body which represents the interests of the Committees to Government and others but it is important to understand that it is the Committees which have the operational knowledge and management responsibility. The Committees are responsible for the inshore sector up to six miles from the points from which UK baselines are drawn. This means that their seawards boundary is very often much further offshore than six miles.

Association of Sea Fisheries Committees of England and Wales

Peter Winterbottom
6 Ashmeadow Road
Arnside, via Carnforth
Lancs
LA5 0AE
Tel/Fax: 01524 761616

Cornwall Sea Fisheries Committee

Mr E Derriman
Chief Fishery Officer
Sea Fisheries Office
Old Bonded Warehouse
Quay Street
Penzance
Cornwall
TR18 4BD
Tel: 01736369817

Cumbria Sea Fisheries Committee

Mr D Dobson
Chief Fishery Officer
Sea Fisheries Office
6 Duncan Square
Whitehaven
Cumbria
CA28 7LN
Tel: 01946693047

Devon Sea Fisheries Committee

Mr N J Downes
Clerk and Chief Fishery Officer
Office N° 9
Fish Market
Brixham
Devon

TQ5 8AW
Tel: 01803854648

Eastern Sea Fisheries Committee

Mr M. Mander
Clerk and Chief Fishery Officer
Unit 6
North Lynn Business Village
Bergen Way
King's Lynn
PE30 2JG
Tel: 01553775321

Kent and Essex Sea Fisheries Committee

Mrs Joan Taylor
Office Manager
The Ice House
Military Road
Ramsgate
Kent
CT11 9LG
Tel: 01843585310

North Eastern Sea Fisheries Committee

Mr D McCandless
Chief Fishery Officer
Sea Fisheries Office
Town Hall
Bridlington
East Riding of Yorkshire
YO16 4LP
Tel: 01482393690

Northumberland Sea Fisheries Committee

Mr M H Hardy
Chief Executive
Unit 60 B
South Nelson Industrial Estate
South Nelson Road
Cramlington
Northumberland
NE23 1WF
Tel: 01670731399

North Western and North Wales Sea Fisheries Committee

Dr J Andrews
Chief Executive
Bailrigg
University of Lancaster
Lancaster
LA4 4YY
Tel: 0152468745

Southern Sea Fisheries Committee

Mr I Carrier
Clerk and Chief Fishery Officer
64 Ashley Road

Poole
Dorset
BH14 9BN
Tel: 01202721373

South Wales Sea Fisheries Committee

Mr P Coates
Director
Queen's Buildings
Cambrian Place
Swansea
West Glamorgan
SA1 4TW
Tel: 01792654466

Sussex Sea Fisheries Committee

Mr T Dapling
Clerk and Chief Fishery Officer
Unit 6
Highdown House
Shoreham Airport
Shoreham-by-Sea
West Sussex
BN43 5PB
Tel: 01273454407

Isles of Scilly Sea Fisheries Committee

Mr P. S. Hygate
Clerk
Town Hall
St Mary's, Isle of Scilly
TR21 0LW
Tel: 01720422537

14.3 Fishing organisations

Anglo-North Irish Fish Producers Organisation

The Harbour
Newry
BT34 4AX
Tel: 028-4176-2855

Federation of Highlands and Islands Fishermen (FHIF)

'Craigard'
New Valley
Stornoway
Isle of Lewis
HS2 0DW
Tel: 01851-702385

National Federation of Fishermen's Organisations (NFFO)

Fishdocks
Marsden Road
Grimsby
DN31 3SG
Tel: 01472-352141

National Federation of Sea Anglers

Hamlyn House
Mardle Way
Buckfastleigh
TQ11 0NS
Tel: 01364-644643

Northern Ireland Fishermen's Federation

1 Coastguard Cottages
Portavogie
Co. Down
Northern Ireland
BT22 1EA
Tel: 028-427-71946/7

Scottish Fishermen's Federation (SFF)

14 Regent Quay
Aberdeen
AB11 5AE
Tel: 01224-582583

15 Appendix 5 – Reference sources

The following is a list of useful reference sources compiled by CEFAS for a workshop on Environmental Impact Assessment for offshore wind farms, held at the DTI on 12 March 2004. The list of references can be found at

<http://www.cefass.co.uk/renewables/r2eaiaworkshop/references.htm>.

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16 Appendix 6 – Glossary

BWEA	British Wind Energy Association
CIFIG	Cable Industry/Fishing Industry Liaison Group
COLREG	International Regulations for Preventing Collisions at Sea
DEFRA	Department of the Environment, Food and Rural Affairs
DTI	Department of Trade and Industry
FLM	Fishing Liaison Manager
FLO	Fishing Liaison Officer
FLOW	Fishing Liaison for Offshore Wind
FLR	Fishing Liaison Representative
NFFO	National Federation of Fishermen's Organisations
ORIFILG	Offshore Renewable Industry/Fishing Industry Liaison Group
SFF	Scottish Fishermen's Federation
SFI	Sea Fisheries Inspectorate
UKOOA	United Kingdom Offshore Operators' Association