

NWIFCA Quarterly Meeting: 16th September 2016: 11.00 a.m.

AGENDA
ITEM NO.
11

WEST OF WALNEY WINDFARM EXTENSION AND FLEETWOOD FISHERMEN

Purpose: To provide information to Members

Recommendation: The report be received

Introduction

This report has been compiled following discussion with Fleetwood fishermen, a representative from DONG Energy and NWIFCA Member Cllr. Lorraine Beavers.

As Members will be aware the Walney Offshore Windfarm consists of Walney 1 and Walney 2 each comprising 51 wind turbines with a total capacity of 367 MW. The wind farm is located approximately 15km from the coastline of Walney Island in a north west to south-easterly direction covering an area of approximately 73 km² (Fig. 1). Each of the 102 turbines has a capacity of 3.6MW, making the wind farm one of the biggest of its kind in the world.

In May 2010 the 750 MW capacity Walney Extension was awarded an agreement for lease by the Crown Estate. The application for consent was accepted by the Planning Inspectorate in July 2013, received its Development Consent Order in 2014 and is currently in the construction phase. The 659 megawatt (MW) project will have the capacity to power over 460,000 UK homes and is expected to be fully commissioned in 2018, at which time it will be the biggest offshore wind farm in the world, surpassing the 630MW London Array Offshore Wind Farm which was commissioned in 2014 by DONG Energy and its partners.



Fig. 1. Windfarms off the Barrow coastline. Image taken from <http://www.dongenergy.co.uk/uk-business-activities/wind-power/offshore-wind-farms-in-the-uk/walney-extension-offshore-wind-farm>
2nd Sept. 2016

MMO Consultations

As with all construction projects affecting the marine environment within the District the NWIFCA are consulted on the separate Marine Licences issued by the MMO for each phase of work. There have been a number of recent consultations including:

- i. the 'Walney Extension Offshore Wind Farm – Decommissioning Programme Consultation' in March;
- ii. 'Walney Extension UXO (unexploded ordnance) Clearance' also in March;
- iii. the 'Walney 1 & 2 Offshore Wind Farm Operational & Maintenance Marine Licence' in May (this is separate to the Walney Extension);
- iv. a separate consultation by DBEIS (Department for Business, Energy & Industrial Strategy) on a 'Walney Extension Construction Safety Zone Application' in July.

Officers respond to consultations using their best available knowledge and evidence but are always mindful that they may not be fully conversant with all fishing activities that may be impacted on by these activities. It is therefore made explicitly clear within every consultation response that:

“The NWIFCA recommends continued communication with the fishing community and the use of a Fisheries Liaison Officer, with particular reference to the timing of activities that may result in fishermen being excluded from their grounds. Fishermen must be included in consultation from an early stage where temporary safety zones must be implemented with regards to the timing of the operations.

The NWIFCA cannot stress strongly enough that full consultation, dialogue and negotiation has to take place with fishery interests well before any planning, whether that be survey planning or project design. A Notice to Mariners is too late. The fishing industry must be integral to spatial and temporal planning in order to minimise impacts on their legitimate activities, and ability to earn a living” (*detail of consultation response to iii above*).

Fleetwood Fishermen

Science officers were contacted on 28th June by Fleetwood fisherman William Bamber from Fleetwood Commercial Fishermen’s Group (FCFG) which consists of ten members. He informed the Senior Scientist about concerns they had over the UXO Clearance and impacts on fishing grounds, and a disagreement between DONG Energy and FCFG over a request to refrain from fishing for a period of 12 months during cable laying. Officers were extremely concerned that this had not previously been brought to the attention of the NWIFCA and that there are other fishing activities that neither DONG nor FCFG would not be aware of – e.g. seed mussel dredge fishing at Fleetwood beds.

Following the phone conversation with Mr Bamber, the Senior Scientist provided him with the NWIFCA response to (ii) the UXO Clearance consultation, and also asked the Clerk to provide the Members of the FCFG with confirmation of years when they held the NW&NWSFC, NWSFC and NWIFCA Netting Byelaw permits for affected areas, which she swiftly provided. Mr Bamber sent through a copy of the map detailing an “*exclusion zone*”, and correspondence between FCFG and MMO. A letter from the MMO contained the following paragraph, which bears reference to the NWIFCA response to (ii) over dialogue with fishermen:

“Fisheries Liaison

Should a licence be issued, a Fisheries Liaison Officer (FLO) would be required to be appointed by the licence holder to ensure effective engagement with the fishing industry on this project.

The application was required to be publicised in a local newspaper with a wide circulation in the area where the works are to be located. The application was advertised in the Lancaster Guardian on the 31 March 2016, as well as the Morecambe Visitor on the 5 April 2016. As such, the MMO

considers that the applicant has suitably advertised this application in line with the requirements of the Marine and Coastal Access Act 2009.

In addition, DONG Energy has also carried out a series of meetings with local fishery communities. It is true that none of the 2016 meetings were originally planned in Fleetwood; however, DONG Energy has informed the MMO that the invitations to the initial round of 2016 meetings that were held in Maryport and Whitehaven were extended to all fishermen known to be active in the area, including members of the Fleetwood Commercial Fisherman's Group (FCFG), none of whom are thought to have attended.

The MMO understands that since these meetings the FCFG contacted the developer and a meeting was arranged in Fleetwood within 48 hours. DONG Energy have informed us that the meeting was held on 24 February 2016 in Fleetwood with all members of FCFG and that the planned UXO works for 2016 were discussed at this meeting (geophysical survey, inspection, detonation)".

Having explained to Mr Bamber that this appeared to answer the point raised in our consultation response, Mr Bamber raised further concerns over the way fishermen in Fleetwood in particular had been informed.

Mr Bamber said that DONG have been in correspondence with FCFG over a proposed "exclusion zone". A map was sent in a private email to fishermen and was forwarded to Science Officers. Science Officers then contacted DONG to clarify the situation and find out some background to this "exclusion zone".

Dong Energy

A representative from DONG explained that this map was sent in a private email to the fishermen in February 2016 to aid with coexistence during a survey in the area. The term "exclusion zone" was referenced subsequently in a number of figures sent to the fishermen but such an "exclusion zone" would only come in to place if a commercial agreement was reached providing the fishermen with a suitable displacement payment. In return the fishermen would agree to refrain from fishing within an area for a designated period of time whilst cable laying operations were underway. The map sent to FCFG in February was for illustrative purposes and it has been accepted by Dong that the term "exclusion zone" has been used out of place, as it was merely a request for fishermen to stand clear of the area during cable laying for Health and Safety reasons and in return for a suitable displacement agreement. DONG happily acknowledge that they have no authority for enforcing such a zone.

The representative stated that during initial discussions with FCFG, in February 2016, a period of up to 12 months was discussed during which time operations may take place within the nearshore area. This work would not be continuous - the fishermen would be able to work at times when the cable laying was not occurring if they wished. The programme has since been refined further so that any potential disruption may be reduced.

In email correspondence with DONG, the following was stated:

- On 29th February 2016, there was a meeting between DONG and the Fleetwood fishermen regarding commercial terms – i.e. displacement payment for refraining from fishing in the area of the landfall cable route along Lune Deep to Heysham;
- In hindsight DONG should have made it clearer on the map's legend what exactly it was showing, as it has now been widely circulated and is being taken out of context.

Current Situation

DONG and FCFG along with other fishermen are in the process of discussing compensation for disturbance, an issue over which the NWIFCA obviously remains impartial. A private meeting

called by the MMO was held on 18th August which included DONG, the FCFG and the NFFO. NWIFCA officers had attempted to attend this but were unavailable due to prior obligations. At this meeting it was stated that the period of time in which the fishermen were being requested to refrain from fishing within the area was as little as four months. However, the final period of time will be agreed with fishermen in due course. DONG are following Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) protocols over displacement. They require evidence from fishers and to determine the commercial terms. Dong maintain that the evidence was originally requested from fishermen in May, and that at the meeting FCFG agreed to provide evidence and to follow the FLOWW guidance.

On Tuesday 23/08/16 FCFG held a public meeting and 'flotilla' of trawlers which was reported in Fishing News (Annex A). Subsequent media stories appear to have reported a 12 month exclusion zone in return for only a £750 payment and not referenced an evidence based settlement.

Both DONG Energy and the FCFG have proposed carrying out a 'review process' whereby a panel of impartial representatives from MMO, NFFO and NWIFCA review individual evidence packs provided by the fishers on the importance of the fishery grounds within the area of cable laying. NWIFCA is also asked to validate areas both within and without this zone, and Mr Bamber has provided maps and plotter screenshots of fishing activity (commercially sensitive and therefore *not* reproduced here), which Science team have digitised and incorporated into mapping. Officers are considering how they can take an active role. Mr Bamber has been asked to provide as much evidence as he can for officers to go through.

Mr Bamber has also raised serious concerns over some recent rock armouring (as part of the maintenance work for the West of Duddon Sands project), as he states this is positioned in important shrimping grounds. This raises the issue once again of consultation with fishermen prior to planning of works, and officers stress an urgent need for MMO Licensing Team to ensure this is carried out prior to Marine Licences being issued, or better prior to any applications being submitted.

Environmental Concerns

Science Officers will read into background on the effects of cable laying on fishing grounds as FCFG believe there is evidence to suggest it will take up to two years for them to return to pre-disturbance condition.

Science Team 8th September 2016

Media reports can be found at the following links:

<http://www.bbc.co.uk/news/uk-england-lancashire-37175118>

<http://www.fleetwoodtoday.co.uk/news/local/fishermen-are-fighting-for-their-future-1-8085679>

<https://www.wind-watch.org/news/2016/08/25/fleetwoods-fishing-future-at-risk-from-wind-farm-plans/>

<http://www.eventsinuk.net/event-public-meeting-with-fleetwood-commercial-fishermen-s-group-fleetwood-1091161>

https://www.facebook.com/FleetwoodCommercialFishermensGroup/?hc_location=ufi