



## Report of the Spatial Planning Working Group London, 4<sup>th</sup> May 2011

**Rapporteur: Tony Hawkins**

**Draft 7<sup>th</sup> May**

### **1. Introduction**

- 1.1 Euan Dunn opened the meeting and welcomed participants. Events were taking place rapidly. We were meeting to discuss the Forewind wind-farm development on the Dogger Bank, and also to follow up on decisions taken at the SPWG meeting on the 23<sup>rd</sup> March, in Brussels. Euan thanked Colin Warwick of the Crown Estate for arranging the venue. Apologies had been received from Malcolm Morrison. The report of the previous meeting was accepted as accurate. The agenda was agreed.

### **2 Presentation by Forewind**

- 2.1 Gareth Lewis, Head of Development, and Sharn Ward, offshore and Consent Stakeholder Manager for Forewind, provided an update on the Forewind Dogger Bank development. Forewind is a consortium of four companies. The Dogger Bank is the largest of the Round 3 zones granted by the Crown Estate and is 8660km<sup>2</sup> in area. It is intended that 9GW will be generated by 2020 and 13GW by 2023 by means of 2600 5MW turbines. At 13GW the development will provide 10% of the UK's electricity. The area is 125 to 290 km from shore at water depths ranging from 18 – 63 m. It is a windy site.
- 2.2 Nigel Proctor of Precision Marine Survey Ltd (PMSL) and Stephen Appleby of Brown and May Marine (BMM) have been appointed as Fisheries Liaison Coordinators. National stakeholders including NFFO and local and regional fishers will be the responsibility of PMSL. Scottish/Belgian/French/Dutch and others will be the responsibility of BMM. Danish/Norwegian/Swedish/German/Dutch fishers will be the responsibility of PMSL. The zone envelope includes not just the area itself but also a larger area of cable corridor. There will be four Tranches of Development within the zone, with 3 projects to each tranche. Data collection within the zone has been undertaken on a wide range of topics and the data have been used to prepare a 'consent heat map' of development constraints. The cost of energy has also been mapped to provide the relative costs of providing energy across the zone. No areas within the zone are free of consenting constraints and there is a change in the cost of energy across the zone. As a result, Tranche A has been defined as a 2000 km<sup>2</sup> area

in the south western part of the zone. There will be three projects within the tranche. The scoping report for Project 1 in Tranche A includes a 1.2 GW wind farm with turbines, interarray cables and offshore converter station located somewhere in Tranche A; an export cable corridor; onshore cabling; and a converter station near Creyke Beck close to Hull (1GW).

2.3 Modelling will determine the layout of the turbines within the project. There should be clarity on the layout by the summer of 2011. An Environmental Impact Assessment should be available by March next year (and be subject to consultation, including with NSRAC) and an application will be submitted in 2012. There will be fisheries and environmental constraints both for the wind-farm and the cable landfall routes. From a fisheries standpoint a northern route would be better than a southern route.

2.4 A survey programme has been undertaken:

- Ornithology and marine mammals – zone wide

Boat based monthly survey

Air based monthly survey

- Geophysics – zone wide

Completed 2.5 x 2.5 km grid

- Geophysics – Tranche A

Completed 100 x 500 m grid

- Geotechnic

Completed 40 boreholes and 100 core pressure tests

2.5 Some of the hydrography differs from the Admiralty charts. Full swath bathymetry has been carried out for Tranche A, and side scan sonar surveys also performed. Magnetometry has been used to look for pipelines, wrecks and wellheads. Habitat has been examined initially through acoustic ground discrimination. Benthic sampling is now being undertaken. There is overlap with the Dogger Bank proposed SAC and an Appropriate Assessment of impact on conservation interests will have to be carried out.

2.6 Mapping of fishing activity has begun but there are heavy caveats on this. The survey vessels have mapped fishing vessels by means of AIS and density plots have been prepared over a 127-day period. However, not all vessels leave their AIS systems on to allow tracking. VMS data will need to be assembled for both the site and the cable track area, and the best available information will be sought.

2.7 Potential impacts during construction and operation have been identified as:

- Displacement of vessels from established fishing grounds
- Displacement of, or reduction in, fish and shellfish resources
- Loss or damage to fishing gear

- Navigational safety
- Physical obstacles to permitted fishing gears
- Increased fishing pressure over diminished grounds
- Refugia may be provided for some fish species
- Longer steaming distances may be necessary

2.8 The approach towards the Environmental Impact Assessment (EIA) will follow the CEFAS 2004 guidance. It will also be necessary to show that stakeholders have been engaged throughout the development process. Under the Planning Act of 2008 the Infrastructure Planning Commission would have approved development. However, the Commission is now to be abolished by the Coalition Government and a Major Infrastructure Planning Unit will be established to continue fast-tracking major infrastructure projects. Ministers will take decisions on applications within the same statutory fast-track timeframe as the current regime. Provisions for Marine Spatial Planning are still evolving, however, and consultation on these begun by the Marine Management Organisation but in the meantime the default position is the Marine Policy Statement as it sets the UK policy framework. Appeal provisions against development decisions may be offered in the form of a Hearing, rather than a Public Inquiry.

2.9 Discussion opened with Barrie Deas asking where the interests of fishers sat in relation to other interests. He understood the equality of treatment with respect to comment on plans but was concerned over what priorities would drive decision taking. Is there a hierarchy of priority interests? Gareth Lewis thought that Stephen Brooker, Head of Marine Planning within the MMO, would be able to provide briefing on emerging developments in marine planning. For a major development of this kind a Consultation Report has to be produced and must include a statement of common ground – and a statement of differences. Affected stakeholders could also be invited to submit their own documents.

2.10 Pim Visser was impressed by the information being provided. We were being heard and consulted – but would we be listened to? It was very clear that renewable energy gets a high priority, and he was afraid that fishers would be pushed aside. Ate Oostra wished to discuss time and space. The spacing of the turbines would be determined by wind-recovery considerations. So much space might be needed that there would be an opportunity to fish in corridors between the turbines. On the timing of construction, mitigation measures might be necessary to prevent damage to harbour porpoises. There might be a time of year when porpoises, or larval fish, were especially prevalent, and measures should be taken to minimise impact during those periods. Gareth Lewis replied that spacing is a useful topic for further discussion. He would be keen to engage with others on that issue when the initial modelling had been completed. On timing, Gareth asked if that would also apply to fisheries. Ate said that he had been referring to mammals and fish primarily. Gareth said that such matters would be considered during preparation of the EIA. An Appropriate Assessment would also be necessary under the Habitats Directive for the part that overlaps with the SAC.

- 2.11 Dale Rodmell pointed out that the CEFAS guidance for EIAs had been updated since 2004. He asked whether the AIS position data collected could be provided to the industry. Fishers were willing to engage on the provision of VMS data but only as part of a dialogue. They would also like to look at all the tranches as a whole. On spacing between turbines, increasing the spacing would increase the overall footprint of the development.
- 2.12 Euan Dunn thought it was going to be difficult from a marine spatial planning perspective to integrate fisheries into the process until all the tranches were available for discussion. Gareth Lewis said that it might be possible to release that information in the next week or so. The north side of the bank has a lot of hard constraints and is a less developable area. Also the cost of energy was higher. A key consideration for tranche location was the location of shipping routes. There is a need for a route (roughly N-S) across the zone and this is being discussed with the MCA. However, currently Forewind were still considering where tranches B, C and D would go. The cable routes would also need to be discussed.
- 2.13 Ton IJlstra said that the FIMPAS project and Forewind had much in common. However, FIMPAS had much better fishing activity data. We should try to avoid hitting the fishing industry from both sides and should try to merge the nature conservation and wind-farm requirements to minimise impacts on the fishing industry. To work separately would be a bad thing. Nigel Proctor clarified that the fishing activity data was not from the industry but had been captured incidentally. More data would now be collected. Ton replied that this might be so but FIMPAS was already in possession of a lot of data, collected on an international basis.
- 2.14 Barrie Deas was concerned about potential displacement of fishing. The SAC sites, wind-farms and UK Marine Conservation Zones would all displace fishing into other areas. Moreover, the historical fishing pattern was now redundant. New patterns would develop and that would affect the stock assessments. Sharn Ward emphasised the importance of dialogue. Forewind were not just looking for data but for the views of fishers. There was a challenge here that we would have to face. However, a planning application would have to be submitted at the end of the process. Ate Oostra remarked that we should have no illusions about the hierarchy. Wind energy was taking precedence. It would come first. We can however aim to achieve the best combination of wind turbine location, conservation and fishing. We will have to come together to marry the different interests.
- 2.15 Gareth said that the first project in Tranche A would require 200 turbines. Spacing would nominally be 1km. The deep array effect meant that spacing would certainly not be less than 1 km and it would probably be more. It would also depend on the wind direction. Ate said that negotiations would have to be entered into. Gareth agreed but said there were also financial implications to be taken into account.
- 2.16 There was general agreement that information would need to be shared and made publically available. Arnold Locker said that fishers would be willing to leave their AIS systems switched on within the zone if it would help provide information. There was a fishing bank inshore that had to be kept clear, with entrance and exit corridors. Euan Dunn drew attention to the data available from the LOT 7 project, which had

considered the economic value of the industry and the cost of displacement. It was still a useful database. We should also remember that the UK had asked ICES for scientific advice on fisheries issues on the UK sector of the Dogger Bank, with a focus on:

- Gathering information on ecology-fisheries interaction
- Gathering information on fishing activities
- Best available science
- Advice on management options in conformity with EC guidance
- Advice on displacement
- Basis for UK management proposals to be made coherent with NL and GER approach

Were Forewind aware of that request? Sharn Ward replied that they were not. Euan referred her to John Clorley of Defra. Pim Visser added that there would also be data available from the Dutch fleet, and that this had been made available to Defra for the *Net Gains* and *Balanced Seas* projects. The maps produced were very detailed and on a fine spatial scale. He also thought that discussions with the North Sea fishing industry were important for deciding on the turbine layout. Fishing vessels needed lots of space to turn. Barrie Deas emphasised that if Forewind wanted high quality information from fishers they must seek their confidence and trust, as individual fishers hold the data. ICES also exist and can provide robust advice in an open and objective way. So many people are now seeking data on fishing and the search is uncoordinated and messy. Henrik Lund said that we must be careful not to use old data on fishing. The fleet was dynamic and patterns of fishing change with time. Danish wind-farms were designed after negotiation and discussion with fishers. Static gears and longlines were now permitted within the farms and they could use these gears to within 100m of turbines. The main problem is with cables, which must be arranged in a way that will allow fishing. The cables can be buried in a way that allows fishing over them. Colin Warwick said that in Ireland there's a wind-farm site which allows trawling. A representative of the Swedish Fishermen's Association said that in Sweden they regularly trawl over cables. It was agreed that the route and alignment of the cable were also critical, and that there was technology available to bury them.

2.17 Derk Jan Berends wanted to know what would happen if fishers were forced to give way. What happens then? Would fishermen be offered other fishing grounds? Arnold Locker said that if fishers were excluded they would effectively be made redundant. Gareth Lewis said that there are expectations of agreement with fishers before submission of the application. There can also be disruption payments during the development phase. Mitigation measures would be considered, like lobster seeding. Forewind really wanted to avoid key areas for fishing. They had not banned fishing at other sites. Colin Warwick pointed out, however, that previous sites (under Rounds 1 and 2) have not really conflicted with major fishing grounds. These new sites would include prime fishing areas and the Crown Estate wished to promote co-existence through marine spatial planning, and understanding of one another's needs.

2.18 Willem de Boer was concerned that displacement of fishing was not an option for Dogger Bank fishers. The bank is an area of very clean fishing. It is possible to fish there without a lot of discards. If fishers were forced elsewhere there would be increased discarding – yet reducing discards is high on the agenda in Brussels.

### **3. Summing up**

3.1 Gareth Lewis said the Forewind had now been provided with useful leads in terms of data provision. They would soon be looking at Tranche B and the cable corridors for that and will be able to share more information. He would be delighted to attend another meeting. Forewind would be looking at turbine locations and cable runs at the end of the summer and could engage with fishers on that. The site could perhaps be manipulated at that stage.

3.2 Euan Dunn said there were trade-offs to be made over the development of the turbine arrays. There are some things that are not tradeable according to fishers. Moreover there were the Hornsea and other sites as well as the UK MCZs to be dealt with. These developments could not be compartmentalised. We need to look at them systematically over the North Sea. There could be a nightmare of potential displacement of fishers. The sooner we had a system for marine spatial planning the better. We need to meet with Stephen Brooker to voice our concerns; we should tell him what sort of information we'd most like to see in marine spatial planning for the Dogger Bank. He thanked Gareth and Sharn for attending the meeting and answering our questions.

### **4. Dogger Bank Management Plan and FIMPAS**

4.1 There are several things the NSRAC must look at to aid development of a fisheries management plan for the Dogger Bank. The Commission has said that if the NSRAC comes up with an agreed plan then the Commission would find it difficult to ignore it. On the 16<sup>th</sup> and 17<sup>th</sup> May there is an Intergovernmental Workshop in Copenhagen arranged by the Dutch. Following a decision at the SPWG meeting on March 23, the NSRAC is also committed to forming a small focus group to develop a management plan. We need names on paper, and we need to decide what we want to do and how we will do it.

4.2 Pim Visser would talk to colleagues about Dutch participation. Henrik Lund would represent Denmark. Dale Rodmell would speak for the NFFO. Christien Absil or a colleague would be asked to represent the NGOs. Anyone else wishing to participate should contact Euan (Nigel Proctor and Martin Pastoors later requested to join the focus group).

- 4.3 One of the first steps (again as agreed at the SPWG on March 23) would be to prepare questions for forwarding to the Intergovernmental workshop. Ton IJlstra explained that the Netherlands, Denmark, the UK, Germany and the Commission would all be represented. The agenda would be to establish common conservation goals for the Dogger Bank. This would have to be done using existing data. The NSRAC had not been invited as an observer (which it had requested) because the meeting would be discussing procedures for coordination. There would later be a FIMPAS 4 Stakeholder Workshop on the 26<sup>th</sup> and 27<sup>th</sup> September and the NSRAC would be able to nominate representatives to that. By that time FIMPAS would have some proposals on the table for the whole of the Dogger Bank and will try to reach agreement on a common fisheries regime for the area. FIMPAS would bring its own proposals to FIMPAS 4. It would also consider any proposals from stakeholders. The outputs from FIMPAS 4 for the Dogger Bank, Cleaver Bank, and Frisian Front proposals would then go to ICES ACOM for them to deliver advice. The proposals would finally go to the Commission in November/December. Given the complexities there might be difficulties in meeting that deadline. We wanted to have a plan that had the backing of the fishing industry.
- 4.4 Euan Dunn hoped the Inter-Governmental meeting would be able to develop conservation goals. However, there were differences between Member States in their respective SAC conservation objectives and thus criteria for establishing sites and achieving favourable conservation status. It would therefore be a difficult task. Dale Rodmell asked how the proposals could be developed, especially if there was conflict between sectors. Ton IJlstra emphasised that the proposals coming forward would have to resolve any conflict between fishing and nature conservation. He wanted to minimise the burden for the fishing industry but at the same time aimed to achieve the conservation objectives. Pim Visser said that the UK had set out its targets in great detail for guidance. There were target percentages for habitats but we did not yet have proper habitat maps for the Cleaver Bank. Was there any equivalent material available from Germany, Denmark and the Netherlands for the Dogger Bank? Ton replied that the May meeting would develop some guidance, and the submissions would not need to be very detailed. Pim persisted; for the Dogger Bank we do not yet know what we are trying to protect. If information on the objectives are lacking then we are being asked to navigate through fog to an unknown destination. Ton emphasised that we could not now gather new information. We have to manage with what we have. Pim added that now we had heard the Forewind proposal we would now have to take account of that. It was bringing forth new information which we should have available for our focus group.
- 4.5 Henrik Lund emphasised that it was important to know the condition of the Dogger Bank. It had been fished for a long time, but recently fishing pressure had lessened. We may already have achieved favourable conservation status. Barrie Deas also emphasised the dramatic reduction in fishing capacity over the past 15 years. We were not starting with a blank page. Much had already been achieved in terms of reducing fishing pressure. The presence of wind farms would add to that reduction. Ate Oostra wondered if Member States, having realigned and integrated their conservation objectives, would collectively be willing to protect a smaller overall area of the Dogger Bank.

- 4.6 It was agreed that it would be important to have as much information possible for the focus group to consider, including material from the FIMPAS steering group, the JNCC and Forewind. There would be difficulties in establishing favourable conservation status if we did not have sufficient data. The NSRAC had pointed out long ago that objectives should be brought together for the Dogger Bank. Nevertheless we should now adopt a pragmatic approach. We should aim to develop a management plan for the whole Dogger Bank. Ton IJlstra said they were not looking to close all of the Dogger Bank but were seeking a nuanced regime. We could choose to protect certain parts of it. We need to identify hot spots to be conserved and allow fishing elsewhere.
- 4.7 On questions from the NSRAC to the Intergovernmental Workshop, Euan would circulate a draft paper to the focus group for them to consider. What were the key issues we wanted the Intergovernmental meeting to address? Once the questions were decided, they would be sent to Ton.

## **5. The MASPNOSE Project.**

- 5.1 Martin Pastoors and Lisa Faber were present to describe the MASPNOSE project being conducted by the Wageningen Centre for Marine Policy. The aim of this project, which was already funded, was to explore and facilitate cross-border cooperation between European countries on Marine Spatial Planning, looking at opportunities and constraints for cooperation and the problem of creating a common agenda. The Dogger Bank has been selected as one of the 2 case studies for MASPNOSE because it is a stakeholder driven process, with international components, and a good deal of momentum. Martin asked what MASPNOSE could do for the NSRAC? It might start by:
- Creating a process architecture
  - Hosting and organizing workshops
  - Providing resources (scientific advice, accommodation, travel, ...)
  - Facilitating observations and monitoring
  - Analysing the process
- 5.2 Euan Dunn said that at our Brussels meeting we had asked whether our next step, after finalising our questions for the Intergovernmental Workshop, was to produce a NSRAC Position Paper for the September Stakeholder Workshop, or whether we should submit a full blown management plan for the Dogger Bank. A full proposal, taking into account all the developments taking place on the bank, including the Forewind proposal, would simply not be possible. A traditional NSRAC Position Paper was the way forward. MASPNOSE would be able to help the NSRAC in investigating the main elements of a fisheries management plan for the Dogger Bank. However, the mandate of the NSRAC is to give advice on fisheries under the Common Fisheries Policy. We must avoid policy creep. How could MASPNOSE help us to encompass all the activities taking place on the Dogger Bank? Dale Rodmell agreed that the NSRAC focus group would find it difficult to deliver a management plan. Pim Visser

said that the group would need support and MASPNOSE could perhaps provide that. Funding could also help us to hold meetings.

- 5.3 Tony Hawkins pointed out that the traditional Position Paper usually started off with the submission of an outline document by one of the members for discussion by the focus group. The paper could then be elaborated as a result of inputs from other members of the group, including any scientific advisors. Then the final paper would be put together and approved by the Spatial Planning Working Group. Euan agreed that we needed a skeleton paper for further development. Barrie Deas agreed. We needed to have a set of management options in front of us as a starting point. Euan reminded the group that we already had a series of proposals from the FIMPAS Steering Group as a starting point. Ton IJlstra added that we could also look at time as a management factor. The objectives of the plan did not need to be achieved tomorrow. We could give ourselves 10 years to achieve the full objectives. We could also take account of future developments in the fishing industry; the development of new fishing gears for example. We could set out where we wanted to be in 10-15 years time. Euan thought we should remind the Intergovernmental Workshop of that. It was pointed out that that the European Legislation does not impose a date for reaching the conservation objectives. Pim Visser thought it would be important to consider all activities on the bank together. We could not separate out wind farms from the SACs and MCZs. The wind farms might help meet some of the conservation objectives. Gareth Lewis wondered whether there was a need for a conference on the Dogger Bank.
- 5.4 Martin Pastoors agreed that his group could work with the NSRAC focus group to produce a Position Paper. We could perhaps hold focus group meeting at the fringes of meetings already planned. We might for example add a focus group meeting on to the ExCom meeting on June 29<sup>th</sup>. MASPNOSE was essentially a facilitating project that could feed ideas to the focus group. Tony Hawkins, in reply to Gareth's point about a conference, said that the NSRAC had a tradition of organising conferences that subsequently had affected policy – like the Conference on Cod Recovery and the one on CFP Reform. Our Position Paper could put forward the idea of a conference on the Dogger Bank to assist with setting out a full management plan.
- 5.5 Although the MASPNOSE project might facilitate the preparation of a Position Paper, that paper would be owned by the NSRAC. The paper could present a more realistic time scale than the one currently being proposed by the Dutch FIMPAS project.

## **6. Any other business**

- 6.1 Antony Viera drew participant's attention to French proposals for the Flanders Bank, where a fisheries management plan was being drawn up. The Port of Dunkerque would be hosting a meeting on Monday 6th June and will be inviting representatives from fisheries organisations like the NSRAC to participate. A note will be sent to the chair of the SPWG providing details.

## **7. Action Points**

1. Consideration will be given to inviting Stephen Brooker, Head of Marine Planning within the MMO, to provide briefing to the NSRAC on emerging developments in marine spatial planning (2.9).	<b>Euan Dunn Secretariat</b>
2. Forewind to note that CEFAS guidance for EIAs has recently been updated (2.11).	<b>Forewind</b>
3. Forewind to note that data are available from the CEFAS LOT 7 project, which considers the economic value of the fishing industry and the cost of displacement. Also to note that Defra has requested advice from ICES on fisheries interactions, including displacement, on the Dogger Bank (2.16). The contact is John Clorley	<b>Forewind</b>
4. Forewind will share information with the NSRAC on proposals for further Tranches and their cable corridors (3.1)	<b>Forewind</b>
5. NSRAC members wishing to participate in the Dogger Bank Focus Group should contact Euan Dunn (4.2).	<b>NSRAC Participants</b>
6. A draft paper will be prepared for the focus group setting out the key issues the NSRAC wished the Intergovernmental Workshop to address (4.7).	<b>Euan Dunn</b>
7. The focus group, with help from MASPNOSE, will aim to produce a NSRAC Position Paper on fisheries management measures for the Dogger Bank, taking a long-term approach (5.4).	<b>Euan Dunn MASPNOSE FG Members</b>
8. A note will be sent to the NSRAC providing details of the conference on management measures for the Flanders Bank to be held by the port of Dunkerque (6.1).	<b>Antony Viera</b>

## 10. Attendance

Forename	Surname	Organisation
Ate	Oostra	EUCC - The Coastal Union
Martin	Pastors	Centre for Marine Policy, Wageningen
Lisa	Faber	Centre for Marine Policy, Wageningen
Antony	Viera	French Fishing Industry
Derk Jan	Berends	Dutch Fishing Industry
Colin	Warwick	Crown Estate
Willem	De Boer	Dutch Fishing Industry
Emma	Ransome	UK Houses of Parliament
Dale	Rodmell	NFFO

Barrie	Deas	NFFO
Arnold	Locker	NFFO
Nigel	Proctor	PMSL - Forewind
Sharn	Ward	Forewind
Gareth	Lewis	Forewind
Pim	Visser	Stichting van de Nederlandse Visserij
Fredrik	Lindberg	Swedish Fishermen's Federation
Peter	Olsson	Swedish Fishermen's Federation
Henrik	Lund	Danish Fishermen's Association
Ton	IJlstra	Environment Ministry – the Netherlands
Euan	Dunn	Birdlife International (Chairman)
Tony	Hawkins	NSRAC – Rapporteur