

## Notice of Safety Zone

04 July 2025

Dear Mr Duckett,

### ENERGY ACT 2004: OFFSHORE WIND ELECTRICITY GENERATING STATION

### SAFETY ZONE APPLICATION – INCH CAPE OFFSHORE WINDFARM, 15 TO 22 KILOMETRES OFF THE ANGUS COAST

#### 1. The Application

1.1. I am directed by the Scottish Ministers to refer to the Safety Zone application and supporting documentation (“the Application”) submitted on 13 December 2024 by Inch Cape Offshore Limited (Company Number SC373173) (“the Applicant” or “ICOL”) to the Scottish Ministers for a notice (“a safety zone notice”) be issued by the Scottish Ministers under section 95(2) of the Energy Act 2004 (as amended) (“the 2004 Act”), declaring that the areas specified in the Application be safety zones for the purpose of securing the safety of the Inch Cape Offshore Windfarm (“the Development”) and individuals and vessels in its vicinity during the periods of construction, operation and maintenance.

1.2. The Applicant requested a safety zone notice declaration in the following terms:

During Construction	“Rolling” 500 metre (“m”) safety zones established around each structure (both Wind Turbine Generator (“WTG”) and Offshore Substation Platform (“OSP”) and/or their foundations while construction works are in progress, as indicated by the presence of a construction vessel being anchored next to a WTG/OSP, alongside a WTG/OSP via Dynamic Positioning, attached to a WTG/OSP or displaying Restricted in Ability to Manoeuvre status. Up to ten of these safety zones may be active at any given time.
Pre – commissioning	Pre-commissioning 50m safety zones established around each structure (both WTGs and OSP) and/or their foundations which is either partially constructed or constructed, up until the point of commissioning of the wind farm. Up to 73 of these safety zones may be active at any given time, given that the Development will comprise of 72 WTGs and one OSP.

During Operations and Maintenance Phase	500m safety zones around each structure (both WTGs and OSP where “major maintenance” is being undertaken, as denoted by the presence of a major maintenance vessel anchoring next to or in attachment to a WTG or OSP. Up to five of these safety zones may be active at any given time.
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- 1.3. The application proposed that the 500 metre safety zones would be implemented on a rolling basis to ensure that safety zones are only “live” for those specific areas in which activities are taking place. Construction will be undertaken using, but not limited to: Jack-Up Vessels; Heavy Lift Vessels; and any other vessels which are carrying out construction activities (all referred to as “construction vessels”).
- 1.4. A Notice of Application (the “Public Notice”) was published and served by the Applicant in accordance with the requirements of the 2004 Act and regulations 4 and 5 of the The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (“the 2007 Regulations”).

## 2. Representations

- 2.1. The Scottish Ministers note that a range of representations concerning the safety zones were requested by the Applicant. There was a general acceptance that safety zones of the dimensions and applications set out in the application were reasonable measures to secure the safety of mariners and those people working on the wind turbines, including their substructures. A full summary of the representations of all individual consultees and the Applicant’s response to the points raised is set in Annex 1.
- 2.2. The Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), UK Chamber of Shipping, NatureScot, the Scottish Fishermen’s Federation, the North and East Coast Regional Inshore Fisheries Group, Arcadian Marine, the Royal Yachting Association Scotland, SSE Renewables and Trinity House made representations about the application.

## 3. Considerations of the Scottish Ministers

- 3.1. Following receipt of the revised application for a safety zone, the Scottish Ministers have several options. Under section 95(2) of the 2004 Act, the Scottish Ministers may issue a notice declaring that such areas as specified or described in the notice are to be safety zones.
- 3.2. Such power shall be exercisable by the Scottish Ministers on an application made to them for the purpose by any person.
- 3.3. On consideration of the application and the representations received from consultees, MD-LOT opted to issue a notice in line with the application submitted on 13 December 2024.

#### 4. The decision of the Scottish Ministers

4.1. In line with the points set out in section 2 above, the Scottish Ministers:

- note “*Major maintenance*” works and “*standard safety zone*”, as defined in the 2007 Regulation;
- note that the Inch Cape Offshore Windfarm will be marked and lit in accordance with relevant requirements as detailed in the approved Lighting and Marking Plan;
- note that, as indicated in the application, the Applicant has confirmed that there will be guard vessel(s) during the construction and operation and maintenance phases;
- note that the Applicant will issue regular notices to mariners and has also indicated it will promulgate relevant information about construction operations and safety zones through Kingfisher fortnightly bulletins, weekly notices of operations and notice to mariners (such information should also be sent to appropriate contacts within the Scottish Government and Marine Directorate to keep them informed of progress). Throughout the construction and operation and maintenance phases, the Inch Cape Offshore Windfarm will be marked and charted as required by the Scottish Ministers;
- note that vessels engaged in the construction of the wind farm or its major maintenance will, in the first instance, warn any unauthorised vessels that look as if they might be on a trajectory which would take them into a safety zone to alter their course;
- note that within areas declared to be a 500 metre safety zone or a 50 metre safety zone, the vessels permitted to enter and remain in the zone are vessels involved in activities related to construction and major maintenance works;
- having considered the representations and all other material considerations, do not consider it appropriate for a public inquiry to be held with respect to the application or the safety zone proposed by the Scottish Ministers.

#### 5. The Issuing of the Notice declaring a safety zone

5.1. The Development is an offshore wind farm with 72 wind turbine generators located approximately 15 to 22 kilometres off the Angus coast in the outer Firth of Forth/Tay. The generating capacity exceeds 50 MW, therefore, consent under section 36 of the Electricity Act 1989 was required. The Development was granted consent under section 36 of the Electricity Act 1989 on 17 June 2019 by the Scottish Ministers (this was varied 16 July 2020, 22 July 2021 and 14 June 2023). The Development received marine licences under Part 4 of the Marine (Scotland) Act 2010 to construct, alter or improve any works within the Scottish marine area in or over the sea, or on or

under the seabed; and to deposit any substance or object (except for dredge spoil) within the Scottish marine area, either in the sea or on or under the seabed on 17 June 2019. The generating station marine licence covering the wind farm was varied on 14 June 2023, and the offshore transmission infrastructure marine licence was varied on 22 August 2023 and 9 November 2023.

- 5.2. For the purposes of this notice, the Inch Cape Offshore Windfarm comprises not more than 72 WTGs and associated inter-array cabling and export cables for which consent was granted by the Scottish Ministers under section 36 of the Electricity Act 1989 on 17 June 2019 (varied 16 July 2020, 22 July 2021 and 14 June 2023).
- 5.3. In light of the matters set out above, the Scottish Ministers consider that the declaration of safety zones of the type requested are appropriate for the purposes of securing the safety of:
  - (a) the renewable energy installation or its construction, extension or decommissioning,
  - (b) other installations in the vicinity of the installation or the place where it is to be constructed or extended,
  - (c) individuals in or on the installation or other installations in that vicinity, or
  - (d) vessels in that vicinity or individuals on such vessels.
- 5.4. The implementation of “rolling safety zones” minimises potential disruption for other marine users, by restricting implementation to certain circumstances and time-frames and is more proportionate than permanent exclusion zones. The Scottish Ministers conclude that the implementation of such proportionate safety zones is required to secure the purposes set out at section 95(2) of the 2004 Act (as listed above in para. 5.3), whilst minimising disruption to other marine users.
- 5.5. The Scottish Ministers hereby issue this notice declaring safety zones in the following terms:

During Construction	“Rolling” 500 metre (“m”) safety zones established around each structure (both Wind Turbine Generator (“WTG”) and Offshore Substation Platform (“OSP”) and/or their foundations while construction works are in progress, as indicated by the presence of a construction vessel being anchored next to a WTG/OSP, alongside a WTG/OSP via Dynamic Positioning, attached to a WTG/OSP or displaying Restricted in Ability to Manoeuvre status. Up to ten of these safety zones may be active at any given time.
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	any given time, given that the Development will comprise of 72 WTGs and one OSP.
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5.6. This notice comes into force on 20 July 2025.

Yours sincerely,

Kirsten Watson  
Marine Directorate - Licensing Operations Team

## **Annex 1 Representations to the original application for a safety zone**

1. **The Maritime and Coastguard Agency** was content with the application and had no further comments.
2. **The Northern Lighthouse Board (“NLB”)** had no objection to the application.
3. **The UK Chamber of Shipping** had no concerns with the application.
4. **NatureScot** considered the application to be fit for purpose and had no substantive comments to make.
5. **The Scottish Fishermen’s Federation** had no specific comments to make, provided the Applicant undertakes appropriate safety measures to inform fishing vessels on possible snagging hazards and disruptions caused to fishers in a timely manner.
6. **The North and East Coast Regional Inshore Fisheries Group** confirmed it would respond along with the Scottish White Fish Producer’s Association and the Scottish Fishermen’s Federation.
7. **Arcadian Marine** commented that one scallop vessel was seen during the survey period and that there would not be any white fish fishing vessels in the area of the application.
8. **The Royal Yachting Association Scotland** supported the application.
9. **SSE Renewables** representing Seagreen confirmed to the Applicant that it would provide direct comment to MD-LOT if appropriate following consideration of the application. MD-LOT did not receive any direct comments from Seagreen.
10. **Trinity House** sought confirmation that the application had been sent to NLB given the location in Scottish waters. The application was sent to NLB for comment.
11. **An individual Nephrops trawler** objected to the application on the grounds that a well established fishery exists along the proposed export cable route for the wind farm and this use of the seabed pre-dates any wind farm development.
12. **Cockenzie and Port Seton Fishermen’s Association** objected to the application on the grounds that safety zones will exclude fishers from working in areas where there is no agreement in place to compensate for or mitigate their losses.
13. **54 Fishers from Port Seton, Dunbar, St Abbs and Eyemouth**; including members of Cockenzie & Port Seton Fishermen's Association and Eyemouth Fishermen’s Association and Dunbar fishermen's Association objected to the application on the grounds of a perceived lack of meaningful interaction from the Applicant with the fishing industry on the Southern coast of the Forth.