

From: Kirsten Watson  
Marine Directorate - Licensing Operations Team  
03 July 2025

Cabinet Secretary for Housing  
Cabinet Secretary for Climate Action and Energy

**APPLICATION FOR A SAFETY ZONE FOR THE INCH CAPE OFFSHORE WINDFARM AND OFFSHORE TRANSMISSION INFRASTRUCTURE, FIRTH OF FORTH, 15 TO 22 KILOMETRES OFF THE ANGUS COAST**

**Priority and Purpose**

1. Urgent priority
2. To seek your determination on the application submitted by Inch Cape Offshore Limited (“the Applicant”) on 13 December 2024 for a declaration under section 95(2) of the Energy Act 2004 (“the 2004 Act”) that areas specified in the application be designated as safety zones for the purpose of securing the safety of individuals and vessels in the vicinity of the Inch Cape Offshore Windfarm and offshore substation platform (“the Development”) during the period of its construction and operation and maintenance phases.
3. The Marine Directorate’s Licensing Operations Team (“MD-LOT”) is the regulator responsible for determining and issuing safety zone applications on behalf of the Scottish Ministers in Scottish waters. Further detail on the responsibility of the Scottish Ministers in relation to safety zones is found at Annex 1.
4. The urgency of the priority is to accommodate the Applicant’s construction timelines with the activities requiring the safety zone commencing on 21 July 2025.

**Recommendation**

5. MD-LOT recommends that you determine it as appropriate not to cause a public inquiry (“PI”) to be held, and to grant a safety zone for the Development as outlined below.

**Context and Issues**

6. The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 No. 1948 (“the 2007 Regulations”) provide the procedural steps for the safety zone application process. The 2007 Regulations are in these circumstances for the applicant of a safety zone to follow, whilst a decision to declare a safety zone under section 95(2) of the 2004 Act is a separate decision for the Scottish Ministers.
7. The Development is an offshore wind farm with 72 wind turbine generators located approximately 15 to 22 kilometres (“km”) 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 (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.

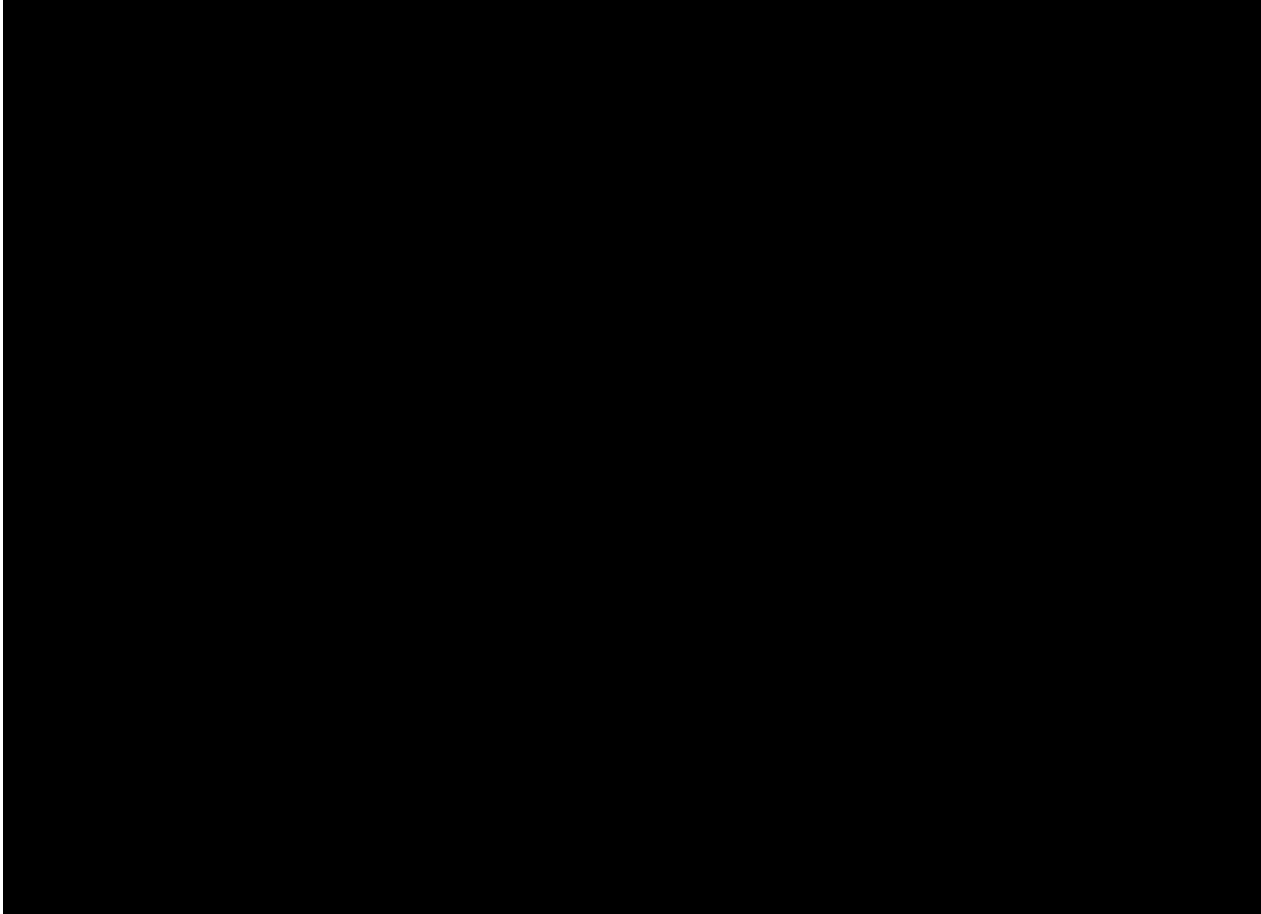
8. The application includes an overview of the different phases of the Development and a vessel traffic assessment including marine vessel traffic data gathered using Automatic Identification System (“AIS”) data over a 28 day period, collected from 1 to 14 January 2024 and 1 to 14 July 2024. As noted in Section 7.1 of the application, due to the dataset covering AIS data only, the assessment may be unrepresentative of certain vessel types not required to transmit via AIS (including fishing vessels less than 15 metres in length and recreational vessels).
9. The Applicant is seeking a safety zone notice declaring the following safety zones:

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.

The application proposed that the 500m 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”). The Applicant has confirmed that Service Operated Vessels will not trigger a 500m safety zone.

### **Compliance with the Application Procedure**

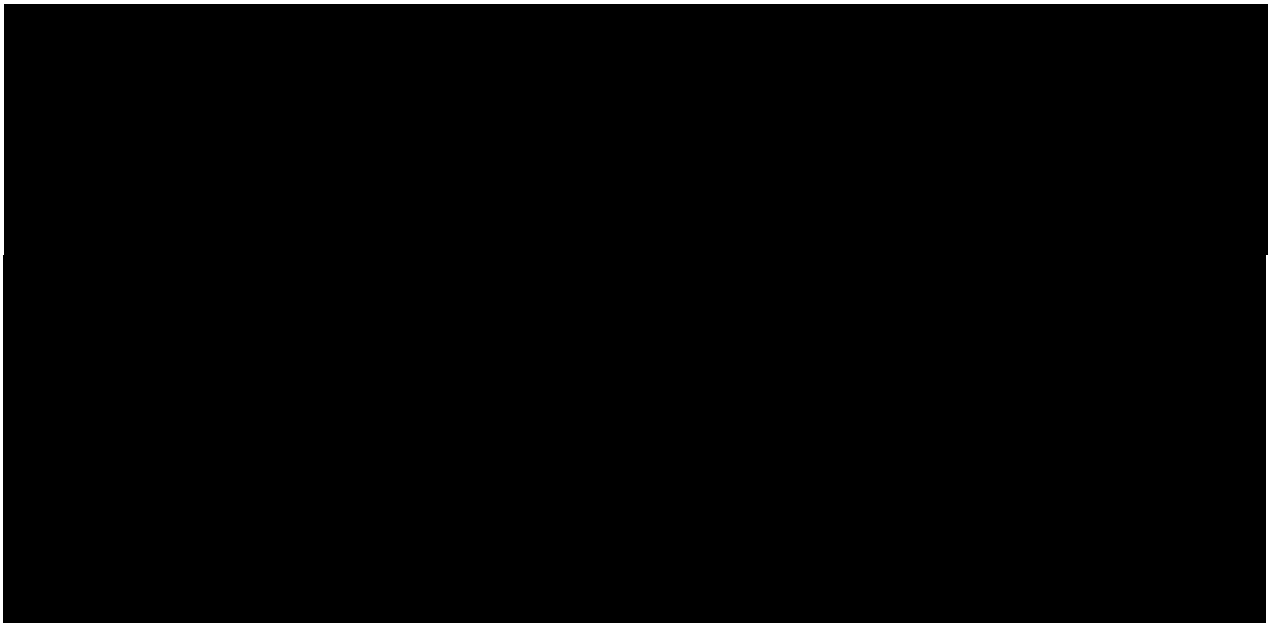


4. The notice of the application was published in accordance with the requirements of Regulation 4(1) of the 2007 Regulations, in the East Lothian Courier, Dundee Courier and Advertiser (for two weeks), and the Edinburgh Gazette, Scotsman, Lloyds List (for one week), the Fishing News, and the Kingfisher Bulletin. Copies of the notice of application were also issued to the harbour masters of ports likely to be affected by the application (Scrabster, Wick, Fraserburgh, Aberdeen, Montrose, Arbroath, Peterhead, Anstruther, Eyemouth, North Berwick, Dunbar, St Andrews, Fife Council (covering Fife Ports) and Forth Ports (covering Grangemouth, Leith and Rosyth)), and to the relevant office of the Maritime and Coastguard Agency (“MCA”), requesting that the notice be displayed at an address accessible, during normal office hours, to members of the public likely to be affected by the application, in accordance with the requirements of 4(2)(a)&(b) of the 2007 Regulations.
5. Representations on the application were also invited from a range of stakeholders, including those from the fishing industry such as the Scottish Fishermen’s Federation, fishing industry representative members of the Forth and Tay Commercial Fisheries Working Group, Secretary of Port Seton Associations and Westview Fishing. Two objections to the application were

made by an individual Nephrops trawl fisher and the Cockenzie & Port Seton Fishermen's Association. A petition from 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 detailing an objection to the application was made.

6. A full summary of the responses and the key issues raised by stakeholders is set out in Annex 2.

## Options Considered and Advice



9. There is an option in this instance, to not declare a safety zone and advise the Applicant that the process should be restarted. Officials do not recommend this option in the circumstances, as it would result in further delay to a safety zone being declared and in place. This approach would have wider safety implications and is problematic, given the Section 36 consent has been granted on the basis that the safety zones would be in place around structures where construction work is underway.
10. Following receipt of the 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 be safety zones.
11. On consideration of the application and the representations received from stakeholders, MD-LOT recommends you grant a safety zone notice in line with the application received on 13 December 2024.

## Assessment of Options

12. In cases like here, where objections were made, the Scottish Ministers must consider those objections, together with all other material considerations, with a view to determining whether a public inquiry is to be held with respect of the

application: 2004 Act, Schedule 16, para 4. A summary of considerations on the objections received is contained in Annex 2.

13. MD-LOT is satisfied that sufficient information to assess all considerations is available, that such information has been properly taken into account, and that all interested parties have had sufficient opportunity to make representations on the Application. Accordingly, you may conclude that it is not appropriate to cause a public inquiry to be held into these matters.

14. Scottish Ministers have powers to issue a safety zone notice in terms that are materially different from those applied for: 2004 Act, Schedule 16, para 5(1)(b).

### **Contribution to the Government's Four Priorities**

15. The Development is related to the priorities of building a fair, green and growing economy, and tackling the climate emergency.

### **Risks to Delivery**

16. The Applicant has indicated that the safety zones are intended for the purposes of making clear the areas of the Development where construction and operation and maintenance activities are taking place and therefore which areas should be avoided, with a view to minimising the risk of an incident which may threaten life or the environment.

### **Verity House Agreement Implications**

17. There are no known implications to the Verity House Agreement.

### **New Deal for Business Implications**

18. There are no known implications to the New Deal for Business.



### **Financial Considerations**

20. There are no financial considerations related to this submission.

### **Sensitivities**

21. Officials recommend that a safety zone notice be declared whilst acknowledging that the application procedures according to the 2007 Regulations have not been fully complied with.

### **Quality Assurance**

22. This submission has been approved by Elisabeth Campbell, Marine Directorate.

### **Conclusion and Next Steps**

23. MD-LOT is satisfied that it is appropriate to issue a safety zone notice specifying a rolling programme of safety zones during the construction and operation and maintenance phases of the Development.
24. 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. MD-LOT recommends that the implementation of such proportionate safety zones is appropriate for the purpose 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.”
25. Should the Minister choose to approve the Application, MD-LOT will finalise and issue the notice of the safety zone attached at Annex 3 to the Applicant on the Minister’s behalf. Once granted, MD-LOT will notify you for your information.
26. MD-LOT do not consider that announcements should be made regarding this decision.
27. In order for the determination process to be fully open and transparent, MD-LOT recommends that this submission is published on the Marine Directorate Information website, alongside the key documentations related to the Application.

Kirsten Watson  
Marine Directorate – Licensing Operations Team

**Annex 1 - Legislative Requirements**

**Annex 2 – Background and Representations**

**Annex 3 - Notice of the Safety Zone**

<b>Cabinet Secretaries and Ministers Copy List</b>	<b>For Action</b>	<b>For Information Portfolio interest</b>	<b>For Information Constituency interest</b>	<b>For Information General awareness</b>
Cabinet Secretary for Housing (due to summer recess, providing cover for Cabinet Secretary for Climate Action and Energy)	X			
Cabinet Secretary for Climate Action and Energy		X		
Cabinet Secretary for Rural Affairs, Land Reform and Islands		X		

DG Economy  
 DG Net Zero  
 Director of Marine Directorate  
 Mike Palmer, Deputy Director Marine Directorate  
 Elisabeth Campbell, Deputy Director Marine Directorate  
 Zoe Crutchfield, Marine Directorate  
 Jessica Malcolm, Marine Directorate  
 Rebecca Bamlett, Marine Directorate  
 Kirsten Watson, Marine Directorate  
 Lauren Cowan, Marine Directorate  
 Christine McGhie, Marine Directorate  
 Jared Wilson, Marine Directorate  
 Allan Gibb, Marine Directorate  
 Director of Offshore Wind Directorate  
 Kersti Berge, Energy Directorate  
 Andrew Hogg, Energy Directorate  
 SGLD Head of MPNR  
 Angela Lawson, Legal Directorate  
 David Moffat, Legal Directorate  
 Joanna Dingwall, Legal Directorate  
 Stewart Cunningham, Legal Directorate  
 Veronika Anderson, Legal Directorate  
 Communications – Net Zero and Rural Affairs

## Annex 1

### Legislative Requirements

#### 1. Scotland Act 2016

- 1.1 Section 62 of the Scotland Act 2016 amended the Energy Act 2004 (“the 2004 Act”) and transferred the responsibility for determination of safety zone applications within Scottish waters (or an area of waters in a Scottish part of a Renewable Energy Zone) from the Secretary of State to the Scottish Ministers.

#### 2. Energy Act 2004

- 2.1 The Scottish Ministers have the power to issue a safety zone notice for renewable energy installations under section 95 of the 2004 Act. A safety zone notice may be issued by the Scottish Ministers following an application or their own initiative. Schedule 16 of the 2004 Act makes further provision about the procedures for the declaration of safety zones.
- 2.2 Section 95(2) states that the Scottish Ministers may issue a notice declaring that such areas as are specified or described in the notice are to be safety zones, if the Minister considers it is appropriate for the purpose 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.”
- 2.3 Section 95(3) provides that the Scottish Ministers may issue a notice for a section 95(2) purpose either on an application by any person; or where no such application is made, on their own initiative.
- 2.4 Section 95(5) states that an area may be declared to be a safety zone only if it is an area around or adjacent to a place where a renewable energy installation is to be, or is being, constructed, extended, operated or decommissioned; but a safety zone may extend to waters outside the waters subject to regulation under this section.
- 2.5 Section 95(6) sets out the requirements of a notice and optional exclusions or conditions:
- “Section 95(6)(a) and (b) require that a section 95(6) notice must identify the renewable energy installation and the date it is to come into force or how that date will be determined;
  - Section 95(6)(c) states that a section 95(6) notice may provide that the area of a safety zone can be varied by reference to factors specified in, or determinations made in accordance with the notice;
  - Section 95(6)(d) states that a notice may provide prohibitions on specified activities carried on within the safety zone;

- 95(6)(g) provides that a notice may modify or revoke a previous notice; and
- Section 95(6)(h) provides that a notice may make different provision in relation to different cases.”

- 2.6 Under Section 95(7), where a section 95 notice is issued or a determination is made on that notice, the Scottish Ministers must either:
- a) publish the notice or determination in a way that brings it, as soon as is reasonably practicable, to the attention of persons likely to be affected by it; or
  - b) secure that it is published in this way either by the applicant for the notice; or in the case of a determination made by a person other than the Scottish Ministers, by the applicant for the notice or by the person who made the determination.
- 2.7 Section 96 covers prohibited activities in safety zones. Section 96(4) allows provision for the permissions to apply in relation only to certain specified or described times; and for the permissions to apply only to specified or described persons, vessels, and such purposes as may be specified and described in that provision.
- 2.8 Paragraph 5 of Schedule 16 to the 2004 Act lists the actions that the Scottish Ministers must undertake where they propose to issue a safety zone notice in terms that are materially different from those applied for.
- 2.9 The Scottish Ministers must publish notice of the proposal and allow those affected by it to raise any objections within a timeframe that is not shorter than the minimum period of the consultation held on the original safety zone application. Where an objection is sent to the Scottish Ministers, they must consider such objection and determine whether a public inquiry is necessary.

### **3. Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007**

- 3.1 The application process for applicants to the Secretary of State (interpreted as to the Scottish Ministers following the transfer of powers) is set out in Part 2 of the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (“the 2007 Regulations”).
- 3.2 Regulation 3 sets out the information required in support of a safety zone application.
- 3.3 Regulations 4 and 5 set out the requirement for an applicant to publish a notice of application and where such notice must be served.
- 3.4 Regulation 4(1) requires the Public Notice to be published for two successive weeks in one or more local newspapers, in Lloyd’s List and in one or more national newspapers, the Edinburgh Gazette and in one or more appropriate fishing trade journals. Regulation 4(2) requires a copy of the notice to be sent to the harbour master of relevant ports, the responsible sector office of the

Maritime and Coastguard Agency and the local office of the Marine and Fisheries Agency.

- 3.5 Regulation 5 requires that the notice of application must be served within 21 days of the earliest date of publication of the notice upon the Maritime and Coastguard Agency, the Scottish Ministers and the owner (or operator, if a different person), of the relevant renewable energy installation where that person is not the applicant.
- 3.6 Regulation 6 establishes the minimum consultation period of 28 days from the date of publication or service of the notice for receiving objections. If an objection is sent to a person other than the Scottish Ministers, the recipient of the objection must send a copy of the objection to the Scottish Ministers within 14 days. Regulation 7 makes provisions for the publication of notice of a public inquiry, if a public inquiry is to be held under Schedule 16 of the 2004 Act.

#### **4. Applying for safety zones around offshore renewable energy installation guidance**

- 4.1 It is advised that an application for a safety zone should be completed in accordance with the following Department of Energy and Climate Change (“DECC”) Guidance, ‘[Applying for safety zones around offshore renewable energy installations](#)’ (November 2011) (“DECC 2011 Guidance”).
- 4.2 Section 4 of the DECC 2011 Guidance sets out the process for applying for a safety zone, which includes the requirement for an application for s.36 consent to consider whether a safety zone is needed as part of the assessment of the impact of the proposed installation on the safety of navigation. The need for, and environmental impact of, safety zones was identified in the original [Environmental Impact Assessment Report \(2018\)](#) which accompanied the applications for the s.36 consent and the Marine Licences under section 20(1) of the Marine (Scotland) Act 2010.

## Annex 2

### 1 Background and Representations

- 1.1 The Development is an offshore wind farm with 72 wind turbine generators located approximately 15 to 22 km 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 (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.
- 1.2 A range of representations about the [safety zones application](#) were submitted by stakeholders.
- 1.3 The public notice period ran from 16 January 2025 to 20 February 2025, a period of 35 days, exceeding the 28 day minimum period set out under Regulation 6 of the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (“the 2007 Regulations”). Copies of the application were also available to download from the Applicant website and Marine Directorate’s website.
- 1.4 A Public Notice was published in accordance with the requirements of the 2007 Regulations, in the Press & Journal, Glasgow Herald, Edinburgh Gazette and the Lloyd’s list for two successive weeks.
- 1.5 Copies of the public notices were also issued to the harbour masters of ports likely to be affected by the application and the relevant office of the Marine and Coastguard Agency (“MCA”), in line with the requirements of the 2007 Regulations, requesting them to display the public notice at an address accessible, during normal office hours, to members of the public likely to be affected by the application for a minimum of 14 days.
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 Alpha, Bravo and 1A ("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. Considering the representation from the fisher and the Applicant's response to the points raised MD-LOT is satisfied that it is not appropriate to cause a public inquiry to be held in these matters.
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. Additionally, the association was of the view that short notice is given via Notice to Mariners of upcoming works and this contradicts the applicant's stated timeframes and also that there has been no effective local Fishing Industry Representative for the area during planning and development of the wind farm to date.  
  
Considering the representation from Cockenzie and Port Seton Fishermen's Association, the Applicant's response to the points raised and alternative measures available to MD-LOT; MD-LOT is satisfied that it is not appropriate to cause a public inquiry to be held in these matters.
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.

The FMMS as approved by MD-LOT outlines the Applicant's commitments to interactions with the fishing industry, included a planned schedule of communications. Adherence to these commitments is conditioned in the Applicant's Section 36 Consent and associated marine licences for the construction and operation of the windfarm.

As such, MD-LOT has compliance powers under the Marine (Scotland) Act 2010. Given the nature of the representation from the 54 fishers, MD-LOT is of the opinion that it is appropriate to address this as a potential compliance matter, separate to the determination of the safety zone application. MD-LOT is satisfied that it is not appropriate to cause a public inquiry to be held in these matters.

## ANNEX 3

### Notice of Safety Zone

21 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. 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. Up to five of these safety zones may be active at any given time.

- 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. 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. Up to five of these safety zones may be active at any given time.

5.6. This notice comes into force on the date of this letter.

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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.