

Mr Nick Brockie
Environmental Advisor
Seagreen Wind Energy Limited
1 Waterloo Street
Glasgow
United Kingdom
G2 6AY

25 October 2021

Dear Mr Brockie,

ENERGY ACT 2004

SAFETY ZONE APPLICATION – OFFSHORE SUBSTATION PLATFORMS – SEAGREEN ALPHA OFFSHORE WIND FARM AND SEAGREEN BRAVO OFFSHORE WIND FARM, APPROXIMATELY 27KM OFF THE ANGUS COASTLINE

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 25 February 2021 by Seagreen Wind Energy Limited (Company Number 06873902) (“the Applicant”) 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 Seagreen Alpha Offshore Wind Farm and the Seagreen Bravo Offshore Wind Farm (“Seagreen”) 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	“Mandatory rolling 500 metre (“m”) safety zones established around each Offshore Substation Platform (“OSP”) and/or their foundations whilst construction works are in progress, as indicated by the presence of a construction vessel. The safety zones will be triggered whenever a vessel is on station at an OSP and undertaking construction activities. Up to two of these safety zones could be concurrently active.”
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Pre – commissioning	“Mandatory pre commissioning 50m safety zones established around each OSP and/or their foundations when construction works have been completed but prior to Wind Farm commissioning or where construction works have only been partially completed. These safety zones will be active at any structure during the construction phase where a construction vessel is not present at an OSP. Up to two of these safety zones could be concurrently active.”
During Operations and Maintenance Phase	“Mandatory 500m safety zones around any OSP where “major maintenance” work is being undertaken, where major maintenance is as per the definition given in the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (“the 2007 Regulations”). The safety zones will be active whenever a “major maintenance” vessel is at the OSP during the operational phase. Up to two of these safety zones could be concurrently active.”

- 1.3. 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: Heavy Lift Vessels; Jack Up Vessels; and other vessels which are carrying out construction activities (all referred to as “construction vessels”). However, it is noted that the Applicant has confirmed that any crew transfer activities from a Service Operations Vessel (“SOV”) will not trigger a 500m safety zone regardless of structure and that any SOVs used will only trigger a safety zone at a structure during the construction phase if it is on station at an OSP engaged in an activity other than crew transfer.

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 OSPs 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 key points raised by consultees are set out below:
- I. The MCA had no comments to make and advised that the proposed safety zones were supported. However, subsequent to this, the MCA provided a representation to the Applicants application with respect to safety zones for the WTGs on 3 June 2021. The MCA considered within this representation that SOV operations are considered as routine work and of short duration and therefore a safety zone triggered by an SOV does not provide additional risk mitigation and is unnecessary. The MCA confirmed its support of the application for safety zones but that the use of SOVs should not trigger a safety zone.

2.3. Resolution

- I. Marine Scotland – Licensing Operations Team (“MS-LOT”) recommended to issue a safety zone notice in line with the application to allow safety zones to be in place as soon as possible for construction works taking place. Following determination, MS-LOT will recommend use of powers under section 95 of the 2004 Act to modify the safety zones to remove SOVs triggering a safety zone, in accordance with the MCA representation.
- II. The Applicant withdrew its revised application on 21 September 2021 in order that the original application is the active application.
- III. MS-LOT notified the MCA of its intention and confirmation has been received from the MCA who are content with the approach to continue with the original application.

3. Considerations of the Scottish Ministers

- 3.1. 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 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, the Scottish Ministers have opted to issue a notice in line with the application submitted on 25 February 2021.

4. The decision of the Scottish Ministers

- 4.1. In line with the points set out in section 2 above, the Scottish Ministers:
 - have considered representations and are satisfied that the application submitted by the Applicant has addressed those points raised in a satisfactory manner
 - note “*Major maintenance*” works, as defined in the 2007 Regulations;
 - note that Seagreen 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 at least one on-site vessel undertaking guard duties during the construction, 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 Scotland to keep them informed of progress). Throughout the construction, operation and maintenance phases, Seagreen will be marked and charted as required by the Scottish Ministers;

- note that vessels engaged in the construction of the Offshore Substation Platforms or their 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 500m safety zone or a 50m 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. On 10 October 2014 the Scottish Ministers granted in favour of the Applicant, a consent under section 36 of the Electricity Act 1989 (as amended) (“the Electricity Act”) for the construction and operation of Seagreen.
- 5.2. For the purposes of this notice, Seagreen Alpha Offshore Wind Farm comprises not more than 75 three-bladed horizontal axis WTGs and the Seagreen Bravo Offshore Wind Farm comprises not more than 75 three-bladed horizontal axis WTGs, both together to include two OSPs and associated inter-array cabling and export cables for which consents were granted by the Scottish Ministers under section 36 of the Electricity Act on 10 October 2014.
- 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	Mandatory rolling 500m safety zones established around each OSP and/or their foundations whilst construction works are in progress, as indicated by the presence of a construction vessel. The safety zones will be triggered whenever a vessel is on station at an OSP and undertaking construction activities. Up to two of these safety zones could be concurrently active.
Pre – commissioning	Mandatory pre commissioning 50m safety zones established around each OSP and/or their foundations when construction works have been completed but prior to Wind Farm commissioning or where construction works have only been partially completed. These safety zones will be active at any structure during the construction phase where a construction vessel is not present at an OSP. Up to two of these safety zones could be concurrently active.
During Operations and Maintenance Phase	Mandatory 500m safety zones around any OSP where major maintenance ¹ work is being undertaken, where major maintenance is as per the definition given in the 2007 Regulations. The safety zones will be active whenever a major maintenance vessel is at the OSP during the operational phase. Up to two of these safety zones could be concurrently active.

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

Yours sincerely,

Rebecca Bamlett
Marine Scotland - Licensing Operations Team

¹ Major maintenance” works are defined in The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (“the 2007 Regulations”) as “works relating to any renewable energy installation which has become operational, requiring the attachment to, or anchoring next to, such as the installation of a self-elevating platform, jack-up barge, crane barge or other maintenance vessel”

Annex 1 Representations to the original application for a safety zone

1. **Aberdeen Fishery Office** queried if the application was provided to the fishery offices for comment only or if it was more widely distributed.

The Applicant confirmed to the Aberdeen Fishery Office that the application was provided to a list of consultees agreed in advance with MS-LOT that included a wider distribution to fishery interests.

2. **The Crown Estate Scotland (“CES”)** noted that there were two OSPs contained within the application and that only one OSP had been discussed in the offshore transmission lease.

The Applicant clarified this with CES in that there are to be two OSPs within the Seagreen layout.

3. **The Marine and Coastguard Agency** had no comments to make in its initial representation and advised that the proposed safety zones were supported.

The Applicant noted the initial MCA response.

Subsequent to this representation, the MCA provided a representation to the separate application submitted by the Applicant with respect to safety zones for the WTGs on 3 June 2021. The MCA considered within this representation that SOV operations are considered as routine work and of short duration and therefore a safety zone triggered by an SOV does not provide additional risk mitigation and is unnecessary.

The MCA further noted that it is the presence of large construction vessels, such as jack up barges, floating barges or heavy lift vessels which should trigger a safety zone, and the SOV will then operate inside the safety zone. The MCA confirmed its support of the application for safety zones but that the use of SOVs should not trigger a safety zone.

MS-LOT reviewed this representation and recommended to issue a safety zone notice in line with the application to allow safety zones to be in place as soon as possible for construction works taking place. Following determination, MS-LOT will recommend use of powers under section 95 of the 2004 Act to modify the safety zones to remove SOVs triggering a safety zone, in accordance with the MCA representation.

The Applicant withdrew its revised application on 21 September 2021 in order that the original application is the active application.

MS-LOT notified the MCA of its intention and confirmation has been received from the MCA who are content with this approach.

4. **NatureScot** had no comment to make.

The Applicant noted NatureScot’s response.

5. **The Northern Lighthouse Board (“NLB”)** had no objection to the proposed safety zone application and noted section 6 of the application that highlighted the provision of navigational lighting and marking.

The Applicant noted the NLB’s response.

6. **The Royal Yachting Association Scotland (“RYA Scotland”)** confirmed that it had no comment to make.

The Applicant noted the RYA Scotland’s response.

7. **The Scottish Fishermen’s Federation (“the SFF”)** sought clarity on the reasoning behind submission of separate applications for the OSPs and WTGs and advised that there was nothing to stop the Applicant from preparing and submitting both applications together to remove dubiety.

The SFF raised concern that the application did not make reference to the recently submitted marine licence application for the construction of an additional export cable from Seagreen to make landfall at East Lothian. The SFF requested clarity on this and advised that this would impinge on OSP operations.

The Applicant provided confirmation to the SFF to advise that at the time of submission of the OSP application, the positions of the WTGs were being finalised. Separate applications were to be submitted to reflect the proposed Seagreen installation schedule, in particular, noting that installation of the first OSP is currently programmed for June 2021. The decision to submit two applications was discussed at the time and the Applicant agreed this approach with MS-LOT in order to reduce the risk that safety zone determination for the OSPs would not be made in time for the installation date of the first OSP in June 2021.

The Applicant provided further confirmation to the SFF to advise that with respect to the additional export cable marine licence application submitted, that this was not yet licensed and therefore did not form part of this application. The Applicant advised that irrespective of the of the determination of the marine licence application, the OSP construction and operational activities and subsequent need for safety zones will remain as presented in the application.

8. **The UK Chamber of Shipping (“the UK CoS”)** had no comments to make on the application however suggested that for presentation, that visually showing a 500m safety zone around the OSPs on at least one of the chart representations included in the application would be helpful and welcome. The UK CoS suggested that for future applications this was taken on however noted that for WTG safety zone applications where there may be 100+ WTGs this visual representation may not be appropriate.

The Applicant noted the UK CoS’s response.