

MS.MarineRenewables@gov.scot

Mr Pete Geddes
Moray Offshore Windfarm (West)
Limited C/O Shepherd and Wedderburn
LLP Octagon Point
5 Cheapside
London
EC2V 6AA

2 August 2023

Dear Mr Geddes,

ENERGY ACT 2004

**SAFETY ZONE APPLICATION – MORAY WEST OFFSHORE WIND FARM,
APPROXIMATELY 22.5KM SOUTHEAST FROM THE CAITHNESS 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 19 December 2022 by Moray Offshore Windfarm (West) Limited (Company Number 10515140) (“the Company”) to the Scottish Ministers for a notice (“a safety zone notice”) to be issued by the Scottish Ministers under section 95(2) of the Energy Act 2004 (“the 2004 Act”), declaring that the areas specified in the Application be safety zones for the purpose of securing the safety of the Moray West Offshore Windfarm and individuals and vessels in its vicinity during the periods of construction and operation and maintenance.

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

During Construction	“Rolling” 500 metre (“m”) safety zones established around each wind farm or Offshore Transmission Infrastructure (“OfTI”) structure (both Wind Turbine Generator (“WTG”) and Offshore Substation Platform (“OSP”)) and/or their foundations whilst construction works are in progress, as indicated by the presence of
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	a construction vessel displaying RAM status. Up to seven of these safety zones may be active at any given time.
Pre – commissioning	Pre commissioning 50m safety zones established around each wind farm structure (both WTGs and OSPs) and/or their foundations which is either partially constructed or constructed, up until the point of commissioning of the wind farm. Up to 62 of the 50m safety zones will be active at any given time, given that the Development will comprise of 60 WTGs and two OSPs.
During Operations and Maintenance Phase	500m safety zones around each wind farm or OfTI structure where ‘major maintenance’ is being undertaken, as denoted by the presence of a major maintenance vessel. Up to two such safety zones may be active at any given time.

- 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: Jack-Up Vessels; Heavy Lift Vessels/Heavy Transport Vessels; Transport Barges; and any other vessels which are carrying out construction activities (all referred to as “construction vessels”).

2. Representations

- 2.1. The Scottish Ministers note that a range of consultees were invited to make representations concerning the safety zones application by the Company. 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 and substations, including their substructures. A full summary of the representations of all individual consultees and the Company’s response to the points raised is set out in Annex 1.

- 2.2. The Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), the Scottish White Fish Producers Association (“SWFPA”) on the behalf of the Scottish Fishermen’s Federation (“SFF”), the UK Chamber of Shipping (“UKCoS”), RYA Scotland (“RYA”) and Aberdeenshire Council made representations about the Application, the detail of which is written below.

- 2.3. The key points raised by consultees are set out below:

Aberdeenshire Council raised concerns regarding West of Whitehills and Banff and if the proposed safety zones would conflict with the two potential seaweed aquaculture test sites.

- 2.4. Resolution:

The Company confirmed there would be no conflict between the test sites and safety zones as the distance would have a separation of over 48 km.

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, MD-LOT opted to issue a notice in line with the Application submitted on 19 December 2022.

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 Company has addressed those points raised in a satisfactory manner.
 - note “*Major maintenance works*”, as defined in the 2007 Regulations;
 - note that the Moray West 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 Company has confirmed that there will be guard vessel(s) during the construction and operation and maintenance phases;
 - note that the Company will issue regular notices to mariners and has also indicated it will promulgate relevant information about construction operations and safety zones through Kingfisher 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 Moray West 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 major maintenance works 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 14 June 2019 the Scottish Ministers granted in favour of the Company, a consent under section 36 of the Electricity Act 1989 (as amended) (“the Electricity Act”) for the construction and operation of the Moray West Offshore Windfarm, approximately 22.5km southeast from the Caithness coastline.
- 5.2. For the purposes of this notice, the Moray West Offshore Windfarm comprises not more than 85, three-bladed horizontal axis WTGs and associated inter-array cabling and export cables.
- 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 timeframes 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” 500m safety zones established around each wind farm or offshore transmission structure (both WTGs and OSPs) and/or their foundations whilst construction works are in progress, as indicated by the presence of a construction vessel displaying RAM status. Up to seven of these safety zones may be active at any given time.
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Pre – commissioning	Pre commissioning 50m safety zones established around each wind farm or offshore transmission structure (both WTGs and OSPs) and/or their foundations which is either partially constructed or constructed, up until the point of commissioning of the wind farm. Up to 62 of the 50m safety zones will be active at any given time, given that the Development will comprise of 60 WTGs and two OSPs.
During Operations and Maintenance Phase	500m safety zones around each wind farm or offshore transmission structure (both WTGs and OSPs) where ‘major maintenance’ is being undertaken, as denoted by the presence of a major maintenance vessel. Up to two such safety zones may be active at any given time.

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

Yours sincerely,

Jessica Malcolm
Marine Directorate - Licensing Operations Team

Annex 1 Representations to the original application for a safety zone

1. **The Maritime Coastguard Agency (“MCA”)** confirmed that it supported the application.
2. **The Northern Lighthouse Board (“NLB”)** had no objection to the proposed safety zones application.
3. **The Scottish White Fish Producers Association (“SWFPA”)**, on behalf of the Scottish Fishermen’s Federation (“SFF”), Mallaig & North West Fisherman’s Association (“NMWFA”) and Regional Inshore Fisheries Group (“RIFG”) had no objection to the proposed safety zones application.
4. **UK Chamber of Shipping (“UKCoS”)** responded that it had no comment on the application.
5. **The Royal Yachting Association Scotland (“RYA Scotland”)** confirmed that it was content with the proposed safety zones application however suggested that an additional Notice to Mariners was posted at marinas and harbours between Peterhead and Wick as a precautionary measure to ensure recreational fishers are aware of the proposed construction or major maintenance operation activities.
6. The impact of safety zones on recreational vessels has been assessed as not significant in the application. MD-LOT is content that no further action in addition to the routine issue of Notice to Mariners and Weekly Notice of Operations is required by the Company in relation to recreational vessels.
7. **Aberdeenshire Council** raised concerns in respect to two areas, West of Whitehills and Banff, which had been identified as potential seaweed aquaculture test sites. Aberdeenshire Council has concerns regarding the possibility of conflict between the proposed safety zones and the potential surveyed test sites.
8. The Company confirmed that the distance from the aquaculture test sites to the wind farm site, including the 500m radius around each structure (wind turbines and offshore substation platforms), would have a separation distance of over 48 km. Therefore there would be no conflict between the aquaculture test sites and the safety zones.
9. The Company did not receive further representation from Aberdeenshire Council and no amendments were made to the safety zones application. MD-LOT is satisfied to proceed with the safety zones application as submitted 19 December 2022.