



# Department for Energy Security & Net Zero

Department for Energy Security and Net Zero

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18 August 2023

(By e-mail only:

[carol.cooper@rwe.com](mailto:carol.cooper@rwe.com))

Dear Carol Cooper,

## **ENERGY ACT 2004: OFFSHORE WIND ELECTRICITY GENERATING STATION SAFETY ZONE APPLICATION – SOFIA OFFSHORE WIND FARM**

### **1. The Application**

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to refer to the application submitted on 31 May 2023 on behalf of Sofia Offshore Wind Farm Limited (“the Applicant”) for a notice to be issued by the Secretary of State under section 95(2) of the Energy Act 2004 (“the Act”) declaring that the areas specified in the Application be safety zones for the purpose of securing the safety of the Sofia Offshore Wind Farm and individuals and vessels in its vicinity during its construction and operation when major maintenance is undertaken (“the Application”).
- 1.2. The Applicant has requested that safety zones should be declared in the following terms:

#### Construction Phase

- “Rolling” 500 metre (m) safety zone established around each Wind Turbine Generator (WTG) or Offshore Converter Platform (OCP), and / or their foundations, whilst construction work is being performed, as indicated by the presence of a construction vessel(s); and
- Pre-Commissioning 50m safety zones established around any WTG or OCP which is either partially completed or constructed where a construction vessel is not present prior to commissioning of the wind farm.

## Operation and Maintenance Phase - Major Maintenance

- 500m safety zones around all major maintenance being undertaken around a WTG or OCP, as denoted by the presence of a major maintenance vessel (“major maintenance” as defined within the 2007 Regulations).
- 1.3. The Applicant notes in its application document (Reference: 004517539-04-Sofia Safety Zone Application) that safety zones triggered by Service Operation Vessel (“SOV”) systems during major maintenance are not being included within this application and that it may apply for additional safety zones at a later date.
  - 1.4. The Applicant is not seeking permanent safety zones during the normal operation of the Development.
  - 1.5. A Notice of the Application (“the Public Notice”) was published and served by the Applicant in accordance with the requirements of the Act and regulations 4 and 5 of the 2007 Regulations.

## **2. Representations**

- 2.1. A summary of the views of individual consultees are set out below:
  - i) The Marine Management Organisation deferred to the views of the Maritime & Coastguard Agency (MCA) and Trinity House (TH), and referred specifically to lighting and marking, along with the assessment of the data to inform navigational risk within the area.
  - ii) The Maritime & Coastguard Agency (“MCA”) noted that SOV operations will not trigger a safety zone during major maintenance in the operational phases and that a “guard vessel designated primary responsibility for monitoring active safety zones.” The MCA was therefore content with the justification for the requirement of safety zones and agreed that the safety zones being applied for was appropriate.
  - iii) Trinity House had no objections.
  - iv) Captain Andrew Ullah had no objections.
  - v) The Cruising Association had no objections.
  - vi) Ahlmark Shipping Ltd had no objections but requested information regarding the cable laying operations and associated works.
  - vii) Dorian Valette had no objections but requested general information regarding the application.
  - viii) The Royal Yachting Association had no objections and noted that no permanent safety zones are being applied for during normal operations.
  - ix) The UK Chamber of Shipping was content with the Application and asked the Applicant about the number of safety zones that might be in place at any one time within the wind farm array. They also questioned

why safety zones triggered by SOV during major maintenance were not being applied for under this application.

- x) The National Federation of Fishermen's Organisation stated that using AIS to classify fishing activity in an area may not accurately capture true effort and the addition of VMS data would give a greater representation of commercial fishing effort in the proposed area. They noted their comment was not integral to the application and were therefore satisfied with the Application.

2.2. No representations were received from any other persons in response to the publication of the Public Notices.

### **3. The Applicant's Responses**

3.1. Ahlmark Shipping Ltd: The Applicant supplied the information requested regarding the cable laying operations and associated works.

3.2. Dorian Valette: The Applicant supplied the safety zone application submission document.

3.3. The UK Chamber of Shipping: The Applicant commented that it could expect to have a maximum of 5 concurrently active 500m safety zones within Sofia Offshore Wind Farm during the construction phase and fewer during any major maintenance phase. These number were illustrative as precise numbers are difficult to predict at this stage. The Applicant did not apply for safety zones triggered by SOVs during major maintenance, because stakeholder input on other recent applications was that they would not support their use. The Applicant noted that if needed it may look to apply for such safety zones at a later stage. The UK Chamber of Shipping responded on 15 June 2023, accepting the information provided.

### **4. Secretary of State's consideration of the Application and the Representations Received**

4.1. The Secretary of State notes an acceptance that safety zones of the sort requested in the Application were necessary during construction and major maintenance operations. The Secretary of State also notes that there were no objections to the requested safety zones.

4.2. The Secretary of State is aware that regulation 2 of the 2007 Regulations defines a "standard safety zone" in the following way:

*"...in the case of the proposed or ongoing construction, extension or decommissioning of a wind turbine, or of major maintenance works in respect of such an installation, a safety zone with a radius of 500 metres measured from the outer edge at sea level of the proposed or existing wind turbine tower."*

4.3. The Secretary of State considers that the Application falls under the definition of "standard safety zone".

## **5. The Secretary of State's Decision**

- 5.1. Where objections to requested safety zones are submitted to the Secretary of State, Schedule 16 of the Energy Act 2004 gives the Secretary of State a power to determine whether a public inquiry should be held to consider them. The Secretary of State notes that there were no objections to the requested safety zones for the Sofia Offshore Wind Farm and that the question of whether to hold a public inquiry does not arise.
- 5.2. The Secretary of State notes that the Applicant does not seek a direction to put safety zones in place around SOVs attached to the structures that form part of the Sofia Offshore Wind Farm. The Secretary of State is aware other recent applications for safety zones for offshore wind farms have included such requests and that these requests have been granted. The Secretary of State notes that the Applicant would have to seek permission through a future formal application and subsequent official direction if it wished to establish safety zones around any SOVs.
- 5.3. The Secretary of State has considered the information provided to him as part of the Application, the representations submitted to him in respect of the Application, and the relevant provisions of the Energy Act 2004, the Electricity (Offshore Generating Stations)(Safety Zones)(Application Procedures and Control of Access) 2007 Regulations, and the revised Guidance Notes on Applying for Safety Zones Around Offshore Renewables Installations issued in 2011.
- 5.4. In light of the matters above, the Secretary of State considers that the declaration of safety zones of the type requested during the construction of and major maintenance to the Sofia Offshore Wind Farm is necessary for the purpose of securing the safety of installations comprising the Sofia Offshore Wind Farm and individuals working thereon because they will help reduce the inherent navigational risk of interference or collision by vessels.

## **6. The Declaration**

- 6.1. The Secretary of State, hereby issues the notice declaring safety zones in the following terms:

### Construction Phase

- Rolling" 500 metre (m) safety zone established around each Wind Turbine Generator (WTG or OCP) and / or their foundations, whilst construction work is being performed, as indicated by the presence of a construction vessel(s); and
- Pre-Commissioning 50m safety zones established around any WTG or OCP which is either partially completed or constructed where a construction vessel is not present prior to commissioning of the wind farm.

### Major Maintenance Within the Operation and Maintenance Phase

- 500m safety zones around all major maintenance being undertaken around a WTG or OCP, as denoted by the presence of a major maintenance vessel (“major maintenance” as defined within the 2007 Regulations).

6.2. This notice comes into force from the date of this letter.

6.3. The Sofia Offshore Wind Farm was previously referred as Dogger Bank Teesside B. For the purposes of this notice, the Sofia Offshore Wind Farm comprises the offshore wind turbines and offshore sub-stations for which development consent was granted by the Secretary of State under the relevant provisions of the Planning Act 2008 on 4 August 2015 as subsequently amended on 25 March 2019, 30 November 2020, and 14 January 2021 under the provisions of the same Act.

Yours sincerely,



**John Wheadon**

**Head of Energy Infrastructure Planning Delivery**

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Ahlmark Shipping Ltd  
Captain Andrew Ullah  
Cruising association  
Dorian Valette  
Maritime and Coastguard Agency  
Marine Management Organisation  
National Federation of Fishermen’s Organisation  
Royal Yachting Association  
Trinity House  
UK Chamber of Shipping