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Our ref:

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Dear Mr Foster,

**ENERGY ACT 2004: OFFSHORE WIND ELECTRICITY GENERATING STATION
SAFETY ZONE APPLICATION – TRITON KNOLL OFFSHORE WIND FARM**

1. The Application

1.1 I am directed by the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) to refer to the application submitted on 28 August 2019 on behalf of Triton Knoll 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 Triton Knoll Offshore Wind Farm and individuals and vessels in its vicinity during its construction and during 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

- A 500 metre safety zone established around each wind turbine or offshore substation (including any associated or partially constructed infrastructure (e.g foundations), whilst construction work is being performed as indicated by the presence of construction vessels; and
- Prior to final commissioning, 50 metre safety zones established around any partially constructed wind turbine or offshore substation; and

Operation and Maintenance Phase – Major Maintenance

- 500 metre safety zones around any wind turbine or offshore substation where major maintenance is being undertaken during the operational phase, as denoted by the presence of a major maintenance vessel as

defined under The Electricity (Offshore Generating Stations)(Safety Zones)(Application Procedures and Control of Access) Regulations 2007.

1.3 The Applicant sets out in its Application document (“Safety Zone Application: August 2019 Document Number 2505-TKN-CON-K-FO-3213768: Revision 01”) that Service Operations Vessels (“SOVs”) would be utilised during the construction and operation phases of the development to transfer personnel to the wind turbines and that safety zones were being sought in respect of the use of the SOVs when they were attached to the turbines during ‘walk to work’ activities. The use of a SOV would be additional to the use of other construction and major maintenance vessels but would be dealt with in the same way as other construction and major maintenance vessels for the purposes of the safety zone.

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 Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (“the 2007 Regulations”).

2. Representations

2.1 A summary of the views of individual consultees and the Applicant are set out below:

- i) Trinity House had no objections to the Application and no further comments to make;
- ii) the Cruising Association had no objection nor comments on the Application;
- iii) the British Marine Aggregates Producers Association had no comments on the Application;
- iv) the Marine Management Organisation stated that it would defer to the views of other relevant stakeholders, especially the Maritime and Coastguard Agency;
- v) the Kings Lynn Conservancy Board had no comments on the Application;
- vi) the Port of Boston had no comments on the Application;
- vii) the Port of Tyne had no comments on the Application;
- viii) Associated British Ports had no comments on the Application;
- ix) the UK Chamber of Shipping was content that the provisions laid out for the Application were adequate and in-line with associated requirements. The Chamber indicated that it expected to see safety zones in place when

construction was being carried out. In addition, the Chamber wanted information about the safety zones to be promulgated to non-construction vessels in the vicinity of the Development to provide an enhanced level of safety for mariners;

- x) the National Federation of Fishermen's Organisations ("NFFO") considered that the application of 500m safety zones around SOVs was disproportionate and that disruption would result from their application often over short periods of time: the disruption could also mean that fishing activities were excluded from the wind farm site as a whole.

The NFFO questioned whether this approach to safety zones had been included in the application for development consent for the Triton Knoll offshore wind farm and whether the impacts had been considered.

The NFFO also questioned whether the proposed safety zones around SOVs would provide any additional benefits to collision regulations and good safety practice – no evidence had been provided that these forms of mitigation would not be capable of managing safety risk to ALARP (As Low As Reasonably Practicable).

The NFFO, therefore, objected to the SOV element of the Application (noting that it had raised similar concerns previously with respect to the application for safety zones to be put in place around the Race Bank offshore wind farm). The organisation considered that the matter should be considered with the fishing industry more broadly, for example, through the Fishing Liaison with Offshore Wind and Wet Renewables Group (known as "FLOWW") so that the most appropriate industry wide approach could be identified.

- xi) The Royal Yachting Association ("RYA") indicated it was content with the proposals for safety zones to be put in place at the Triton Knoll offshore wind farm during construction and major maintenance but it did not believe that the operation of a SOV warranted the triggering of a safety zone during the operations and maintenance phase. It further indicated that the use of a SOV should be in accordance with the International Regulations for the Prevention of Collisions at Sea which were widely understood by mariners who will respect signals indicating when a SOV is showing that it is restricted in its ability to manoeuvre.
- xii) The Eastern Inshore Fisheries and Conservation Authority ("EIFCA") said that it accepted the need for safety zones for the protection of human health. However, it raised a number of issues about the potential impacts of the imposition of safety zones at the Triton Knoll offshore wind farm on fishing activities.

The EIFCA indicated that, while it recognised that marine traffic surveys had been undertaken to help ascertain navigational risks and to understand potential impacts on other sea users from the establishment of safety zones, the surveys were focused on the wind farm array and did not include activity further inshore along the entire route of the export cables. The

EIFCA pointed out that inshore parts of the Lincolnshire coast were regular fishing grounds for some commercial vessels and that these would be affected if they were excluded from safety zones around export cables during construction, maintenance and potentially permanently if it is not possible to fully bury those cables.

The EIFCA also notes that there will be some anchor spreads outside of safety zones and that these will be marked with buoys. The EIFCA emphasised the importance of proper marking of the anchor spreads to minimise potential risk of snagging by fishing vessel transiting or actively fishing around the outside of safety zones.

Furthermore, in relation to access to fishing grounds, the EIFCA queries why there has been no assessment of the combined effects from Triton Knoll safety zones and other safety zones around other wind farms in the area which all represent spatial restrictions on fishing activity off the Lincolnshire coast. The EIFCA considered that restrictions on fishing activity should be considered collectively rather than in isolation in order to gauge properly the effects on fishery stakeholders and that small inshore fishing vessels are disproportionately affected by spatial restrictions because they have a smaller range than larger, offshore, fishing vessels.

Finally, the EIFCA suggested that consideration should be given to the timing of the application of safety zones for export cable burial works and associated activities, to identify whether access to inshore fishing grounds can be maintained during peak fishing seasons. It pointed out that direct liaison with local fishery stakeholders is likely to be the most effective way to identify the best opportunities for co-existence.

xiii) The Maritime and Coastguard Agency (“MCA”) stated that it continued to support the establishment of safety zones during construction and major maintenance (as part of the wind farm’s operation). However, it also stated that it did have an issue with SOVs triggering safety zones during the operation and major maintenance phases of the life cycle of a wind farm as it does not see the additional benefit that a safety zone brings during those phases of the wind farm’s development. It did not, therefore, support such vessels being included within the 500 metre safety zone that was in place during major maintenance.

The MCA argued that the SOV was primarily a Walk to Work vessel which was used for routine transfers of personnel to and from an offshore renewable energy installation and, while it is temporarily connected to a structure via a gangway during this period, it can be disengaged at short notice if required. The MCA considered that the inclusion of the SOV within the legislation was stretching the definition of ‘major maintenance’. The MCA added that much of the restriction and limitation regarding the use of a SOV includes it manoeuvring around the wind farm and on approach to an installation, where there is no additional protection of a safety zone.

The MCA also stated that it understands that the SOV is required to undertake craning operations but did not consider that these were routinely 'large lift' or 'major' activities. The MCA felt that there was a difference in the need for safety zones being in place when large vessels were conducting major maintenance work for a long period of time compared to very short term transfers across several locations throughout the day, where the walk to work system could be disconnected relatively quickly in an emergency.

The MCA acknowledged the SOV would potentially have up to 60 personnel onboard and understood the inherent risks with the Walk to Work system to personnel, but also considered that there were many vessels carrying out similar activities every day that utilise effective practice of good seamanship, with appropriate lookouts able to use very high frequency radios to alert errant or unsuspecting marine craft in the vicinity, Safety Management System practices and procedures, and risk assessment, to ensure the risk is suitably mitigated and remains ALARP, without the need for further legislative requirement such as safety zones.

The International Regulations for Preventing Collisions at Sea ("COLREGs") should ensure that other vessels automatically keep clear of the Service Operations Vessel because of its restricted ability to manoeuvre (RAM) status and the practice of good seamanship. The MCA felt that good seamanship and communication in adherence of COLREGS should ensure that any potential risks were alleviated before a third-party vessel approached anywhere near 500 metres from a SOV. It made a further point that regardless of whether a safety zone was put in place, the SOV is still required to keep appropriate lookouts and react to any situation with potential risk, including communicating to vessels regarding safe distances.

The MCA concludes that the use of the SOV should be in accordance with the internationally recognised law of the sea: through maintaining safe distances and a sufficient look out via visual observations, radio watches and radar etc and it saw no real benefit for applying a safety zone to the SOV.

In addition, the MCA offered the following comments on specific parts of the justification provided by the Applicant:

- (i) In section 6.2 [of the Application], the Applicant states – "*In the event of an emergency (e.g., a potential collision incident), the SOV has procedures in place to evacuate the WTW system, and subsequently disconnect. However, given that this may lead to personnel being left on a structure (and therefore vulnerable in an emergency situation), risk assessment has identified the need for these safety zones around structures to which the SOVs are attached to ensure the potential for an emergency situation and unplanned evacuation is minimised.*" The MCA does not consider this to be a valid statement. The main purpose of an SOV is to transfer personnel to structures (as is the case with other vessel or helicopter transfers) and as

a result, personnel are always left unattended on a structure, without a safety zone. Any personnel accessing a structure should have provisions and procedures in place in the event of an emergency.

- ii) Section 6.3 [of the Application] states “*this makes the SOVs an integral part of the intended construction process*” – during the **construction** phase, structures would have a rolling 50 metre safety zone and a 500 metre safety zone with the presence of a ‘major maintenance’ vessel. The MCA does not dispute this, nor the use of the SOV for heavy lift activities in this circumstance. This is different to the routine transfer operations which are carried out during the operations phase.
- iii) Section 9 [of the Application] states “*Any construction or maintenance operation involving a RAM vessel stationed at a structure (within 500m)*” – RAM vessel stationed at a structure for maintenance seems to be a vague statement that could be interpreted in multiple ways and apparently not in line with the legislation. Also, “*Any construction or maintenance operation involving any kind of attachment to a structure (e.g., WTW, temporary power cabling, transfer of stores);*” – as per the points raised above, the MCA does not consider the attachment of Walk to Work or transfer of stores as grounds for a safety zone.
- iv) Throughout the application, reference is made to the SOV being covered under the definition of major maintenance but the MCA, as above, would disagree that this is not the intention of the SOV during operations. In addition to this, section 10.3 states “*While personnel are in the process of transferring, or stationed on the WTGs themselves having successfully transferred, they are at risk should a potential allision or collision scenario occur. During any such sensitive operation where the SOV is attached to a structure, it is therefore necessary to make clear to passing traffic the area which should be avoided to ensure the risks to personnel are ALARP.*” It should be made perfectly clear through communication and lookouts that an operation is taking place with a potential hazard identified well in advance of any allision and therefore personnel transferring would have time to get onto the vessel or the structure in a controlled and safe manner. Personnel on a structure would not normally have a Safety Zone in place during the operations phase and therefore this doesn’t seem to be applicable mitigation.
- v) Finally, the MCA understands that having a Safety Zone in place would provide additional reassurance to the applicant, and that the broadcasts requesting vessels to keep clear will have more emphasis when stating a Safety Zone is in force, rather than relying solely on COLREGs and requesting a safe distance where the vessel master may deem a safe distance as much closer than the applicant. However, it is the MCA’s opinion that a Safety Zone is not the solution in this case – there are appropriate reporting procedures and systems in place for dangerous manoeuvres and COLREG contraventions etc. To date the MCA has not received any reports of dangerous or risky activity as a result of vessels

operating close to an SOV, or other maintenance vessel – with or without a safety zone.

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

3. The Applicant's response

3.1 **In response to the NFFO's comments**, the Applicant said it intended that the SOV would be used on a day to day basis. In particular, the Walk to Work system would be used on a regular basis and, as such it considered that it was necessary to ensure the associated operations are protected given the large cumulative exposure time. However, given that the Application notes that a maximum of two Service Operations Vessels would be utilised at any one time during the operational phase, and when considered against the total surface area of the project, there were not expected to be any significant effects on the operation of commercial fishing vessels.

3.2 The Applicant also indicated that third party vessels should be avoiding any SOVs by 500 metres regardless of the implementation of safety zones and, as such, there should be no additional disruption to fishing activity. The purpose of the safety zone is to clearly delineate the unsafe area of operation for the avoidance of any doubt. It is considered that the NFFO response here indicates that COLREGs alone do not sufficiently make clear that the area should be avoided around SOV activities.

3.3 Long term restricted access to traditional fishing areas during the operational phase within the array was assessed within the Commercial Fisheries Chapter of the Environmental Statement (Volume 2 Chapter 8, Document reference 05/01/02/08). As is standard (and required), the safety zone application then takes the outputs of the ES and considers them alongside current data and the presence of safety zones to confirm the conclusions of the Environmental Statement (that they will not become onerous for other users of the marine environment).

3.4 As per Section 10.4 of the Application [and discussed above], the experience at other wind farms indicates that COLREGs alone are not sufficient to prevent third party vessels from passing within distances that are a cause of concern to wind farm operations. COLREGs do not specify precise safe passing distances, whereas safety zones make it clear which areas should be avoided.

3.5 Consultation and liaison from the project with the fishing industry will be ongoing via the assigned Fisheries Liaison Officer.

3.6 The Applicant's final comment in relation to the NFFO's position that they noted a 150 metre safety zone for SOVs was granted by the Secretary of State in respect of the Race Bank offshore wind farm. However, following feedback, the Applicant included a 500 metre radius safety zone in its Application in order to maintain the standard size used within Scottish and English waters with regards to both major maintenance and major maintenance involving a SOV.

3.7 **In response to the RYA's comments**, the Applicant stated that as per Section 10.4 of the Application, the experience at other wind farms indicates that COLREGs

alone are not sufficient to prevent third party vessels from passing within distances that are a cause of concern to wind farm operations. COLREGs do not specify precise safe passing distances, whereas safety zones make it clear which areas should be avoided.

3.8 In response to the EIFCA's comments, as per the application, the likely maximum number of concurrently active safety zones would not unduly impact on third party entry into the wind farm, noting that they are a necessary mitigation measure to ensure safety risks are ALARP. As per the legislation, safety zones are not permissible around cables and, as such, the cumulative impact of safety zones is not considered to be significant given that they will be limited to a small number per site at any one time. Triton Knoll will have a Fisheries Liaison Officer in place and consultation and liaison with the fishing industry will, therefore, be ongoing.

3.9 In response to the MCA's comments, the Applicant noted that:

- As set out in response to the RYA's comments – see above – the experience at other wind farms [not specified by the Applicant] was that COLREGs alone were not sufficient to prevent third party vessels from passing within distances that are a cause of concern to sensitive operations being undertaken. COLREGs do not specify precise safe passing distances only 'shall keep clear of' (Rule 18), whereas safety zones make it clear which areas are to be avoided and this is considered to be an additional benefit. It is considered that safety zones could add additional clarity. Further, it is considered that COLREGs do not fully take into account the potential for multiple fixed structures and the potential SOVs operating routinely around them for a range of maintenance activities. This creates potential confusion in their interpretation. The presence of safety zones makes it clear what all vessels should be doing in order to minimise risk to themselves, the SOV and personnel.
- The SOV provides a system of service (also considered to be maintenance) to turbines during the construction and operation phases. It is not only a crew transfer system. The definition of 'major maintenance' in the Electricity Act is: "works relating to any renewable energy installation which has become operational, requiring the attachment to, or anchoring next to, such an installation of a self-elevating platform, jack-up barge, crane barge or other maintenance vessel". The Applicant considers that the SOV is covered under this definition given that it is a maintenance vessel that requires "attachment to" the structures. The ability to connect or disconnect at short notice is not a defining factor in the need for safety zones; and, as noted, disconnection at short notice brings with it risks to both personnel and the vessel including those personnel that may be mid-transfer. The presence of the safety zone would also minimise the number of unnecessary and unplanned 'emergency disconnection' events.
- As is the case with all safety zones, they are only active when a vessel is at a structure.
- With respect to the scale of the activities to be carried out by the SOV, the Applicant states that it will be capable of lifting wind farm components and other

auxiliary equipment up to a weight of 3.7 tonnes (sea state dependent). The Applicant, therefore, disagrees with the MCA's view that these should not be considered "large" lifts, and also considers the associated operations as being sensitive.

- In response to the concerns about the short-term engagement of the SOV at multiple locations, the Applicant agrees that the operations undertaken by the vessel differ in terms of timeframe and frequency to some "Major Maintenance" activities. However, it does not agree that this negates the need for a safety zone. The Walk to Work operations in particular are considered sensitive due to the risks to personnel and warrant a safety zone based on risk assessment. What is considered a large vessel is also not defined nor can it be assumed that major maintenance can only be undertaken by 'large' vessels based on the legislation. In addition, the safety zone legislation makes no reference to a minimum timeframe at which a vessel is required to be at a structure to warrant being considered as "major maintenance", nor does it make any reference to frequency.
- Promulgation of information and good lookouts are mitigations that will be deployed in line with guidance and legislation. However, to make the statement that this is sufficient to mitigate the risk to SOVs could call into question the whole purpose of the safety zone regime given that this applies to any vessel at any structure at any phase. The excellent record to date with regards to maritime safety and the construction and operation of wind farms shows that the safety zones are working as they should as part of an overall mitigation package that third parties are now familiar with.
- As indicated by the MCA, the Triton Knoll offshore wind farm will have emergency procedures in place for personnel accessing or left on a structure. However, the Applicant states that, in this case, it is referring to the potential for an increased number of unplanned disconnections if safety zones cannot be applied around SOVs during operation and maintenance. The use of emergency provisions or procedures should be considered to be an extremely unlikely occurrence. But the risks to personnel are not ALARP unless every practical measure has been taken and, therefore, where allowed under legislation (i.e when a vessel is at a structure), the Applicant will seek a safety zone.
- In respect of the Walk to Work scheme, the Applicant considers that this is a sensitive operation which warrants a safety zone. Such operations are also clearly allowed under the legislation (in that the SOV is a "maintenance vessel" that requires "attachment to" the structures).
- Construction and maintenance operations require a safety zone to ensure risks are ALARP. The legislation allows for "major maintenance" safety zones where a maintenance vessel is attached to or anchored next to a structure. The Applicant will adhere to those requirements.
- [As already indicated], experience at other wind farms indicates that COLREGs alone are not sufficient to prevent third party vessels from passing within

distances that are a cause of concern to wind farm operations. COLREGs do not specify precise safe passing distances whereas safety zones make clear the areas that are to be avoided. These comments relate to all safety zones, however, to date they have been shown to be an important mitigation.

- The Applicant would welcome operational safety zones for when personnel are left on structures without a vessel being present. However, it is noted that this option is not supported by the regulators.
- The presence of safety zones to date in wind farms has been unremarkable and third parties are comfortable with their presence. However, it is understood that issues have arisen where safety zones have not been present i.e fishing vessels passing within close proximity of vessels performing subsea operations resulting in an increase in the level of communication required with the Government body, the MCA, legal proceedings and requests for enforcement action under a complex legal framework. Although the Applicant noted that safety zones are not applicable to vessels that are not in close proximity to structures, it had significant concerns about the increase of these types of incidents (particularly as wind farms are now being developed within areas where shipping activity is more pronounced) in relation to SOVs positioned at structures without safety zones in place to clearly define passing distances, and the associated legal framework.
- The Applicant noted that Anatec, its consultant on marine navigation matters, is privy to details of incidents and habits of third-party vessels observed at other wind farms. Given that these are separate projects/developers, it would not be appropriate set these out in the Application beyond a high level statement that third party vessels have been known to behave in a way that is a cause for concern and, as such, as required, have been reported to the appropriate authorities. It is noted that SOVs are relatively new within the [wind farm] industry and therefore experience specifically relating to them is limited.

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

4.1 The Secretary of State notes that, while there was clear acceptance that safety zones were necessary during construction and major maintenance operations, the request for safety zones of 500 metre radius around SOVs while they were attached to turbines or substations was, as is noted above, a concern for a number of interested parties. The Secretary of State further notes that some of the parties did not agree with the Applicant's argument that the use of SOVs falls with the definition of 'major maintenance' (and, therefore, has the potential to receive the benefit of a safety zone) in accordance with the provisions of the Energy Act 2004).

4.2 In assessing the Application and the representations submitted in response to consultation on it, the Secretary of State notes that the question of whether the definition of 'major maintenance' in the Energy Act 2004 applies to SOVs has been previously considered in the decision taken on the application for safety zones to be put in place around such vessels when attached to the infrastructure in relation to the Race Bank offshore wind farm ("the Race Bank decision").

4.3 The Race Bank decision was issued on 17 April 2019. That decision states that the Secretary of State was “*satisfied that an SOV would constitute a “maintenance vessel” and therefore when attached to, or anchored next to, an operational “renewable energy installation” would fall within the definition of “major maintenance works” as defined in the 2007 Regulations [the Electricity (Offshore Generating Stations) (Safety Zones) (Applications Procedures and Control of Access) Regulations 2007]*”.

4.4 In the Race Bank decision, the Secretary of State also stated that “*Whilst noting the views about other vessels carrying out similar activities relying only on the use of effective safety practices” she was “mindful of the safety risk associated with a vessel the size of the SOV and also the number of personnel it carries onboard”*.”

4.5 In considering the current Application, the Secretary of State does not believe that there are any matters made known to her that would require her to take a different view to the one set out in the Race Bank decision. The safety zone benefits that flow from being defined as major maintenance should, therefore, apply to the use of SOVs within the Triton Knoll offshore wind farm.

4.6 The next question for consideration, therefore, is whether the request for a 500 metres safety zone around the installations during major maintenance should be granted in respect of Service Operations Vessels as well as other vessels undertaking major maintenance. The Secretary of State notes that in the Race Bank decision, safety zones with a radius of 150 metres around wind farm structures were requested and granted. In considering the current Application, the Secretary of State notes that there is an argument for consistency across the range of vessels that might be engaged in such activity so that 500 metres would apply to every vessel that is covered by the major maintenance provisions.

4.7 The Secretary of State agrees with the Applicant that the relevant legislation does not extend to allow safety zones to cover export cables or inter-array cables except to the extent that they lie within any approved safety zones, for example around wind turbine generators. The Secretary of State also agrees with the Applicant that, given the safety zones do not cover cables except as above, and given that they apply to individual structures on a rolling basis, the cumulative impacts of safety zones across a range of projects are of low intensity.

4.8 The Secretary of State notes that the Applicant indicates in the Application that throughout major maintenance, details of the work being carried, the vessels engaged and the safety zones in place will be promulgated through Notices to Mariners and radio warnings as designated by the United Kingdom Hydrographic Office.

4.9 The Secretary of State notes that the Applicant has indicated that up to 2 SOVs could be deployed concurrently during the construction and operational phases of the wind farm development and that the requested safety zones would apply to both vessels while attached to any relevant structures.

5. The Secretary of State's Decision

5.1 The Secretary of State, having considered the representations and all other material considerations, does not consider it appropriate for a public inquiry to be held with respect to the Application.

5.2 The Secretary of State is satisfied that an SOV would constitute a “maintenance vessel” and therefore when attached to an operational “renewable energy installation”, would fall within the definition of “major maintenance works” as defined in the Energy Act 2004 and the 2007 Regulations. In such circumstances, a standard safety zone of 500 metre radius measured from the outer edge at sea level of an existing wind turbine tower would normally apply.

5.3 Whilst noting the views expressed about other vessels carrying out similar activities relying only on the use of effective practice of good seamanship, the Secretary of State is mindful of the safety risk associated with a vessel the size of the SOV and also the number of personnel it carries onboard. (The SOV would be between 59 metres and 88 metres in length, a breadth of 17 or 18 metres and a draught of 5.5 metres to 6.5 metres. It would carry 60 personnel and crew.)

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 Triton Knoll Offshore Wind Farm is necessary for the purpose of securing the safety of installations comprising the Triton Knoll offshore wind farm and individuals working thereon because they will help reduce during its operation the inherent navigational risk of interference or collision by vessels. However, given the potential for a SOV to be operating at multiple renewable energy installation locations throughout the day, to ensure enforceability of the safety zone under Section 95(6) of the Energy Act 2004¹, the Secretary of State considers it is necessary to include notice conditions. The declaration is set out in paragraph 6 below.

6. The Declaration

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

During Construction

- A 500 metre safety zone established around any wind turbine structure or offshore substation (including any associated or partially constructed infrastructure, e.g foundations) whilst work is underway at that structure as indicated by the presence of construction vessels; and
- A 50 metre safety zone around any partially constructed or completed wind turbine or offshore substation prior to final commissioning; and

¹ <https://www.legislation.gov.uk/ukpga/2004/20/section/95>

Operation and Maintenance Phase – Major Maintenance

- A 500 metre safety zone around any wind turbine or offshore substation where major maintenance works are being undertaken during the operational phase as indicated by the presence of a major maintenance vessel, including maintenance works being undertaken by a Service Operation Vessel (“SOV”).

Conditions

- 1) *Notice of the 500 metre radius major maintenance safety zones shall be given by the operator of the Triton Knoll Offshore Wind Farm through (a) Notices to Mariners and Kingfisher bulletins; and (b) (i) the harbour master of ports whose users are, in the opinion of the Applicant, likely to be affected by the safety zone; (ii) the sector office of the Maritime and Coastguard Agency which is responsible for operations in the waters in which the safety zone is located; and (iii) the local office of the Marine Management Organisation which is responsible for operations in the waters in which the safety zone is located.*
- 2) *For day-to-day movements of a SOV within the Triton Knoll Offshore Wind Farm, any designated on-site monitoring vessel shall also be responsible for notifying vessels in the vicinity of the wind turbines or offshore substation that shall be worked on that day and that the 500 metre radius safety zone will be active when the SOV is attached to those installations.*
- 3) *No more than two SOVs may operate at any one time within the boundaries of the Triton Knoll offshore wind farm.*

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

6.3 For the purposes of this notice, the Triton Knoll 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 11 July 2013 as subsequently amended on 3 August 2018 under the provisions of the same Act.

Yours sincerely

GARETH LEIGH
Head of Energy Infrastructure Planning

ci
Trinity House
Cruising Association
UK Chamber of Shipping
Marine Management Organisation

National Federation of Fishermen's Organisation
The Maritime and Coastguard Agency
Royal Yachting Association
Eastern Inshore Fisheries Conservation Authority
The British Marine Aggregates Producers Association
King's Lynn Conservancy Board
Port of Boston
Port of Tyne
Associated British Ports