



Department for
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& Industrial Strategy

Department for Business, Energy &
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Our ref:

24 May 2022

(By e-mail only:
Elizabeth.reynolds@sse.com)

Dear Liz Reynolds,

**ENERGY ACT 2004: OFFSHORE WIND ELECTRICITY GENERATING STATION
SAFETY ZONE APPLICATION – DOGGER BANK A 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 22 March 2022 on behalf of Doggerbank Offshore Wind Farm Project 1 Projco 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 Dogger Bank A 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

- Rolling 500 metre (m) safety zones established around each wind farm structure, and/or their foundations, whilst construction is being performed, as indicated by the presence of construction vessels; and
- Pre-commissioning 50m safety zones established around any wind farm structure which is either partially completed or constructed but not yet commissioned where a construction vessel is not present.

Major Maintenance within the Operation and Maintenance Phase

- 500m safety zones around all ‘major maintenance’ being undertaken around a wind farm structure, 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 (“the 2007 Regulations”)).

1.3 The Applicant sets out in its Application document (“Dogger Bank A Safety Zone Application: 15 March 2022 Document Number: LF500013-CST-DOG-REP-00262”) that it is not requesting that safety zones should be put in place around Service Operations Vessels (“SOVs”) but that the Applicant would continue to assess the risks to their use, including the monitoring of ongoing activities and traffic patterns and 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 and the Applicant are set out below:

- i) Trinity House had no objections to the Application;
- ii) the Cruising Association had no objections to the Application;
- iii) the Marine Management Organisation (“MMO”) indicated it was content that sufficient measures would be in place for the fishing industry to be aware of the works and to ensure safe passage for fishermen active in the area. The MMO stated it was, therefore, content with the proposed Safety Zone Application as submitted by the Applicant and had no further comments to make on its content.
- iv) the UK Chamber of Shipping was broadly content with the Application but asked questions about the number of safety zones that might be in place at any one time within the Dogger Bank A wind farm array, whether there was a possibility that the construction periods of the Dogger Bank A and the consented Dogger Bank B wind farms could overlap and, if they did, what coordination plan would be in place to manage impacts.
- i) The Royal Yachting Association (“RYA”) indicated it was content with the proposals but sought information about the status of the safety zone application in relation to the grant of a development consent order for the Dogger Bank A Offshore Wind Farm.

ii) The Maritime and Coastguard Agency (“MCA”) noted that in Chapter 11 of the Application document, the proposed monitoring arrangements for the safety zones when in place are for one of the following:

- a guard vessel or other dedicated monitoring vessel. If a vessel associated with construction/maintenance work is performing guard duties there will be a dedicated watchkeeper on the bridge to undertake visual, radar, and AIS monitoring;
- any installation vessels operating within a safety zone will maintain an independent bridge watchkeeper during operations to undertake visual, radar and AIS monitoring. The designated watchkeeper will not be engaged in duties associated with construction or major maintenance.
- The Marine Coordination Centre will maintain 24hr Automatic Identification System surveillance of the construction site.

2.2 The MCA concluded it was content with the supporting information provided and that the above monitoring arrangements were acceptable. It also supported the proposed safety zone application.

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

3. The Applicant’s Responses

3.1 **In response to the Chamber of Shipping**, the Applicant commented that in terms of the potential number of concurrently active construction safety zones, it anticipated as a realistic maximum that there could be four to five. But it noted the precise numbers at any one time were difficult to predict at this stage of the development process and that ‘four to five’ was a peak assumption and typically it would expect it to be less. The 50m pre-commissioning safety zones would be present at all structures that did not have an active 500m safety zone and as such there could be up to 96 at any one time (95 WTGs plus one substation). As per the application, details of the safety zones would be promulgated in advance and also on a “live” on site basis as and when details become available.

3.2 As far as the possibility of overlapping construction between different wind farm projects was concerned, the Applicant noted that, based on current timelines it is anticipated that Dogger Bank B will be one year behind Dogger Bank A, and Dogger Bank C two years behind. Therefore, there would be overlap between the construction phases based on anticipated schedules. These projects would share certain marine coordination resource during this overlap and the Applicant anticipated they will be run from the same Marine Coordination Centre. The Applicant also noted the overarching cumulative picture fed into discussions with the MCA and Trinity House with regards to emergency response and lighting and marking.

3.3 Finally, the Applicant indicated the nearby Sofia project (previously known as Dogger Bank Teesside B) would also be likely to overlap in terms of construction timelines. This project is being developed by RWE and therefore would not share

marine coordination with the Dogger Bank projects. However, as the Applicant noted above, the presence of Sofia fed into relevant discussions with the MCA and Trinity House.

3.4 In response to the RYA's comments, the Applicant set out that the Dogger Bank A project was consented in 2015 (noting that it was then known as Dogger Bank Creyke Beck A). Further, as required, the application upon which the consent decision was made included a full Navigational Risk Assessment ("NRA") that was in compliance with the active Marine Guidance Notes at that point. Recreational activity was accounted for via vessel traffic survey data (including recording of non-Automatic Identification Systems vessels via radar) and the most up to date Royal Yachting Association ("RYA") Coastal Atlas available at the time.

3.5 The Applicant also confirmed the RYA was consulted as part of the NRA process, including via a dedicated consultation meeting and incorporation of the RYA input provided during the statutory consultation periods.

3.6 Finally, with regard to the site itself (i.e., where the safety zones would be implemented), the Applicant noted that as per Section 2 of the Safety Zone Application it is located in excess of 70 nautical miles from shore. Section 7.2.7 of the Safety Zone Application provides relevant content on recreational vessels, and as stated in that section the available data indicates recreational activity is limited so far offshore in comparison to nearshore areas but does capture the fact that recreational transits may still occur. The Applicant notes that this aligns with the input received from the RYA as part of the NRA process.

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

4.1 The Secretary of State notes that there was 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".

4.4 In assessing the Application and the representations submitted in response to consultation on it, the Secretary of State notes that the application of safety zones to SOVs has been included in directions that have been granted in respect of a number of other offshore wind farm developments. The Secretary of State also notes,

however, that those decisions were made following requests from the developers of those wind farms to include SOVs within the safety zones directions.

5. The Secretary of State's Decision

5.1 Where objections to the requested safety zones have been 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 Dogger Bank A 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 that safety zones should be put in place around SOVs attached to the structures that form part of the Dogger Bank A Offshore Wind Farm. The Secretary of State is aware that other recent applications for safety zones for offshore wind farms have included requests that safety zones should be put in place around SOVs and that these requests have been granted. However, the Secretary of State notes that while he is able to follow precedent where that is appropriate, the decision-making process requires that he should take account of any relevant matters that have been submitted to him as part of the safety zone application for the Dogger Bank A Offshore Wind Farm.

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) Regulations 2007 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 Dogger Bank A Offshore Wind Farm is necessary for the purpose of securing the safety of installations comprising the Dogger Bank A Offshore Wind Farm and individuals working thereon because they will help reduce the inherent navigational risk of interference or collision by vessels.

The Declaration

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

Construction Phase

- Rolling 500 metre (m) safety zone established around each wind farm structure, and/or their foundations, whilst construction is being performed, as indicated by the presence of construction vessels; and

- Pre-commissioning 50m safety zones established around any wind farm structure which is either partially completed or constructed but not yet commissioned where a construction vessel is not present.

Major Maintenance Within the Operation and Maintenance Phase

- 500m safety zones around all 'major maintenance' being undertaken around a wind farm structure, as denoted by the presence of a major maintenance vessel excluding maintenance works being undertaken by a Service Operation Vessel ("SOV").

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

6.3 For the purposes of this notice, the Dogger Bank A 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 17 February 2015 as subsequently amended on 19 April 2019 and 23 March 2020 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 Organisations
 The Maritime and Coastguard Agency
 Royal Yachting Association
 The British Marine Aggregates Producers Association