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(By e-mail only:
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Dear Liz Reynolds,

**ENERGY ACT 2004: OFFSHORE WIND ELECTRICITY GENERATING STATION
SAFETY ZONE APPLICATION – DOGGER BANK B 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 16 December 2022 on behalf of Dogger Bank Offshore Wind Farm Project 2 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 B 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 around each wind farm structure (Wind Turbine Generator (“WTG”) or Offshore Substation Platform (“OSP”)) 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 (WTG or OSP) which is either partially completed or constructed but not yet commissioned where a construction vessel is not present.

Operation and Maintenance Phase - Major Maintenance

- 500m safety zones around all ‘major maintenance’ being undertaken around a wind farm structure (WTG or OSP), as denoted by the presence of a major maintenance vessel.
- 1.3 The Applicant notes in its application document (Reference: LF600013-CST-DOG-REP-0025) that safety zones triggered by Service Operation Vessel (“SOV”) Walk to Work systems during the operational phase are not being included within this application, but it will continue to risk assess including 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 Marine Management Organisation had no objections to the Application;
 - iii) The Royal Yachting Association indicated it fully accepted the need for safety zones during construction, major maintenance in the operation phase and during decommissioning. They note that no permanent safety zones are being applied for during normal operations but would appreciate being consulted if the application is amended;
 - iv) The Maritime and 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 is therefore content with the justification for the requirement of safety zones and agree that the safety zones being applied for are appropriate;
 - v) The UK Chamber of Shipping was broadly content with the Application. It asked the Applicant about the number of safety zones that might be in place at any one time within the wind farm array, and for the overall Dogger Bank B development area in terms of km². It also noted that it was not aware of any application for safety zones for SOVs but acknowledged that the Applicant saying they might apply for additional SOV safety zones was a stated intent to monitor activities and was prudent.
- 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 **In response to comments from the Chamber of Shipping**, the Applicant commented that it could expect to have a maximum of 5 concurrently active 500m safety zones within Dogger Bank B during the construction phase. They commented that this could mean that there would be up to 96 (95 WTGs, 1 OSP) 50m pre-commissioning safety zones active at the same time. The Applicant highlighted, however, that these number were illustrative as precise numbers are difficult to predict at this stage. The Applicant stated that the site boundary for Dogger Bank B covers an area of approximately 600km². Following receipt of this information from the Applicant, the Chamber of Shipping responded on 19 January 2023 stating it had no immediate concerns.

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".

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 Dogger Bank B 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 B 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 the Applicant would have to seek permission through a formal application and subsequent official direction if, in the future, the Applicant 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) 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 B Offshore Wind Farm is necessary for the purpose of securing the safety of installations comprising the Dogger Bank B 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, therefore, hereby issues the notice declaring safety zones in the following terms:

Construction Phase

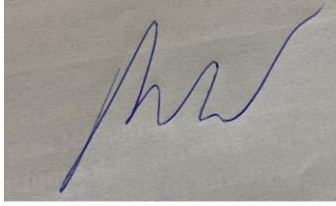
- 'Rolling' 500 metre (m) safety zones around each wind farm structure (WTG or OSP) and/or their foundations, whilst construction is being performed, as indicated by the presence of construction vessels; and
- Pre-commissioning 50m safety zones established around any wind farm structure (WTG or OSP) 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 (WTG or OSP), as denoted by the presence of a major maintenance vessel.

- 6.2 This notice comes into force from the date of this letter.
- 6.3 For the purposes of this notice, the Dogger Bank B 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 17 June 2022 under the provisions of the same Act.

Yours sincerely,



David Wagstaff
Deputy Director, Energy Infrastructure Planning

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Trinity House
Marine Management Organisation
Royal Yachting Association
The Maritime and Coastguard Agency
UK Chamber of Shipping