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& Net Zero

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Dear Mr Scott

**ENERGY ACT 2004: OFFSHORE WIND ELECTRICITY GENERATING STATION  
SAFETY ZONE APPLICATION – DOGGER BANK C**

**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 6 August 2024 on behalf of Doggerbank Offshore Wind Farm Project 3 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 C (DBC) 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

- I. ‘Rolling’ 500 metre (m) safety zones established 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

- II. 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

- III. 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 In paragraph 1.3.2 of the application document, the Applicant has noted that safety zones triggered by Service Operation Vessel (SOV) Walk to Work (WtW) systems during the operation and maintenance phase are not being included within this application.
  - 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 or comments.
  - II. The Cruising Association agreed the effect will be minimal regarding recreational boats and had no further comment.
  - III. The UK Chamber of Shipping stated that it had no particular comments nor concerns.
  - IV. Associated British Ports (ABP) Humber had no comments and asked to be kept updated.
  - V. The Marine Management Organisation had no comments to make and stated it found that all matters seem to be addressed and appropriate.
  - VI. The National Federation of Fishermen's Organisations provided comment stating it found the application sensible but would consult further, however no further comment was received.
  - VII. The Royal Yachting Association stated it notes in the application report the conclusion that there is minimal recreational boating activity in the area, and boaters at that distance from shore would generally be assumed to be competent and experienced. The Royal Yachting Association had a number of points. Firstly, that adequate notification of safety zone implementation during the construction and decommissioning phases, including through notices to Mariners

and the Kingfisher bulletin. Secondly, minimising the time that blanket safety zones are in place, so as to facilitate passage by smaller vessels through the site as soon as possible after construction / decommissioning. Thirdly, it raised the point that adequate consideration should be made of any navigational squeeze caused by a large sea area being out-of-bounds. The Royal Yachting Association stated this is relevant as the number of wind farms increases and cumulative and in combination effects become more apparent. Furthermore, it added that tidal gates should be a consideration as multiple sea users with multiple vessel types may end up in a relatively small sea area given any exclusion zone that may be in place.

VIII. The Maritime and Coastguard Agency made comments and had further questions for the Applicant. The Maritime and Coastguard Agency stated it supports the two scenarios for the construction phase. It further added that the 500m safety zones around structures for major maintenance is also supported on the understanding that SOVs do not trigger a safety zone. It requested clarification from the Applicant in regards to section 8 of the application which it found to contradict the latter statement, by stating that SOV operations are included when Restricted in Ability to Manoeuvre (RAM) during any construction operation. The Maritime and Coastguard Agency stated its position on SOV; a safety zone triggered by a SOV does not provide additional risk mitigation over and above good watchkeeping, communications, seamanship and COLREG (International Regulations for Preventing Collisions at Sea) and a SOV should not be considered as a major maintenance vessel under the 2007 Regulations.

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 the comments from the Royal Yachting Association on the notification of implementation of the safety zone during construction and decommissioning, the Applicant stated that all usual notifications will be undertaken. In relation to the time blanket of safety zones the Applicant confirmed the usual approach i.e., 500m safety zones will be "rolling" to ensure they are only active for as long as they need to be. In relation to the cumulative impact of wind farms causing navigational squeeze to sea users, the Applicant stated that based on minimum spacing of DBC and general traffic volumes (expected to be low) it does not anticipate this will be an issue.

3.2 In response to the comments from the Maritime and Coastguard Agency, the Applicant confirmed that the project does not intend to trigger 500m safety zones by SOVs during any phase under this application. Following the confirmation from the Applicant, the Maritime and Coastguard Agency stated it is content with the application.

#### **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 requested in the Application were necessary during construction and major maintenance operations. The Secretary of State also notes that there were no remaining 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 The Secretary of State notes comments from the Royal Yachting Association regarding the notification of implementation of the safety zone during construction and decommissioning, the time blanket of safety zones and the cumulative impact of wind farms and the responses from the Applicant. The Secretary of State considers the Applicant's responses satisfactory and no further action is required on these matters.

4.5 The Secretary of State notes that in the application document submitted by the Applicant, Paragraph 8 sets out the vessels scenarios which would be considered as triggering a safety zone during the construction, maintenance and operation of the DBC. One of the scenarios that is described as the following:

*"Any construction operation involving a vessel Restricted in Ability to Manoeuvre (RAM) stationed at a structure (within 500m) noting this includes Service Operations Vessel (SOV) operations;"*

4.6 The Secretary of State notes the Maritime and Coastguard Agency confirmed it was content with the application, following the Applicant's clarification that the project does not intend to trigger 500m safety zones by SOVs during any phase of the application. The Secretary of State also notes that there were no remaining objections to the requested safety zones.

#### **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 remaining objections to the requested safety zones for the Dogger Bank C and that the question of whether to hold a public inquiry does not arise.

- 5.2 The Secretary of State notes that the in Paragraph 8 of the Application document submitted by the Applicant, it seeks a direction that safety zones should be put in place around SOVs which they described as being within the RAM category stationed at a structure (within 500m) that takes part in construction operation of Dogger Bank C. The Secretary of State does not consider SOVs as a trigger for a safety zone would apply for Dogger Bank C. The Secretary of State notes that the Applicant confirmed that the project does not intend to trigger 500m safety zones by SOVs during any phase under this application.
- 5.3 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 C 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.
- 5.4 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.
- 5.5 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 C is necessary for the purpose of securing the safety of installations comprising the Dogger Bank C and individuals working thereon because it will help reduce the inherent navigational risk of interference or collision by vessels during operations.

## **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 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.

- 6.2 It is advised that notice of the safety zones should be applied as follows:
- i. the harbour master of ports whose uses are in the opinion of the operator 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.
  - iv. Notice to Mariners.
  - v. Publication in the Kingfisher Bulletin.
  - vi. Liaison with the fishing industry via the Fishing Liaison Officer (FLO) and project Fisheries Industry Representatives (FIRs).

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

6.4 Dogger Bank C was previously referred to as Dogger Bank Teesside A. For the purposes of this notice, the Dogger Bank C 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, 11 August 2020, 30 November 2020, 14 January 2021 and 22 January 2021 under the provisions of the same Act.

Yours sincerely,



**John Wheadon**  
**Head of Energy Infrastructure Planning Delivery**

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Trinity House  
Cruising Association  
UK Chamber of Shipping  
Associated British Ports (ABP) Humber  
Marine Management Organisation  
Royal Yachting Association  
Maritime and Coastguard Agency  
National Federation of Fishermen's Organisations