
STATUTORY INSTRUMENTS

2007 No. 1948

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

PART 2

SAFETY ZONE APPLICATION PROCEDURES

Information in support of a safety zone application

3. An application for the declaration under section 95(2) of a safety zone must include the following information (in addition to that required by paragraph 3(1) and 3(2)(a) of Schedule 16)—

- (a) in relation to any proposed or existing relevant renewable energy installation—
 - (i) a description of the installation and its proposed or existing location and dimensions (including an explanation of how much of it is (or is expected to be) visible above the water line and how much below it), supported by drawings;
 - (ii) a description of how the installation operates (or is to operate);
 - (iii) a description of the location (or proposed location) of—
 - (aa) any electric line used (or proposed to be used) for the conveyance of electricity to or from the installation; and
 - (bb) any connection to such an electric line;
 - (iv) a description of the location (or proposed location) of any offshore sub-station housing connection equipment;
 - (v) where the zone is sought in respect of more than one relevant renewable energy installation, the proposed or existing distances between such installations; and
 - (vi) details of any navigational marking that has been specified for use with an installation of the description in question by a general lighthouse authority;
- (b) in relation to any proposed or existing relevant renewable energy installation powered by waves or tides—
 - (i) a description of components located (or to be located) above and below the water line;
 - (ii) details of any moving parts (or proposed parts) and of how far and in which direction such parts may move through waters surrounding the installation;
 - (iii) a description of the extent and location (or proposed extent and location) of anchors, moorings and cables used (or to be used) in relation to the installation;
 - (iv) details of the anticipated range of wave heights in the proposed safety zone, which may be given by reference to any generally accepted scale or code for expressing that information; and

- (v) a description of typical spring and neap tidal data, and of typical tidal stream speeds and bearings, relating to waters in the proposed safety zone;
- (c) in relation to the proposed safety zone—
 - (i) whether the zone relates to the construction, extension, operation or decommissioning of the relevant renewable energy installation;
 - (ii) whether the applicant seeks the declaration of a standard safety zone, or if not, what dimensions are sought for that zone;
 - (iii) a description of those works or operations in respect of which the zone is being applied for and their estimated date and duration;
 - (iv) whether the applicant proposes that the area of the zone will vary and any factors or determinations by reference to which the applicant proposes that such variation may take place;
 - (v) whether the zone relates to major maintenance works in respect of a relevant renewable energy installation which has become operational;
 - (vi) a statement setting out what steps, if any, the applicant proposes to take to monitor vessels and activities within the zone; and
 - (vii) except where the Secretary of State has notified the applicant that it is not required, an up to date shipping traffic survey for the waters comprising the zone; and
- (d) an assessment of the extent to which navigation might be possible or should be restricted, and whether restrictions would cause navigational problems, within or near waters where the relevant renewable energy installation is to be, or is being, constructed, extended, operated or decommissioned, as the case may be.

Publication of notice of application for a safety zone notice

- 4.—(1) The applicant shall publish notice of an application—
- (a) in two successive weeks in one or more local newspapers which are likely to come to the attention of those likely to be affected by the safety zone;
 - (b) in Lloyd’s List and in one or more national newspapers;
 - (c) if there are in circulation one or more appropriate fishing trade journals which are published at intervals not exceeding one month, in at least one such trade journal;
 - (d) in the London Gazette, unless the safety zone is proposed or located wholly within waters mentioned in sub-paragraphs (e) or (f);
 - (e) in the case of an application relating to a safety zone proposed or located wholly or partly in an area of Scottish waters or an area of waters in the Scottish part of the Renewable Energy Zone⁽¹⁾, the Edinburgh Gazette; and
 - (f) in the case of an application relating to a safety zone proposed or located wholly or partly in that part of the Renewable Energy Zone that lies in the part of the sea which is treated as adjacent to Northern Ireland for the purposes of article 3(1) of the Adjacent Waters Boundaries (Northern Ireland) Order 2002⁽²⁾, the Belfast Gazette.
- (2) The applicant shall, at the same time as publishing the notice under paragraph (1)(a), send a copy of the notice to—

(1) “Scottish waters” is defined in section 104(1) of the Energy Act 2004 as internal waters of the United Kingdom that are in or adjacent to Scotland or so much of the territorial sea of the United Kingdom as is adjacent to Scotland. The “Scottish part” of the Renewable Energy Zone was designated by the Renewable Energy Zone (Designation of Area) (Scottish Ministers) Order 2005 (S.I. 2005/3153).

(2) S.I. 2002/791

- (a) the harbour masters of ports whose users are in the opinion of the applicant likely to be affected by the application;
- (b) the sector office of the Maritime and Coastguard Agency which is responsible for operations in the waters in which the safety zone is proposed or located; and
- (c) the local office of the Marine and Fisheries Agency which is responsible for operations in the waters in which the safety zone is proposed or located,

requesting that the notice be displayed for a period of not less than 14 days at an address accessible during normal office hours to members of the public likely to be affected by the application.

Service of notice of application for a safety zone notice

5. The applicant shall within 21 days of the earliest date of publication of the notice under regulation 4(1) serve notice of an application upon—

- (a) the Maritime and Coastguard Agency;
- (b) the Scottish Ministers, in the case of a safety zone proposed or located wholly or partly in an area of Scottish waters or an area of waters in the Scottish part of the Renewable Energy Zone;
- (c) the National Assembly for Wales, in the case of a safety zone proposed or located wholly or partly in the internal or territorial waters adjacent to Wales; and
- (d) the owner (and operator, if a different person) of the relevant renewable energy installation where that person is not the applicant.

Objections by recipients of notice of application

6.—(1) Any notice published or served pursuant to regulations 4 and 5 shall state the time (which shall not be less than 28 days from the date or latest date of publication of the notice, or less than 28 days from the service of the notice) within which, and the manner in which, any objections to the application for a safety zone notice are to be made.

(2) Where a notice requires an objection to be sent to a person other than the Secretary of State, the recipient of that objection shall within 14 days send a copy of it to the Secretary of State.

Publication of notice of a public inquiry

7. Where a public inquiry is to be held in respect of an application and the applicant publishes notice of this pursuant to paragraph 6(2)(b) of Schedule 16—

- (a) the notice shall be publicised within the same area within which the local newspapers used to publicise the notice of application under regulation 4(1) circulate; and
- (b) the place where a copy of the application for a safety zone, and of the map referred to in it, can be inspected shall be at an address accessible during normal office hours to members of the public likely to be affected by the application.

Fees

8. A charge of £2000 shall be payable to the Secretary of State in respect of any application.