



Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Act 2003

2003 asp 19

1 Authority for works obstructing navigation and fishing

- (1) The undertaker is hereby authorised to obstruct navigation and fishing in the Solway Firth to such an extent as may be required in order to construct and maintain the regulated works, namely—
- (a) up to 60 wind turbine generators each consisting of a tower extending between 62 and 76 metres upwards from the level of high water, fitted with rotating blades with a rotor diameter of between 80 and 104 metres and fixed to the seabed by one or more piles extending to a maximum depth of 35 metres below the seabed;
 - (b) an electrical substation and helicopter landing deck consisting of a steel superstructure placed 10 to 12 metres above the level of high water with a maximum height of 10 metres and a span of 30 metres by 50 metres (accommodating transformers, switchgear, back-up generators and other technical installations);
 - (c) an anemometry mast with a lattice structure extending between 66 and 76 metres upwards from the level of high water, fitted with anemometers and wind vanes, fixed to the electrical substation or fixed to the seabed by one or more piles extending to a maximum depth of 45 metres below the seabed and attached to turbine No. K1 by power and communications cables;
 - (d) a series of cables connecting the wind turbine generators with each other and to the electrical substation laid initially one metre beneath the seabed and maintained at a level between the surface of the seabed and a level 8 metres below the seabed;
 - (e) so much of the cable connection between the electricity substation and the seashore as lies under Scottish waters, namely two armoured cables laid 3 metres beneath the seabed and maintained at a level between 2 and 5 metres below the seabed,

in the locations specified in the schedule to this Act (subject to such deviation as may be permitted under section 2 of this Act) together with, within the limits of deviation, such scour protection works at the base of the wind turbine generators, the electrical

substation, and the anemometry mast, and such navigational warning or ship impact protection works on or around those structures as may be reasonably required.

- (2) The turbines shall be constructed and maintained so that there shall be a minimum distance of 18 metres between the lowest point of the rotating blades and the level of high water.
- (3) Nothing in this Act authorises the generation or transmission of electricity.

2 Power to deviate from specified locations

In constructing and maintaining the turbines, the electrical substation or the anemometry mast, the undertaker may deviate laterally up to a limit of 50 metres from the locations described in the schedule to this Act.

3 Provision against danger to navigation in case of damage, destruction or decay

- (1) In case of damage to, or destruction or decay of, a regulated work or any part of that work the undertaker shall as soon as reasonably practicable notify the Commissioners of Northern Lighthouses and shall lay down such buoys and exhibit such lights as the Commissioners of Northern Lighthouses may from time to time direct, in the exercise of their functions under the Merchant Shipping Act 1995 (c. 21), for the purpose of preventing danger to navigation.
- (2) If without reasonable excuse the undertaker fails to notify the Commissioners of Northern Lighthouses as required by this section or to comply in any respect with a direction given under this section, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine.

4 Permanent lights or buoys at or near regulated works

- (1) After the completion of the regulated works the undertaker shall at or near the works lay down such buoys and exhibit such lights as the Commissioners of Northern Lighthouses may from time to time direct, in the exercise of their functions under the Merchant Shipping Act 1995 (c. 21), for the purpose of preventing danger to navigation.
- (2) If the undertaker fails to comply in any respect with a direction given under this section, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine; but it shall be a defence for the undertaker to prove that all due care was taken to secure compliance with the direction.

5 Active management system

- (1) The turbines shall be operated in accordance with an active management system for the purpose of minimising the risk of vessels colliding with the rotating blades of the turbines.
- (2) The details of the active management system shall be settled in accordance with subsection (3) below but the system shall include—
 - (a) provision for each turbine to be marked with clearly visible identification systems;

- (b) provision for communication procedures between the relevant emergency service and the central control room for the operation of the turbines when a vessel is in distress;
 - (c) provision for the immediate shutting down of one or more of the turbines at the request of the relevant emergency service in a position which secures the maximum clearance between the lowest point of the blades and the water level; and
 - (d) provision for testing the emergency procedures at times and in a manner reasonably required by the relevant emergency service.
- (3) For the purpose of settling the details of the active management system the undertaker shall consult the relevant emergency service and shall incorporate any reasonable requirements requested by them.
- (4) If without reasonable excuse the undertaker operates the turbines otherwise than in accordance with the active management system agreed under this section or fails to comply with the requirements of that system it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, or on conviction on indictment to a fine.

6 Local consultation

The undertaker shall consult representatives of local fishing and recreational boating interests before submitting any proposals for the lighting or marking of the regulated works to the Commissioners of Northern Lighthouses.

7 Decommissioning

- (1) The powers conferred on the undertaker by this Act shall be exercisable only if, and so long as, the condition in subsection (2) below is satisfied.
- (2) The undertaker shall put in place insurance for the costs of decommissioning and removing the regulated works in the form of a third party bond approved by the Scottish Ministers or such other third party financial instrument as is acceptable to them, and shall retain in place such bond or other instrument (or such replacement or modification as the Scottish Ministers may approve) for the operational lifetime of the regulated works.
- (3) In considering the acceptability of a bond or other instrument under this section the Scottish Ministers may have regard to any arrangements which have been agreed between the undertaker and the Crown Estate Commissioners.

8 Transfer of powers

- (1) The undertaker may enter into, and carry into effect, agreements for the transfer to another person of all or any of the powers conferred on the undertaker by this Act.
- (2) The exercise of any power conferred by this Act by any other person in accordance with an agreement under subsection (1) above shall be subject to the same obligations and liabilities under this Act as would apply if that power were exercised by the undertaker.
- (3) Not later than 21 days before any such agreement comes into effect the undertaker shall give written notice to the Scottish Ministers and to the Commissioners of Northern

Lighthouses stating the name and address of the person to whom the powers are being transferred and the date when the transfer is to take effect.

9 Interpretation

(1) In this Act—

“the anemometry mast” means the mast erected for the purpose of measuring wind speeds and directions described in section 1(1)(c) of this Act;

“the electrical substation” means the structure described in section 1(1)(b) of this Act;

“the level of high water” means the level of mean high-water springs;

“the limits of deviation” means the area within which the undertaker may deviate in constructing and maintaining the regulated works pursuant to section 2 of this Act;

“maintain” includes retain, inspect, repair, alter, remove, reconstruct, relay, replace and, in so far as it may cause an obstruction to navigation or fishing, operate; and “maintenance” shall be construed accordingly;

“reference point” means Ordnance Survey National Grid reference point;

“the regulated works” means the works described in section 1 of this Act and references to a regulated work shall be construed accordingly;

“Scottish waters” means waters which are to be treated as internal waters or territorial sea of the United Kingdom adjacent to Scotland for the purpose of the Scotland Act 1998 (c. 46);

“turbine” means a wind turbine generator described in section 1(1)(a) of this Act and references to numbered turbines are to the numbers assigned to each turbine in paragraph 1 of the schedule to this Act;

“the undertaker” means Offshore Energy Resources Limited and Solway Offshore Limited acting jointly or, as the case may be, any person to whom the powers conferred by this Act are transferred in an agreement under section 8 of this Act;

“vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or other amphibious vehicle.

(2) All dimensions stated in any description of works shall be construed as if the word “approximately” were inserted before each such dimension.

10 Short title

This Act may be cited as the Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Act 2003.