
EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations apply in relation to any application to the Secretary of State for Business, Enterprise and Regulatory Reform seeking a declaration of a safety zone relating to an offshore renewable energy installation, under section 95(2) of the Energy Act 2004 (c.20) (“the 2004 Act”). In addition they prescribe categories of vessels and activities permitted in such safety zones.

Applications can be made for the declaration of a safety zone to be located in an area of waters around or adjacent to a renewable energy installation, which is defined in section 104(2) and (3) of the 2004 Act, as an offshore installation used, or that has ceased to be used, for purposes connected with the production of energy from water or winds, and that permanently rests on, or is attached to, the seabed and is not connected to dry land. Thus applications can be made in relation to offshore wind turbines, as well as wave and tidal generating devices. Schedule 16(3) of the 2004 Act sets out certain requirements for applications, including use of a map.

Safety zones may be declared in relation to installations located within territorial waters in or adjacent to Great Britain (between the mean low water mark and the seawards limits of the territorial sea) and to waters within the UK Renewable Energy Zone, which was designated under section 84(4) of the 2004 Act in December 2004 via the Renewable Energy Zone (Designation of Area) Order 2004 (SI 2004/2668).

Regulation 3 sets out the additional information that is required to accompany an application to the Secretary of State for a declaration under section 95(2) of the 2004 Act. In every case information is required describing any renewable energy installation around which a safety zone is sought and in relation to the purpose and size of such a safety zone.

Regulation 4 identifies those publications in which notice of an application for a safety zone should be advertised, as well as locations where such notices should be displayed.

Regulation 5 lists public and other consultation bodies upon whom notice of an application for a safety zone declaration should be served.

Regulation 6 requires an applicant when advertising and serving notice of an application to state the time and the manner in which objections to an application are to be made to the Secretary of State.

Regulation 7 makes provision for the publication of notice of any public inquiry to be held.

Regulation 8 sets the fee payable to the Secretary of State upon an application for a safety zone declaration.

Regulation 9 makes provision for standard exemptions to the prohibition upon entry into and activities in a safety zone deriving from section 96(1) and (2) of the 2004 Act. Specified categories of vessels, belonging to or acting on behalf of government departments (including vessels operated by executive agencies, such as the Maritime and Coastguard Agency), the Environment Agency and the Scottish Environment Protection Agency, as well as other public and licensed bodies, and in connection with emergencies such as lifesaving, are permitted within safety zones. This regulation also permits certain activities in safety zones connected with the undertaking of development works and the undertaking of scientific monitoring requirements.

A Regulatory Impact Assessment (“RIA”) has been completed in relation to the introduction and operation of Safety Zones relating to offshore renewable energy installations. This RIA is published at <http://www.dti.gov.uk>. Copies of the RIA may also be obtained from Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET (ref. Tony Keegan).