

---

WELSH STATUTORY INSTRUMENTS

---

**2004 No. 3054**

**The Scarweather Sands Offshore Wind Farm Order 2004**

**PART IV**

**MISCELLANEOUS AND GENERAL**

**Safety zones for navigation, trawling and anchoring**

**28.**—(1) Subject to paragraphs (2) and (4), any person who, without reasonable excuse,—

- (a) during the construction, relaying, replacement, removal or decommissioning of any tidal works navigates a vessel within an area extending 500 metres from any part of that work (or such lesser area as may be published under paragraph (2));
- (b) following the laying of any of the inter-turbine cables trawls or anchors a vessel within the wind farm site and an area extending 200 metres outwards from that site;
- (c) following the laying of any of the marine feeder cables anchors a vessel within an area extending 200 metres from any part of that cable; or
- (d) following completion of construction of any of the relevant structures navigates a vessel within an operational safety zone,

will be guilty of an offence and will be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A safety zone will not come into effect until —

- (a) 7 days have elapsed after the publication of a notice to mariners specifying the location and extent of the safety zone, the date of its commencement and, in the case of a construction safety zone, its intended duration; and
- (b) the undertaker has taken such other steps as the Secretary of State may require to notify shipping of the proposed safety zone.

(3) As soon as reasonably practicable following the termination of a safety zone (other than by reason of paragraph (5)), the undertaker must—

- (a) publish notice of the termination by means of a notice to mariners; and
- (b) take such other steps as the Secretary of State may require to notify shipping of the termination of a safety zone.

(4) Paragraph (1) does not apply to a person navigating or anchoring a vessel for the purpose of, or in connection with, the construction, maintenance or operation of the tidal works.

(5) Paragraph (1)(b), (c) and (d) ceases to have effect if and to the extent that the activities specified in any of those provisions, within the areas so specified, are prohibited under a relevant enactment.

(6) In this article—

“the construction safety zone” (“*y parth diogelwch wrth adeiladu*”) means an area in which navigation is excluded under paragraph (1)(a);

“operational safety zone” (“*parth diogelwch wrth weithredu*”) means an area extending 5 metres from any part of a relevant structure (including scour protection around that structure) or such larger distance not exceeding 50 metres as may be determined by the undertaker following a risk assessment and consultation with the Maritime and Coast Guard Agency and the Royal Yachting Association;

“relevant enactment” (“*deddfiad perthnasol*”) means any provision of a public general Act, or of any subordinate legislation made under a public general Act, which is brought into force after the making of this Order;

“relevant structure” (“*strwythur berthnasol*”) means a wind turbine or any of the anemometry masts;

“safety zone” (“*parth diogelwch*”) means any of the areas in which activities are excluded under paragraph (1);

“trawl” (“*treillio*”) means any fishing activity which involves dragging a net or line or other apparatus along the seabed.