

[Robin Rigg Offshore Wind Farm \(Navigation and Fishing\) \(Scotland\) Bill](#)

Bill Number: SP Bill 1
Introduced on: 15 May 2003
Introduced by: Offshore Energy Resources Limited and Solway Offshore Limited (Private Bill)
Passed: 26 June 2003
Royal Assent: 1 August 2003

[2003 asp 19](#)

Passage of the Bill

Originally introduced on 27 June 2002, the [Robin Rigg Offshore Wind Farm \(Navigation and Fishing\) \(Scotland\) Bill](#) was the first private bill to be introduced in the first session of the Scottish Parliament (as [SP Bill 59](#)). [SPICe Briefing 02/88](#) summarises the main elements of the private bill procedure and the main elements of the Bill.

The Bill was considered by the [Robin Rigg Offshore Wind Farm \(Navigation and Fishing\) \(Scotland\) Bill Committee](#), which was formed on 3 October 2002. The Preliminary Stage debate was held on the [9 January 2003](#). The Bill then completed phase one of Consideration Stage on 14 March 2003 with the publication of the Committee's '[Report on the objections to the Robin Rigg Offshore Wind Farm \(Navigation and Fishing\) \(Scotland\) Bill](#)'. The Bill completed phase two of Consideration Stage on [26 March 2003](#) when 19 amendments were debated and then agreed to. The Bill subsequently fell, as a consequence of the May 2003 general election, but was re-introduced as [SP Bill 1](#) on 15 May 2003.

Standing Orders allow a Private Bill to be reintroduced at the start of the next session in same terms as it was agreed prior to dissolution. In the case of Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill as the Bill had completed phase two of Consideration Stage prior to dissolution, the Bill was introduced in Session as amended (without repeating Preliminary Stage and Consideration Stage). The [Bill was passed](#) following the Final Stage debate on the [26 June 2003](#).

Purpose and objectives of the Bill

Private Bills are subject to different parliamentary procedures compared with public bills. Public bills involve changes to the general law and matters of public policy. Private bills involve measures sought in the private interests of a promoter. A promoter can be an individual person, body corporate or

unincorporated association of persons. In addition, others can object to a Bill should they believe that it will clearly adversely affect their interests.

The promoters of this Bill are Offshore Energy Resources Limited and Solway Offshore Limited. They hold adjacent leases of parts of the seabed on the Robin Rigg sand banks in the Solway Firth. They plan to install 30 turbines each which will be up to 80m in height, with blade diameter of 100m. The right of peaceful navigation and the right to fish are public rights in Scotland. Constructing and operating the turbines would interfere with the public rights of navigation and fishing, therefore the Bill provides for local restrictions on these rights in the vicinity of the wind farm site. The Bill establishes three levels of exclusion zone around the turbines for "construction" "trawling and anchoring" and a permanent "general" zone.

The promoters will seek additional consents under the [Electricity Act 1989](#) for the licensing of the turbines and the right to generate electricity, and under the Coastal Protection Act and the Food and Environmental Protection Act to allow them to install equipment in the sea. These licenses can be issued under existing legislation, and so are not included in the Bill.

Once construction is complete, the site will supply enough electricity for 160,000 homes. Offshore wind energy is one of the sources of renewable energy which is being developed in Scotland to help meet the Scottish Executive's targets of 18% of electricity coming from renewable sources by 2010, and 40% by 2020.

Provisions of the Bill

The Bill as introduced had 8 sections and 3 schedules. The key provision of the Bill is section 1 which allows the public rights of navigation and fishing to be restricted in the vicinity of the wind farm site. The schedules contained detailed provisions on the construction and location of the turbines and on the exclusion zones around them.

Parliamentary consideration

Third parties may object to private bills. These objections are considered by the private bill committee, which may take evidence from the promoters of the bill and the objectors. There were four objectors to the Bill, two from sailing interests, one from a fishermen's organisation and one from a private individual. The Committee reported on these objections on the 14 March 2003, and suggested some amendments to the Bill as a result - that there should be provisions in the Bill providing for decommissioning of the site, and introducing a requirement to consult with local interests on the lighting and marking of the site while in construction. These amendments were made during the consideration stage of the Bill.

The main amendments agreed during the final stage consideration of the Bill removed section 5, schedule 2 and schedule 3 of the Bill, which established the different exclusion zones around the site. This followed discussions

between the promoters of the Bill, the Scottish Executive and the UK Department for Transport, which concluded that instead of making special statutory provision for an exclusion zone in the Bill, it would be preferable to use existing powers under the [Merchant Shipping Act 1995](#) to enforce the exclusion zones. These amendments mean that the Bill as passed has 10 sections and one schedule.