

Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

[AS INTRODUCED]

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Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 1-EN. A Promoters' Memorandum is printed separately as SP Bill 1-PM.

Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to regulate matters relating to navigation and fishing in connection with the provision of an offshore wind farm in navigable waters within the Solway Firth; and for connected purposes.

1 Authority for works obstructing navigation and fishing

- 5 (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—
- 10 (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;
- 15 (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);
- 20 (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;
- 25 (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;
- 30 (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 schedule 1 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.

- 5
- (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

10 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 schedule 1 to this Act.

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

- 15
- (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.
- 20

4 Permanent lights or buoys at or near regulated works

- 25
- (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.
- 30

5 Exclusion zones for navigation, trawling and anchoring

- 35
- (1) Subject to subsections (2) and (4) below any person who, without reasonable excuse—
 - (a) during the construction of the regulated works navigates a vessel within the construction exclusion zone;
 - (b) during the period from the commencement of construction of the regulated works until their removal undertakes trawling or anchors a vessel within the trawling and anchoring exclusion zone; or
 - (c) during the period from the commencement of construction of any relevant structure until its removal, navigates a vessel within 50 metres of that structure;
- 40

shall be guilty of an offence and shall be liable to a fine not exceeding the statutory maximum, or on conviction on indictment, to a fine.

- (2) An exclusion zone shall not come into effect until—
- 5 (a) 7 days after the publication of a notice in the prescribed manner specifying the location and extent of the exclusion zone, the date of its commencement and, in the case of a construction exclusion zone, its intended duration; and
- (b) the undertaker has taken such other steps as the Scottish Ministers may require to notify mariners of the proposed exclusion zone.
- (3) As soon as reasonably practicable following the termination of an exclusion zone the
- 10 undertaker shall—
- (a) publish notice of the termination in the prescribed manner; and
- (b) take such other steps as the Scottish Ministers may require to notify mariners of the termination of the exclusion zone.
- (4) Subsection (1) above shall not apply to a person navigating or anchoring a vessel for the
- 15 purpose of, or in connection with, the construction, maintenance or operation of the regulated works.
- (5) In this section—

“exclusion zone” means any of the areas in which activities are excluded under subsection (1) above, namely—

- 20 (a) the construction exclusion zone;
- (b) the trawling and anchoring exclusion zone; or
- (c) any of the areas of water in which navigation is excluded under subsection (1)(c) above;

25 “the construction exclusion zone” means the area described in schedule 2 to this Act or such smaller area as may be notified in accordance with subsection (2) above;

“the prescribed manner” of publication means publication in—

- 30 (a) Lloyd’s List or some other newspaper specialising in shipping news and circulating in the United Kingdom; and
- (b) a newspaper circulating in the vicinity of the regulated works;

“relevant structure” means a turbine, the electrical substation or the anemometry mast;

“trawling” means any fishing activity which involves dragging a net or line along the seabed;

35 “the trawling and anchoring exclusion zone” means the area described in schedule 3 to this Act.

6 Active management system

- (1) The turbines shall be operated in accordance with an active management system for the
- 40 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;
- 5 (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
- 10 (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.

15 (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.

7 Local consultation

20 The undertaker shall consult representatives of local fishing and recreational boating interests before—

- (a) submitting any proposals for the lighting or marking of the regulated works to the Commissioners of Northern Lighthouses under section 4 of this Act; or
- 25 (b) submitting any proposals to the Scottish Ministers for the notification to mariners of the commencement or termination of exclusion zones under section 5(2)(b) or (3)(b) of this Act.

8 Decommissioning

(1) The powers conferred on the undertaker by this Act shall be exercisable, and any exclusion zones under section 5 of this Act shall have effect, only if, and so long as, the condition in subsection (2) below is satisfied.

30 (2) The undertaker shall put in place insurance for the costs of decommissioning 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.

35 (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.

9 Transfer of powers

40 (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.

10 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 schedule 1 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 6 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.

11 Short title

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

SCHEDULE 1
(introduced by section 1)

LOCATION OF THE REGULATED WORKS

1 The centre point of each of the turbines is to be at the following reference points—

5	<i>Turbine No.</i>	<i>Easting (m)</i>	<i>Northing (m)</i>
	A1	290703	543168
	A2	291153	542982
	B1	290130	542923
	B2	290524	542739
10	B3	290962	542541
	B4	291367	542368
	B5	291753	542132
	C1	289517	542725
	C2	289955	542530
15	C3	290352	542343
	C4	290789	542134
	C5	291181	541954
	C6	291592	541751
20	D1	288897	542509
	D2	289324	542311
	D3	289777	542101
	D4	290174	541915
	D5	290602	541720
25	D6	290996	541539
	D7	291424	541341
	E1	288346	542239
	E2	288711	542068
	E3	289150	541873
	E4	289583	541672
30	E5	289989	541489
	E6	290416	541299
	E7	290826	541088
	E8	291237	540902
35	F1	288118	541830
	F2	288560	541691
	F3	288985	541449
	F4	289405	541259
	F5	289810	541075
40	F6	290246	540875
	F7	290649	540678
	F8	291067	540490
	G1	287916	541413
	G2	288343	541214
	G3	288806	541024
45	G4	289227	540846
	G5	289628	540661
	G6	290060	540474
	G7	290471	540285
	G8	290901	540099
50	H1	288175	540806

	<i>Turbine No.</i>	<i>Easting (m)</i>	<i>Northing (m)</i>
	H2	288621	540590
	H3	289032	540418
	H4	289453	540247
5	H5	289874	540061
	H6	290303	539874
	H7	290733	539706
	J1	288425	540126
	J2	288846	539948
10	J3	289267	539786
	J4	289688	539616
	J5	290109	539438
	J6	290505	539284
	K1	288660	539527
15	K2	289089	539349
	K3	289502	539171

2 The centre point of the electrical substation is to be at reference point Easting (m) 291150 and Northing (m) 540380 or at reference point Easting (m) 288514 Northing (m) 539284.

20 3 The centre point of the anemometry mast is to be at reference point Easting (m) 288514 Northing (m) 539284 and the connecting power and communication cables are to run from that point and to join the system at turbine No. K1.

4 The routes of the cables referred to in section 1(1)(d) of this Act are to run in direct lines between any two adjacent turbines and between the electrical substation and—

25 (a) turbines Nos. G8 and F8; or

(b) turbine No. K1.

5 The route of the cables referred to in section 1(1)(e) of this Act is to commence by a connection with the electricity substation and to run in a south easterly direction until it reaches the boundary of Scotland at reference point Easting (m) 291510 Northing (m) 540140 or is to follow such alternative route as may be permitted by the Scottish Ministers under section 34 of the Coast Protection Act 1949 (c.74).

30

SCHEDULE 2
(introduced by section 5)

CONSTRUCTION EXCLUSION ZONE

35 The area of the construction exclusion zone is an area bounded by a series of imaginary straight lines drawn between the following points—

	<i>Point</i>	<i>Easting (m)</i>	<i>Northing (m)</i>
	C1	291041	543675
	C2	292199	542302
40	C3	291404	540044
	C4	290247	538707
	C5	288257	538960
	C6	287511	541642
	C7	288071	542592

SCHEDULE 3
(introduced by section 5)

TRAWLING AND ANCHORING EXCLUSION ZONE

5 The area of the trawling and anchoring exclusion zone is an area bounded by a series of imaginary straight lines drawn between the following reference points—

<i>Point</i>	<i>Easting (m)</i>	<i>Northing (m)</i>
T1	290708	543290
T2	291218	543072
T3	291881	542141
10 T4	291258	540320
T5	290570	539187
T6	289494	539066
T7	288458	539187
T8	287786	541445
15 T9	288320	542416

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