

Statutory Document No. 20XX/XXXX



Climate Change Act 2021

ELECTRICITY (OFFSHORE GENERATING STATIONS) (SAFETY ZONES) (APPLICATION PROCEDURES AND CONTROL OF ACCESS) REGULATIONS 2026

Laid before Tynwald:

Coming into operation in accordance with Regulation 2.

The Department of Infrastructure makes the following Regulations under sections 96(1) and (3), 188 and 192 of, and paragraphs 3(2), 4(1), 6(2) and 6(6) of Schedule 16 to of the Energy Act 2004 (of Parliament) as applied to the Island¹.

1 Title

These Regulations are the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2026.

2 Commencement

These Regulations come into operation on the day after they are made².

3 Interpretation

(1) In these Regulations —

“**Department**” means the Department of Infrastructure;

“**major maintenance works**” means works relating to any renewable energy installation which has become operational, requiring the attachment to, or anchoring next to, such an installation of a self-elevating platform, jack-up barge, crane barge or other maintenance vessel;

“**standard safety zone**” means—

- (a) in the case of the proposed or ongoing construction, extension or decommissioning of a wind turbine, or of major maintenance works in respect of such an installation, a safety zone with a radius

¹ As applied to the Island by virtue of the Climate Change (Energy Act 2004) (Application) Order 2025 (SD 2025/xxxx).

² By section 192(2) of the Energy Act 2004 (of Parliament), these Regulations are subject to the negative procedure, as set out in section 32 of the Legislation Act 2016.

- of 500 metres measured from the outer edge at sea level of the proposed or existing wind turbine tower; or
- (b) in the case of the proposed or ongoing operation of a wind turbine, a safety zone with a radius of 50 metres measured from the outer edge at sea level of the proposed or existing wind turbine tower.
- (2) Any reference in these Regulations to —
- (a) a section by number is a reference to the section so numbered in the Energy Act 2004 (of Parliament) as applied to the Island; and
 - (b) schedule 16 is a reference to schedule 16 in Energy Act 2004 (of Parliament) as applied to the Island.

4 Information in support of a safety zone application

An application for the declaration under section 95(2) of a safety zone must include the following information (in addition to that required by paragraph 3(1) and 3(2)(a) of Schedule 16)—

- (a) in relation to any proposed or existing relevant renewable energy installation—
 - (i) a description of the installation and its proposed or existing location and dimensions (including an explanation of how much of it is (or is expected to be) visible above the water line and how much below it), supported by drawings;
 - (ii) a description of how the installation operates (or is to operate);
 - (iii) a description of the location (or proposed location) of—
 - (A) any electric line used (or proposed to be used) for the conveyance of electricity to or from the installation; and
 - (B) any connection to such an electric line;
 - (iv) a description of the location (or proposed location) of any offshore sub-station housing connection equipment;
 - (v) where the zone is sought in respect of more than one relevant renewable energy installation, the proposed or existing distances between such installations; and
 - (vi) details of any navigational marking that has been specified for use with an installation of the description in question by the Commissioners of Northern Lights;
- (b) in relation to any proposed or existing relevant renewable energy installation powered by waves or tides—
 - (i) a description of components located (or to be located) above and below the water line;

- (ii) details of any moving parts (or proposed parts) and of how far and in which direction such parts may move through waters surrounding the installation;
 - (iii) a description of the extent and location (or proposed extent and location) of anchors, moorings and cables used (or to be used) in relation to the installation;
 - (iv) details of the anticipated range of wave heights in the proposed safety zone, which may be given by reference to any generally accepted scale or code for expressing that information; and
 - (v) a description of typical spring and neap tidal data, and of typical tidal stream speeds and bearings, relating to waters in the proposed safety zone;
- (c) in relation to the proposed safety zone—
- (i) whether the zone relates to the construction, extension, operation or decommissioning of the relevant renewable energy installation;
 - (ii) whether the applicant seeks the declaration of a standard safety zone, or if not, what dimensions are sought for that zone;
 - (iii) a description of those works or operations in respect of which the zone is being applied for and their estimated date and duration;
 - (iv) whether the applicant proposes that the area of the zone will vary and any factors or determinations by reference to which the applicant proposes that such variation may take place;
 - (v) whether the zone relates to major maintenance works in respect of a relevant renewable energy installation which has become operational;
 - (vi) a statement setting out what steps, if any, the applicant proposes to take to monitor vessels and activities within the zone; and
 - (vii) except where the Department has notified the applicant that it is not required, an up to date shipping traffic survey for the waters comprising the zone; and
- (d) an assessment of the extent to which navigation might be possible or should be restricted, and whether restrictions would cause navigational problems, within or near waters where the relevant renewable energy installation is to be, or is being, constructed, extended, operated or decommissioned, as the case may be.

5 Publication of notice of application for a safety zone notice

- (1) The applicant must publish notice of an application—
 - (a) for two successive weeks, in one or more newspapers published and circulating in the Island and in any online version of the newspapers in question;
 - (b) in Lloyd's List;
 - (c) if there are in circulation one or more appropriate fishing trade journals which are published at intervals not exceeding one month, in at least one such trade journal;
 - (d) published on any website maintained by the prospective applicant and on any social media platform through which the applicant communicates.
- (2) The applicant must, at the same time as publishing the notice under paragraph (1)(a), send a copy of the notice to the Department requesting that the notice be displayed for a period of not less than 14 days at an address accessible during normal office hours to members of the public likely to be affected by the application.

6 Service of notice of application for a safety zone notice

The applicant must within 21 days of the earliest date of publication of the notice under regulation 5(1) serve notice of an application upon—

- (a) Department of Environment, Food and Agriculture; and
- (b) the owner (and operator, if a different person) of the relevant renewable energy installation where that person is not the applicant.

7 Objections by recipients of notice of application

- (1) Any notice published or served pursuant to regulations 5 and 6 must state the time (which must not be less than 28 days from the date or latest date of publication of the notice, or less than 28 days from the service of the notice) within which, and the manner in which, any objections to the application for a safety zone notice are to be made.
- (2) Where a notice requires an objection to be sent to a person other than the Department, the recipient of that objection must within 14 days send a copy of it to the Department.

8 Publication of notice of a public inquiry

Where a public inquiry is to be held in respect of an application and the applicant publishes notice of this pursuant to paragraph 6(2)(b) of Schedule 16—

- (a) the notice must be publicised within the same area which the local newspapers used to publicise the notice of application under regulation 5(1) circulate; and
- (b) the place where a copy of the application for a safety zone, and of the map referred to in it, can be inspected must be at an address accessible during normal office hours to members of the public likely to be affected by the application.

9 Charges

A charge of £2000 must be payable to the Department in respect of any application.

10 Vessels and activities permitted in safety zones

- (1) The prohibitions under section 96(1) on a vessel entering and remaining in a safety zone do not apply if it is a vessel—
 - (a) belonging to, or acting under the authority of, a government department, and engaged in —
 - (i) the provision of services for;
 - (ii) the transport of persons or goods to or from; or
 - (iii) the inspection of;
any existing or proposed renewable energy installation in that safety zone;
 - (b) belonging to the Isle of Man Constabulary or the armed forces of the Crown, where that force is, or those forces are, acting in the course of its or their powers and duties;
 - (c) belonging to or acting on behalf of the Commissioners of Northern Lights;
 - (d) belonging to, or acting on behalf of the Department, where that body is acting in the course of its powers and duties under the Harbours Act 2010;
 - (e) belonging to, or acting on behalf of, the Department, where that body is acting in the exercise of its rights established in a lease or licence relating to a renewable energy installation in that safety zone;
 - (f) acting in connection with the saving or attempted saving of life or property, or in connection with training exercises relating to the saving of life or property;
 - (g) entering or remaining in a safety zone owing to stress of weather or when in distress: or

- (h) entering or remaining in a safety zone in connection with an activity mentioned in paragraph (2).
- (2) The prohibitions under section 96(2) on a person carrying out activities wholly or partly in a safety zone do not apply—
- (a) in connection with the construction, service, maintenance or decommissioning by an owner or operator of any existing or proposed renewable energy installation in that safety zone;
 - (b) in connection with the laying, inspection, testing, repair, alteration, renewal or removal of any submarine cable in a safety zone which relates to any existing or proposed renewable energy installation in that zone;
 - (c) in connection with monitoring activities required to be undertaken by or on behalf of an owner or operator in order to comply with the terms of a statutory consent or licence relating to an existing or proposed renewable energy installation in that safety zone, including but not limited to—
 - (i) bird monitoring;
 - (ii) benthic investigations; and
 - (iii) sampling of fish densities; or
 - (d) in connection with activities undertaken in accordance with paragraph (1).

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Minister for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to any application to the Department of Infrastructure seeking a declaration of a safety zone relating to an offshore renewable energy installation, under section 95(2) of the Energy Act 2004 (“the 2004 Act”), as applied to the Island by virtue of the Climate Change (Energy Act 2004) (Application) Order 2025. 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 Island (between the mean high water mark and the seawards limits of the territorial sea).

Regulation 4 sets out the additional information that is required to accompany an application to the Department 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 5 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 6 lists public and other consultation bodies upon whom notice of an application for a safety zone declaration should be served.

Regulation 7 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 Department.

Regulation 8 makes provision for the publication of notice of any public inquiry to be held.

Regulation 9 sets the fee payable to the Department upon an application for a safety zone declaration.

Regulation 10 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, 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.