

Government Gazette of the Kingdom of the Netherlands

Date of publication

31/10/2023

Organisation

Ministry of Economic Affairs and Climate Policy

Year and number

Government Gazette 2023, 29556

Announcement constituting a prohibition on entering the safety zone of Hollandse Kust (zuid) wind farm zone in the North Sea, Rijkswaterstaat

The Minister of Infrastructure and Water Management,

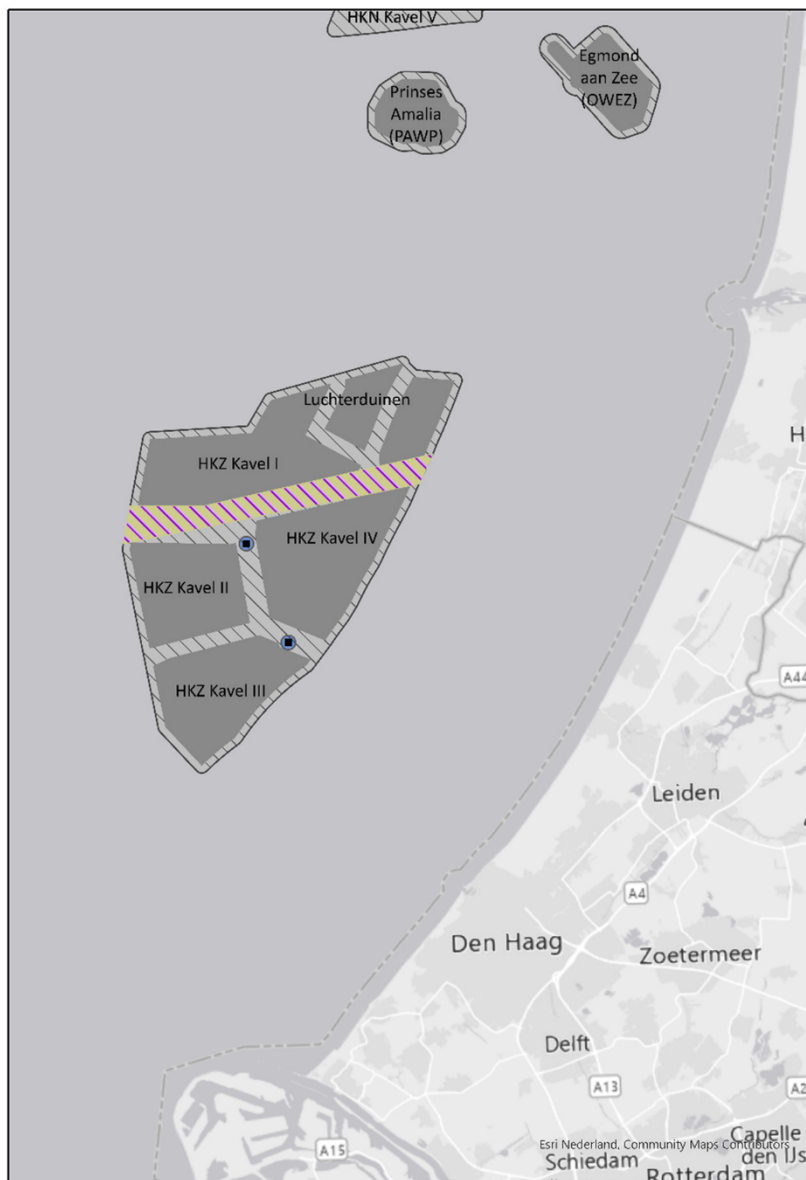
In view of article 60 of the UN Convention on the Law of the Sea, article 6.10 of the Water Act and the Policy rule on establishment of an offshore wind farm safety zone;

HEREBY ANNOUNCES:

Article 1: General prohibition on access to safety zone

No-one is permitted to be within or to have any object within the safety zone of the Hollandse Kust (zuid) wind farm zone, the perimeter of which is shown in the table of coordinates that accompanies this administrative ruling.

Map 1: Location and overview of the Hollandse Kust (zuid) wind farm zone



Article 2: Generic exceptions to the prohibition

- 1. The prohibition referred to in article 1 does not apply to a vessel that enters a safety zone or is situated in one:
 - a. in the context of the construction, inspection, testing, repair, maintenance, alteration, overhaul or removal of wind turbines, underwater electricity cables, measuring masts, transformer substations and other objects for the generation and distribution of electricity;
 - b. to provide services for operation of the installations referred to under a or to transport people or goods for the same purpose;
 - c. to carry out legal duties;

- d. in the context of research on behalf of the government, or
- e. in the context of (other) activities within the safety zone for which a permit is issued under the terms of article 6.13 of the Water Decree;
- f. with permission from the operator of the installations referred to under a.
- 2. The prohibition referred to in article 1 does not apply to being in the safety zone, or having an object in it in the context of activities as referred to in section 1(a)-(e).

Article 3: Specific exception sailing in the passageway

- 1. The prohibition referred to in article 1 does not apply to vessels in the passageway, the perimeter of which is indicated in the table of coordinates associated with this administrative ruling, that:
 - a. have a maximum length overall of forty-six metres;
 - b. are equipped with a working Automatic Identification System;
 - c. have a VHF radio on board, on which communications can be conducted using channel 16;
 - d. maintain a distance of at least 150 metres from the wind turbines, including any object protruding from the vessel;
 - e. do not make contact with the sea bed.
- 2. An administrative ruling to establish a safety zone specifies that in the event of the exception referred to in article 3(1), no form of fishing activity shall be practised other than fishing with a rod as referred to in article 1(5) of the Fisheries Act 1963.

Article 4 Specific exception for experiments with passive fishing gear

- 1. The prohibition referred to in article 1 does not apply to those who are sailing or are situated in the safety zone, or who have objects intended for experiments with passive fishing.
- 2. The exception to the prohibition referred to in article 4(1) applies solely to those who have registered in advance to carry out an

experiment with passive fishing and have been allocated a space for this purpose by the government, subject to additional conditions.

- 3. The following conditions apply to the specific exception referred to in this article:
 - a. The operator has a fishing licence as referred to in article 6(1) of Council Regulation (EC) No 1224/2009;
 - b. No form of fishing activity other than fishing with a static net¹, pots or creels² or a handline³ as referred to in article 6, sub-section 23, 30 and 31 of Council Regulation (EU) 2019/1241;
 - c. Vessels, including any object protruding from them, maintain a distance of 250 metres from the wind turbines;
 - d. Vessels, including any object protruding from them, maintain a distance of 250 metres on either side of the infield cables;
 - e. Vessels maintain a distance of 500 metres from transformer sub stations;
 - f. The fishing vessel carrying out passive fishing experiments may be in the area within the safety zone solely between sunrise and sunset;
 - g. The fishing vessel to be deployed must have a maximum length overall of forty-six metres;
 - h. The vessel shall be equipped with a working Automatic Identification System;
 - i. The vessel shall have a VHF radio on board, which can be used for communications on channel 16.

Article 5 Specific exception to the prohibition for maintenance of cables and pipelines

- 1. The prohibition referred to in article 1 does not apply to maintenance vessels that need to enter a safety zone for the repair and/or maintenance of telecommunications cables and/or pipelines, on condition that the work has been reported to the coast guard in advance and permission has been granted by the water manager.

- 2. The operator of telecommunications cables and/or pipelines [External link](#) shall notify the presence of the maintenance vessels that are used for repair and/or maintenance to the coast guard before the work commences.

Article 6 Hazardous and disruptive conduct

The exceptions referred to in articles 2, 3, 4 and 5 apply solely to the extent that they prevent conduct that is hazardous or disruptive to shipping, the operation of the wind farm or other (shared) users in the area.

Article 7: Rescission of administrative ruling establishing safety zone

The administrative ruling constituting a prohibition on entering the safety zones around sites I - IV and Luchterduinen wind farm in the Hollandse Kust (zuid) wind farm zone in the North Sea ([Gov. Gaz. 2022, 6423](#)) is rescinded.

Article 8: Date of effectiveness

This announcement comes into force with effect from the day following the date of the Government Gazette in which it is published.

- *For and on behalf of The Minister of Infrastructure and Water Management, deputy head of department for Licensing, Rijkswaterstaat Zee en DeltaE. Erdtsieck*

Raising an objection to this administrative ruling

You may raise an objection to this administrative ruling under the terms of the General Administrative Law Act (*Algemene wet bestuursrecht*). To do this, you must be an interested party in relation to the ruling.

The following questions and points for attention may help you to raise an objection:

- - What are the reasons that you object to the ruling?
- - What do you aim to achieve with your objection? What do you expect from Rijkswaterstaat?
- - Is it sufficiently clear to you what an objection procedure involves, and do you know whether you can achieve your aim by means of an objection? Could you achieve your aim via another, probably simpler route?

How do you raise an objection?

To raise an objection you must submit a notice of objection within six weeks of the day on which this ruling was made public. You can send your notice of objection to the Minister of Infrastructure and Water Management, Rijkswaterstaat Zee en Delta, afdeling Werkenpakket, for the attention of Ms. E.J. Bekker P.O. Box 2232, 3500 GE Utrecht, the Netherlands.

The notice of objection must be signed and contain at least the following:

- a. the name and address of the person submitting the objection;
- b. the date;
- c. a description of the ruling to which the notice of objection relates (date and number or reference);
- d. a list of the reasons why the person raising the objection cannot accept the ruling;
- e. where possible, a copy of the ruling to which the notice of objection relates.

If the notice of objection does not meet these requirements or is submitted after the deadline, then it may be declared inadmissible.

The process of raising an notice of objection does not have any suspensory effect. That means that the ruling remains in force while the notice of objection is being dealt with. If you do not want this to happen, perhaps because implementation of the ruling would have irreversible consequences for you, you may submit a request for preliminary relief. You must submit the request to the court in preliminary relief proceedings of the district under which your place of residence falls. You will have to pay court fees to do this.