INTRODUCTION

1. The IMO Sub-Committee on Safety of Navigation at its fifty-fifth session established a correspondence group to develop for consideration by NAV 56 relevant guidelines by which to consider proposed Safety Zones larger than 500 metres around artificial islands, installations and structures in the Exclusive Economic Zone (EEZ) including multiple structure installations.
This document is submitted in accordance with the provisions of paragraph 4.10.5 of the Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2) and comments on the report of the correspondence group document NAV/56/4.

Background

3 The guidelines recommended by the correspondence group in document NAV 56/4 Annex 1 for the consideration of requests for safety zones larger than 500 metres around artificial islands, installations and structures in the EEZ do not draw adequate or specific attention to the important consideration of the navigational requirements of all classes of ships including in particular small craft including pleasure craft of less than 24 metres in length.

Comment

4 Concerns were raised by Brazil in document NAV 53/3 et seq regarding the safety of very large offshore oil installations for which the existing 500 metre Safety Zone arrangements were considered inappropriate.

5 The request for consideration by Brazil co-incides with considerable expansion and planned expansion of the installation of offshore wind and wave generation plants. New guidelines developed for applications like that described by Brazil in document NAV 53-3 could be applied also to wind and wave power installations. However a serious unintended consequence of the application of the proposed guidelines could be the denial of access by small craft including pleasure craft of less than 24 metres to large areas of water in which they could navigate without danger to themselves or the installations. Once denial of access is established it would be extremely difficult to regain.

6 The correspondence group report para 13 states that concerns were raised that safety zones larger than 500 metres may not contribute to the safety of shipping if they decreased the available room for manoeuvring in particular in the vicinity of sea lanes. An unnecessary exclusion of small craft from large areas of water could have a net adverse effect on the safety of navigation by forcing small craft into established shipping lanes. This potential was highlighted on page 33/108 of the risk assessment by Germanischer Lloyd (GL) on the German Wind Farm "Butendieck".

7 The correspondence group report para 11 refers to the need for a traffic study (Formal Safety Assessment) or Navigational Risk Assessment. Any proposed exclusion of small craft from an area should be approved only after rigorous and comprehensive enquiry specific to such craft. When there is no compelling safety case their exclusion should not be proposed or approved. The organization must ensure that governments allowed to establish safety zones larger than 500m do not interfere with the use of the sea by those mariners who pose no risk in such areas.

8 It must also be emphasised that when considering access to an area for small craft, the lack of recorded frequent access (ie heavy traffic) must not be taken as a reason for non-relevance. On the contrary, it is highly important that remote and rarely-visited areas should remain available for access by small craft. In the UK recent legislation ashore to guarantee walkers access to coastal paths has been called the "right to roam". This right was not affirmed following a count of a large volume of pedestrian traffic, but rather on the rights of the individual to freely enjoy the countryside without unnecessary restriction. It is just such a
right, or freedom, which the Organization in its position of guardian of the seas, is in a unique position to uphold and support.

9 Regarding navigation of small craft in and through wind farms, the skipper of a small craft will normally not have any difficulty as his scale of operation compared with that of a large ship is much smaller and his craft is highly manoeuverable and of low mass. The latter property means that in the unlikely event of a collision with, say, a wind turbine tower the tower would not be damaged. The same tower after collision with a large ship however almost certainly would be damaged.

10 Statements on page 25/87, 3.1.5 of the risk analysis carried out by Germanischer Lloyd (GL) on the German Wind Farm "Borkum West" confirm the opinion that there is neither danger to individual wind turbines from pleasure craft of less than 24m nor danger from the wind turbines to such pleasure craft. GL states "Since these vessels (pleasure craft) are normally smaller vessels with skippers who know their way round, within the framework of this risk study it is assumed that an accident by a collision of these vessels will be very rare. Larger property damage, personal injuries and environmental damage is not to be expected".

11 The GL risk analysis also considered fishing vessels of up to 400 tonnes displacement in a possible collision with a wind turbine and concluded that at most damage to a wind turbine would be small since the kinetic energy of these vessels is very little. Only in the most unfavourable case could such a collision capsize a boat. Even the largest and heaviest pleasure craft less than 24 metres in length have displacements of typically less than 100 tonnes.

Recommendation

12.1 It is recommended that in the development of Guidelines for Consideration of Requests for Safety Zones larger than 500 metres around artificial islands, Installations and Structures in the EEZ clear and specific responsibility should be placed upon the proposer of such Safety Zone to take fully into account, including by means of a formal safety assessment, of the needs of current and future navigation in the proposed zone by small vessels including pleasure craft of less than 24 metres (including eg sailing and racing craft) and to specifically allow such craft free access unless there is a compelling safety case to exclude them.

The principle of consideration of certain ships or classes of ship is already adopted by the Organization in the case of a routeing system application in accordance with A.572 (14) 3.8.1. Such treatment is relevant under the correspondence group terms of reference 1 which charges the group to take into account the "General Provisions on Ships' Routeing, which provide a useful and valuable framework".

In the assessment stage a contracting government should consult, inter alia, representative organizations of pleasure craft in the area and may consult ISAF the International Sailing Federation. Such consultation is consistent with resolution A.572 (14) 5.7.1 "(governments)...should consult at an early stage with mariners using the area."

Freedom of navigation for small craft of less than 24m should be clearly marked on all appropriate charts and included in all appropriate navigational advice describing the characteristics of the particular safety zone. It may be noted that identification of "certain classes of ship" is a principle already adopted by the Organization in document A 572 (14) General Provisions on Ships’ Routeing 1.5 (organization of traffic flow around particular areas) and 2.12 (Area to be Avoided).
12.2 The recommendations in 12.1 above may be incorporated in the text of NAV 56/4 Annex 1 as follows-

Annex 1, 4.4 add: "and also with mariners using the area".
Annex 1, 4.6 add: "and shall not exclude small craft including pleasure craft of less than 24m unless a compelling safety case is made. Consultation is encouraged with organizations representing small craft and pleasure craft in the area and governments may consult ISA F the International Sailing Federation."

"A proposing Government should base its proposal on a comprehensive Safety Assessment addressing inter alia the needs of all classes of ship which may use the area concerned."

Annex 1, insert new 10.1.4: "A right to freedom of navigation for small craft including pleasure craft of less than 24m should be clearly marked on all appropriate charts and included in all appropriate navigational advice describing the characteristics of the particular safety zone."

13 Action requested of the Sub-Committee

The Sub-committee is invited to consider the above and in particular to approve the recommendations in para12.