



Berwick Bank Wind Farm

Additional Environmental Information (AEI) Submission

AEI03: Supplementary Information Section 1 Introduction

Contents

1. INTRODUCTION	1
1.1. INTRODUCTION	1

Acronyms

Acronym	Description
AEoI	Adverse Effect on Integrity
BBWFL	Berwick Bank Wind Farm Limited
BTO	British Trust for Ornithology
CEA	Cumulative Environmental Assessment
EIA	Environmental Impact Assessment
GIS	Geographical Information System
HRA	Habitat Regulations Appraisal
LSE	Likely Significant Effect
LSEI	Likely Significant Effect in Combination
MD-LOT	Marine Directorate - Licensing Operations Team
MU	Management Unit
N/A	Not Applicable
OSP	Offshore Substation Platform
RSPB	Royal Society for Protection of Birds
SAC	Special Area of Conservation
SPA	Special Protection Area
ScotMER	Scottish Marine Energy Research
SPEN	Scottish Power Energy Networks

Units

Unit	Description
%	Percentage
GW	Gigawatt
km	Kilometre
km ²	Square Kilometre
m	Metre
mm	Millimetre
nm	Nautical mile
t	Tonne

1. INTRODUCTION

1.1. INTRODUCTION

This document presents supplementary information which has been prepared by the Applicant to provide further clarity and evidence in relation to specific points and issues raised by stakeholders in the consultation responses.

This document has been prepared in addition to the Applicant’s formal response to the request for Additional Environmental Information (AEI) in relation to the EIA, HRA and derogation case received from Marine Directorate Licensing and Operations Team (MD-LOT) on behalf for Scottish Ministers on 26th May 2023. The Applicant’s responses to the request for AEI are provided in:

- **AEI01 BBWF AEI Submission – Addendum to the EIA and HRA**
- **AEI02 BBWF AEI Submission – Addendum to the Derogation Case**

The supplementary information included in this document is ‘additional’ to the responses provided in response to the AEI request and therefore does not directly relate to specific responses included in the two AEI Addendum Documents listed above.

The supplementary information included in this document addresses and provides further clarification on specific points and issues noted by key stakeholders, separate to those addressed in the two AEI submissions listed above. This additional information further demonstrates the robustness and completeness of the BBWF application and offers additional assurance around the deliverability and effectiveness of the derogation case and the proposed compensation measures. The information provided focuses mainly on ornithological matters and the derogation case with the exception of the inclusion of additional information that has been prepared in response to specific queries raised by EDF in relation to the Torness Nuclear Power Station. The supplementary information included in this document is presented in Table 1.1 below.

Table 1-1 AEI Submission - Supplementary Information

AEI Submission – Supplementary Information	Overview of Information Provided	AEI Submission Document
Sufficiency and immediate benefit of the sandeel compensation measures	<p>The purpose of this report is to provide evidence and additional analysis to address and allay concerns expressed by NatureScot concerning the timing of realisation of ecological benefits from the management of closures of the sandeel fishery and the potential impacts from the Proposed Development.</p> <p>The analyses presented in the report demonstrate that in the short term the likely response of populations to relatively small increases sandeel TSB is sufficient to compensate for the most precautionary predicted impact of the Proposed Development. This is supported by an analysis of hindcast data which showed that had the sandeel fishery in SA4 been closed prior to the 2017 catch, the number of additional adult birds predicted to survive would have been much larger for all species than the number of predicted mortalities from the project across the same period (had Berwick Bank been constructed in 2017). There is therefore no need to even rely on the productivity benefits that may take up to six years to be realised.</p> <p>Much greater benefits to seabird populations can also be expected over a longer time period from productivity increases and as Sandeel TSB recovers.</p>	AEI03 Supplementary Information Document – Section 2
Consideration of Precaution	<p>This additional information document addresses the assertion by NatureScot that “<i>The magnitude of impacts predicted are due to the extremely high densities of birds found within the proposed development area.</i>” The Applicant considers that the magnitude of estimated bird mortality in the</p>	Supplementary Information Document – Section 3

AEI Submission – Supplementary Information	Overview of Information Provided	AEI Submission Document AEI03
	<p>Section 36 Application is a direct consequence of the level of precaution applied to the assessment process.</p> <p>This document first demonstrates that densities are comparable or lower than densities recorded in other offshore wind farm developments within the Firth and Tay region, and second, sets out three areas where the advice provided in the Scoping Opinion is considered to lead to an overestimation of predicted impacts by applying an excessive level of precaution, including:</p> <ul style="list-style-type: none"> • It is not consistent with new guidance published since the Section 36 Application was submitted; • It does not use the best available scientific methods available for the impact assessment; and • It does not provide sufficient evidence to justify a change from precedent advice for previous Scottish offshore wind farm assessments. <p>Cumulatively, the Applicant estimates that precaution applied in assessments utilising the Scoping Opinion approach to ornithological assessment overestimates bird mortality by between 136% and 548%.</p>	
Alternatives and Additionality	<p>This document presents the Applicant’s response to consultation comments from RSPB on the consideration of alternatives in the Derogation Case, and the principle of additionality with regards to the sandeel fisheries management compensation measure.</p> <p>With regards to alternatives, the assessment presented in the Derogation Case includes a detailed analysis of relevant law and policy and establishes appropriate and compliant project objectives for Berwick Bank, against which to consider whether there are alternative solutions. Following a detailed analysis against those objectives, the firm conclusion is that there are no feasible alternative solutions to Berwick Bank.</p> <p>RSPB alleges there are alternative solutions to Berwick Bank, specifically other (unspecified) ScotWind projects. The argument that ScotWind project(s) are an alternative solution to Berwick Bank fails on two fronts. First, ScotWind does not meet the legitimate project objectives established in the Derogation Case. Second, even if those project objectives were met (which the Applicant strongly rejects), ScotWind projects will also have ornithological impacts on European sites, which are as yet unquantified and the information does not exist to meaningfully comparatively assess them, and so there is no rational basis on which to conclude that any ScotWind project(s) are alternative solutions. It would be unreasonable and irrational to conclude that one or more inchoate potential future projects (which may not come forward), with uncertain timelines, unspecified turbine numbers and locations, and unquantified and unknown impacts, constitute an alternative solution.</p> <p>With regards to additionality of the compensation measures, the Applicant’s firm and evidenced position is that sandeel fisheries management is additional. Whilst regulators are under a duty to achieve favourable conservation status (FCS) of protected species, sandeel fisheries management does not occur in the normal course of management of the national site network, or for the management of any individual SPA, and sandeel fisheries management does not feature as a management measure of relevant SPA management plans which the relevant management body is required to carry out (to the extent any such plans exist). It is not normal practice within financial and political realities to manage/close fisheries to benefit European sites. In addition to the general duty to achieve FCS, regulators are also under a duty to achieve Good Environmental Status (GES) pursuant to the Marine Strategy Regulations 2010. It is not however possible to reasonably “read in” an obligation to manage sandeel fisheries in</p>	Supplementary Information Document – Section 4

AEI Submission – Supplementary Information	Overview of Information Provided	AEI Submission Document AEI03
	<p>the North Sea as something which must follow from either of these broad obligations.</p> <p>There is nothing in the HRA Regulations which prevents measures being relied upon as compensation whilst also serving another purpose, e.g. wider ecological benefits. The current legislative framework therefore enables the Scottish Ministers to consent Berwick Bank and to rely on sandeel fisheries management as compensation, whilst also acknowledging the wider environmental benefits including increased resilience in the seabird populations. It would be entirely reasonable for them to do so.</p>	
Analysis of NatureScot RIAA Conclusions	<p>This report provides an update to Table 18 of the Derogation Case, to summarise predicted mortalities for the conclusions drawn by NatureScot in relation to the additional sites and features for which they concluded an Adverse Effect on Site Integrity in their consultation response.</p> <p>As outlined in the Derogation Case and the AEI Submission Supplementary Information – Note on Precaution, this worst-case approach is considered by the Applicant to overestimate precaution, but it is presented here to allow Scottish Ministers to consider all the potential requirements for compensation and, therefore, all measures put forward as options.</p>	Supplementary Information Document – Section 5
EDF Torness Consultation Response – Sediment and Kelp Technical Note	<p>Technical Note prepared in response to concerns raised by EDF Energy Nuclear Generation Limited (ENGL) in relation to the potential for suspended sediment and detached macroalgae occurring during installation and operation and maintenance of the offshore export cables to lead to blockages of the cooling water intakes at Torness Nuclear Power Station (TOR). TOR is scheduled to be decommissioned in 2028.</p> <p>Historically storm events, when coinciding with particular wind directions and tide states have carried detached kelp to TOR’s cooling water intakes. In extreme cases this has required the reactor to be shut down. There is an existing seaweed management zone in place at TOR.</p> <p>Physical processes modelling of suspended sediments and a study of kelp-TOR interactions based on the possible trenchless technology (e.g. HDD) punch out locations identified that suspended sediments and detached kelp, under typical conditions, is expected to be transported in a southeasterly direction and is not expected to enter the bay or reach TOR’s cooling waters intakes. During atypical storm events there is potential for kelp to reach TORs cooling water intake. The Applicant is committed to managing activities during these conditions to reduce the risk of kelp reaching the TOR cooling water intake.</p>	Supplementary Information Document – Section 6