

Appropriate Assessment for the Berwick Bank Cambois Connection Marine Scheme.
5 September 2024.

MARINE DIRECTORATE - LICENSING OPERATIONS TEAM’S
ASSESSMENT OF THE PROJECT’S IMPLICATIONS FOR
DESIGNATED SPECIAL AREAS OF CONSERVATION AND SPECIAL
PROTECTION AREAS IN VIEW OF THE SITES’ CONSERVATION
OBJECTIVES.

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE AND COASTAL
ACCESS ACT 2009 FOR THE CONSTRUCTION, ALTERATION OR
IMPROVEMENT OF THE BERWICK BANK CAMBOIS CONNECTION MARINE
SCHEME

SITE DETAILS: APPROXIMATELY 48 KM FROM THE EAST LOTHIAN
COASTLINE TO THE SCOTTISH/ENGLISH BORDER IN THE NORTH SEA.

Name	Assessor or Approver	Date
[redacted]	Assessor	28 August 2024
[redacted]	Approver	5 September 2024

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SECTION 1: BACKGROUND

1 Appropriate assessment conclusion

- 1.1 This appropriate assessment (“AA”) concludes that there will be no adverse effect on site integrity (“AEOSI”) on the Berwickshire and North Northumberland Coast Special Area of Conservation (“SAC”), St Abb’s Head to Fast Castle Special Protection Area (“SPA”), Outer Firth of Forth and St Andrews Bay Complex SPA, Forth Islands SPA, Farne Islands SPA, from the Berwick Bank C Limited proposal either in isolation or in combination with other plans or projects, providing that the condition set out in Section 4 is complied with.
- 1.2 Marine Directorate – Licensing Operations Team (“MD-LOT”) considers that the most up to date and best scientific advice available has been used in reaching the conclusion that the Berwick Bank C Limited (“the Applicant”) proposal will not adversely affect the integrity of the above sites and is satisfied that no reasonable scientific doubt remains.

2 Introduction

- 2.1 This is a record of the AA undertaken by MD-LOT in regards to the Applicant’s proposal to construct, alter or improve up to four high voltage direct current offshore export cables and up to four fibre optic cables within Scottish offshore waters from up to two offshore converter station platforms within the Berwick Bank Offshore Wind Farm array area located approximately 48 km from the East Lothian coastline (“the Berwick Bank Cambois Connection Marine Scheme”) as required under Regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (“the 2017 Habitats Regulations”). MD-LOT, as the ‘competent authority’ under the 2017 Habitats Regulations, has to be satisfied that the project will not adversely affect the integrity of any European site (SACs or SPAs), either alone or in combination with other plans or projects, before it can grant consent for the project.
- 2.2 NatureScot, operating name of Scottish Natural Heritage, Natural England and the Joint Nature Conservation Committee (“JNCC”) have been consulted in accordance with Regulation 28(4) of the Conservation of Offshore Marine Habitats and Species Regulations 2017.

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3 Details of proposed project

- 3.1 The Applicant has submitted a marine licence application (“the Application”) under Part 4 of the Marine and Coastal Access Act 2009. In support of the Application, the Applicant submitted an Environmental Statement (“ES”), a Habitat Regulations Assessment/ Appraisal: Report to Inform Appropriate Assessment (“RIAA”), an MPA/ MCZ Assessment and a Water Framework Directive Assessment on 28 July 2023.
- 3.2 The Applicant propose to install up to four high voltage direct current offshore export cables and up to four fibre optic cables from up to two offshore converter station platforms within the Berwick Bank Offshore Wind Farm array area, located approximately 48 km from the East Lothian coastline, to landfall at Cambois, Northumberland, England. The export cables cross the boundary between Scottish and English waters and extend to a maximum of 40 kilometre (“km”) in length located within Scottish offshore waters (“the Works”) and 140 km located within English waters. The cables will be installed within a maximum cable corridor of 1 km. A range of cable trenching tools may be required. Burial may be achieved through separate cable lay and burial campaigns (cable placed on the seabed in advance of trenching and burial); simultaneous cable lay and burial (cable is laid at the same time as cable trenching and burial) or separate trench and burial campaigns (cable is laid directly into pre-cut cable trenches, for example by plough).
- 3.3 The Works will include cable protection where burial to the minimal target depth of 0.5 metre (“m”) cannot be achieved and at crossings with third party infrastructure. The cable trenches will have a maximum width of 2.5 m per cable circuit. A 25 m maximum width of seabed disturbance will be required per trench allowing for pre-construction preparation. The commencement of works is proposed to begin in Q4 2026 with completion expected in Q4 2029. Estimated durations are 39 months for site preparation works, 15 months for landfall construction and 18 months for offshore export cable installation. Site preparation works are not anticipated to be continuous throughout the entire period. There will be some stages where all three phases of works occur at the same time.

4 Consultation

- 4.1 NatureScot, Natural England and JNCC, were consulted on 11 August 2023. JNCC and NatureScot both responded on 26 September 2023. Natural

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England provided a response on 27 August 2024 in respect of impacts to European sites in English waters.

5 Main points raised during consultation

5.1 The main points raised by each of the respondents that included HRA specific comments are summarised below.

5.2 NatureScot

5.2.1 Annex 1 Habitats

5.2.2 In its response dated 26 September 2023, NatureScot advised that no sites with Annex I habitat features require further assessment within Scottish waters. MD-LOT agree with this conclusion and Annex 1 habitats will therefore not be taken forward in the AA.

5.2.3 Diadromous fish

5.2.4 Based on evidence provided at pre-application stage, the RIAA considered that there would be likely significant effect on the diadromous fish qualifying interests of the River Dee SAC, River Tay SAC, River Teith SAC, River South Esk SAC, River Tweed SAC and Tweed Estuary SAC. The RIAA identified electro-magnetic fields as a potential impact pathway from the Works. Whilst NatureScot considered that this impact pathway had been correctly identified, it could not advise on which sites or qualifying features would be impacted.

5.2.5 NatureScot advised that due to the absence of robust evidence regarding the distribution and behaviour of these species in the marine environment, it was unable to provide advice on these species under the HRA process. NatureScot advised that from an EIA perspective, based on the information provided in the RIAA and ES, it considered the Works was unlikely to have significant adverse effects either alone or cumulatively on diadromous fish. MD-LOT agree with NatureScot and these sites and species have therefore not been carried forward for assessment in the AA. The effects and consideration of any appropriate mitigation will however be considered further within the EIA decision notice.

5.2.6 Marine mammals

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5.2.7 In its response dated 26 September 2023, NatureScot agreed with the conclusion of the RIAA that there is a potential likely significant effect from the Works in respect of the grey seal qualifying interest of the Berwickshire and North Northumberland Coast SAC, noting that the site spans the Scottish – English border. As such this site and species will be taken forward for further assessment in the AA. Additionally, NatureScot advised that Natural England should be consulted regarding the Southern North Sea SAC.

5.2.8 Ornithology

5.2.9 NatureScot agreed with the findings of the RIAA that the Works would have a likely significant effect on the ornithological qualifying interests of the St Abb's Head to Fast Castle SPA; the Outer Firth of Forth and St Andrews Bay Complex SPA; and the Forth Islands SPA. As such, these sites are carried forward for assessment in the AA.

5.3 JNCC

5.3.1 Ornithology

5.3.2 In its response dated 26 September 2023, JNCC advised that the Works could potentially have a likely significant effect on the common guillemot, as a qualifying feature of the Farne Islands SPA. MD-LOT agrees with this conclusion, therefore this site and species will be taken forward for assessment in the AA.

5.4 Natural England

5.4.1 In its response dated 27 August 2024, Natural England advised that the Works will not have a significant effect on any qualifying interests of the Southern North Sea SAC, River Tweed SAC, Tweed Estuary SAC, Teesmouth and Cleveland Coast SPA, Northumbria Coast SPA, Northumberland Marine SPA and Coquet Island SPA. As such there is no requirement to consider these qualifying interests further for the purpose of this AA.

SECTION 2: INFORMATION ON EUROPEAN SITES

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- 6 Background information and qualifying interests for the relevant European sites
- 6.1 This section provides links to the NatureScot SiteLink website (“SiteLink”) and Natural England website where the background information on the sites being considered in this assessment is available. The qualifying interests for the sites are listed as are the conservation objectives.

Table 1 Name of European sites affected and relevant link(s) to SiteLink

<p>SAC:</p> <p><u>Berwickshire and North Northumberland Coast SAC</u></p> <p>SPA:</p> <p><u>Farne Islands SPA</u></p> <p><u>Forth Islands SPA</u></p> <p><u>Outer Firth of Forth and St Andrews Bay Complex (“OFFSAB”) SPA</u></p> <p><u>St Abb’s Head to Fast Castle SPA</u></p>

Table 2 Qualifying interests

<p><u>Berwickshire and North Northumberland Coast SAC</u></p> <ul style="list-style-type: none"> • Grey seal (<i>Halichoerus grypus</i>) • Large shallow inlets and bays • Mudflats and sandflats not covered by seawater at low tide • Reefs • Submerged or partially submerged sea caves <p><u>Farne Islands SPA</u></p> <ul style="list-style-type: none"> • Sandwich tern (<i>Sterna sandvicensis</i>), breeding • Roseate tern (<i>Sterna dougallii</i>), breeding • Common tern (<i>Sterna hirundo</i>), breeding

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- Arctic tern (*Sterna paradisaea*), breeding
- Guillemot (*Uria aalge*), breeding
- Kittiwake (*Rissa tridactyla*), breeding*
- Shag (*Phalacrocorax aristotelis*), breeding*
- Cormorant (*Phalacrocorax carbo*), breeding*
- Puffin (*Fratercula arctica*), breeding*
- Black-headed gull (*Chroicocephalus ridibundus*), breeding*
- Fulmar (*Fulmarus glacialis*), breeding*
- Great black-backed gull (*Larus marinus*), breeding*
- Lesser black-backed gull (*Larus fuscus*), breeding*
- Herring gull (*Larus argentatus*), breeding*
- Razorbill (*Alca torda*), breeding*
- Seabird assemblage, breeding (*indicates assemblage qualifier only)

Forth Islands SPA

- Arctic tern (*Sterna paradisaea*), breeding
- Common tern (*Sterna hirundo*), breeding
- Cormorant (*Phalacrocorax carbo*), breeding*
- Gannet (*Morus bassanus*), breeding
- Guillemot (*Uria aalge*), breeding*
- Herring gull (*Larus argentatus*), breeding*
- Kittiwake (*Rissa tridactyla*), breeding*
- Lesser black-backed gull (*Larus fuscus*), breeding
- Puffin (*Fratercula arctica*), breeding
- Razorbill (*Alca torda*), breeding*
- Roseate tern (*Sterna dougallii*), breeding
- Sandwich tern (*Sterna sandvicensis*), breeding
- Seabird assemblage, breeding (*indicates assemblage qualifier only)
- Shag (*Phalacrocorax aristotelis*), breeding

Outer Firth of Forth and St Andrews Bay Complex (“OFFSAB”) SPA

- Arctic tern (*Sterna paradisaea*), breeding
- Black-headed gull (*Chroicocephalus ridibundus*), non-breeding*
- Common gull (*Larus canus*), non-breeding*
- Common scoter (*Melanitta nigra*), non-breeding**
- Common tern (*Sterna hirundo*), breeding

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- Eider (*Somateria mollissima*), non-breeding
- Gannet (*Morus bassanus*), breeding
- Goldeneye (*Bucephala clangula*), non-breeding**
- Guillemot (*Uria aalge*), breeding* and non-breeding*
- Herring gull (*Larus argentatus*), breeding* and non-breeding*
- Kittiwake (*Rissa tridactyla*), breeding* and non-breeding*
- Little gull (*Hydrocoloeus minutus*), non-breeding*
- Long-tailed duck (*Clangula hyemalis*), non-breeding**
- Manx shearwater (*Puffinus puffinus*), breeding*
- Puffin (*Fratercula arctica*), breeding*
- Razorbill (*Alca torda*), non-breeding*
- Red-breasted merganser (*Mergus serrator*), non-breeding**
- Red-throated diver (*Gavia stellata*), non-breeding
- Seabird assemblage, breeding (*indicates assemblage qualifier only)
- Seabird assemblage, non-breeding (*indicates assemblage qualifier only)
- Shag (*Phalacrocorax aristotelis*), breeding and non-breeding*
- Slavonian grebe (*Podiceps auritus*), non-breeding
- Velvet scoter (*Melanitta fusca*), non-breeding**
- Waterfowl assemblage, non-breeding (**indicates assemblage qualifier only)

St Abb's Head to Fast Castle SPA

- Guillemot (*Uria aalge*), breeding*
- Herring gull (*Larus argentatus*), breeding*
- Kittiwake (*Rissa tridactyla*), breeding*
- Razorbill (*Alca torda*), breeding*
- Shag (*Phalacrocorax aristotelis*), breeding*
- Seabird assemblage, breeding (*indicates assemblage qualifier only)

Table 3 Conservation objectives

Berwickshire and North Northumberland Coast SAC

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The site's conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified (the "Qualifying features").

The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its qualifying features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of the qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of the qualifying species
- The supporting processes on which qualifying natural habitats and The habitats of qualifying species rely
- The populations of each of the qualifying species
- the distribution of qualifying species within the site

Farne Islands SPA

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and
- The distribution of the qualifying features within the site.

Forth Islands SPA

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species

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- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

Outer Firth of Forth and St Andrews Bay Complex (“OFFSAB”) SPA

1. To ensure that the qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.
2. To ensure that the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:

2a. The populations of qualifying features are viable components of the site.

2b. The distributions of the qualifying features throughout the site are maintained by avoiding significant disturbance of the species.

2c. The supporting habitats and processes relevant to the qualifying features and their prey/food resources are maintained, or where appropriate restored, at the Outer Firth of Forth and St Andrews Bay Complex SPA.

St Abb’s Head to Fast Castle SPA

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

SECTION 3: ASSESSMENT IN RELATION TO REGULATION 28 OF THE CONSERVATION OF

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OFFSHORE MARINE HABITATS AND SPECIES REGULATIONS 2017

7 Requirement for appropriate assessment

7.1 *Is the project directly connected with or necessary to the conservation management of the site(s)?*

7.1.1 The project is not directly connected with or necessary to the conservation management of the site.

7.2 *Is the project likely to have a significant effect on the qualifying interest(s)?*

7.2.1 In its response dated 26 September 2023, NatureScot advised that the Works are likely to have a significant effect on the following qualifying interest of the following SAC as a result of disturbance through noise generating activities:

Berwickshire and North Northumberland SAC

- Grey Seal

7.2.2 Additionally, NatureScot advised that it agreed with the findings of the RIAA that the Works are likely to have a significant effect on the following SPAs and qualifying interests due to vessel disturbance and changes in prey availability resulting in displacement:

Forth Islands SPA

- Arctic tern, breeding
- Common tern, breeding
- Gannet, breeding
- Guillemot, breeding
- Herring gull, breeding
- Kittiwake, breeding
- Lesser black-backed gull, breeding
- Puffin, breeding
- Razorbill, breeding
- Seabird assemblage, breeding

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Outer Firth of Forth and St Andrews Bay Complex SPA

- Common tern, breeding
- Arctic tern, breeding
- Red-throated diver, non-breeding
- Slavonian grebe, non-breeding
- Eider, non-breeding
- Gannet, breeding
- Little gull, non-breeding
- Shag, breeding and non-breeding
- Waterfowl assemblage, non-breeding including long-tailed duck, common scoter, velvet scoter, common goldeneye, red-breasted merganser
- Seabird assemblage, breeding including puffin, kittiwake, Manx shearwater, guillemot, herring gull.
- Seabird assemblage, non-breeding including black-headed gull, common gull, herring gull, guillemot, shag, kittiwake, razorbill.

St Abb's Head to Fast Castle SPA

- Seabird assemblage, breeding including razorbill, guillemot, kittiwake, herring gull,

7.2.3 In its response dated 26 September 2023, JNCC advised that it agreed with the findings of the RIAA that the Works are likely to have a significant effect on the common guillemot qualifying feature of the Farne Islands SPA due to vessel disturbance and changes in prey availability resulting in displacement.

7.2.4 MD-LOT agrees with the advice from NatureScot and JNCC and has therefore carried out this AA.

8 Appropriate assessment of the implications for the site in view of the site's conservation objectives.

8.1 Berwickshire and North Northumberland Coast SAC

8.1.1 The RIAA considers the underwater noise impacts from the sub-bottom profiler ("SBP") and ultra-short baseline positioning ("USBL") equipment used during pre-construction activities to have a likely significant effect on grey seals as a qualifying feature of the Berwickshire and North Northumberland Coast SAC. NatureScot considers that with appropriate

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mitigation measures in place the risk of injury is low, and any disturbance will not be significant and will not hinder Conservation Objectives. NatureScot thereby concludes that there is no AEOSI for the Berwickshire and North Northumberland Coast SAC from a Scottish perspective.

- 8.1.2 MD-LOT has considered the information provided within the RIAA and the advice provided by NatureScot and concludes that the Works, in isolation, will not adversely affect the integrity of the Berwickshire and North Northumberland Coast SAC providing that the JNCC guidelines for minimising the risk of injury and disturbance to marine mammals from seismic surveys (August 2017) is followed. This will be secured through a condition in the marine licence and is included as a condition of this AA at Section 4.

8.2 St Abb's Head to Fast Castle SPA

- 8.2.1 The RIAA considers vessel disturbance and changes in prey availability during all stages of the development to have a likely significant effect on four of the five component species of the seabird assemblage (breeding) namely razorbill, guillemot, kittiwake and herring gull as a qualifying feature of St Abb's Head to Fast Castle SPA. The RIAA concludes that due to the localised, and temporary nature of the vessel disturbance and the localised and largely temporary nature of the changes to prey availability there is no AEOSI on the qualifying features of St Abb's Head to Fast Castle SPA. NatureScot advised that it agrees with the conclusions of the RIAA that there is no AEOSI for the ornithological features of St Abb's Head to Fast Castle SPA.

- 8.2.2 MD-LOT has considered the information provided within the RIAA and the advice provided by NatureScot and concludes that the Works, in isolation, will not adversely affect the integrity of the St Abb's Head to Fast Castle SPA.

8.3 Outer Firth of Forth and St Andrews Bay Complex SPA

- 8.3.1 The RIAA considers vessel disturbance and changes in prey availability during all stages of the development to have a likely significant effect on all of the ornithological qualifying features of Outer Firth of Forth and St Andrews Bay Complex SPA. NatureScot advised that whilst it agrees with the conclusion that vessel disturbance associated with the Works will not

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have an adverse effect on the features of the Outer Firth of Forth and St Andrews Bay Complex SPA, it disagrees with the justification given within the RIAA that vessel movements associated with the Works are unlikely to be noticeable above baseline vessel activity in the region. However, NatureScot advise that vessel disturbance will not be significant due to the transient nature, slow speed and limited number of vessels. NatureScot also agrees with the conclusions in the RIAA regarding prey availability. Therefore, NatureScot agree with the conclusions that there is no AEOSI for the Outer Firth of Forth and St Andrews Bay Complex SPA.

- 8.3.2 MD-LOT has considered the information provided within the RIAA and the advice provided by NatureScot and conclude that the Works, in isolation, will not adversely affect the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA.

8.4 Forth Islands SPA

- 8.4.1 The RIAA considers vessel disturbance and changes in prey availability during all stages of the development to have a likely significant effect on the lesser black-backed gull, common tern, arctic tern, puffin and gannet qualifying species of the Forth Islands SPA, in addition to the kittiwake, herring gull, guillemot and razorbill components of the seabird assemblage qualifying feature of this SPA. The RIAA considers that due to the localised, and temporary nature of the vessel disturbance and the highly localised and largely temporary nature of the changes to prey availability in addition to the availability of alternative foraging habitat there is no AEOSI on the qualifying features of Forth Islands SPA. NatureScot advised that they agree with the conclusions of the RIAA that there is no AEOSI for the ornithological features of Forth Islands SPA.

- 8.4.2 MD-LOT has considered the information provided within the RIAA and the advice provided by NatureScot and conclude that the Works, in isolation, will not adversely affect the integrity of the Forth Islands SPA.

8.5 Farne Islands SPA

- 8.5.1 The RIAA considers vessel disturbance and changes in prey availability during all stages of the development to have a likely significant effect on the guillemot, sandwich tern, arctic tern and six of the component species of the seabird assemblage qualifying features of the Farne Islands SPA. However,

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given the highly localised and temporary nature of the works, in addition to the availability of alternative foraging habitat, there is no AEOSI. JNCC agreed with the conclusions of the RIAA that whilst there is potential for guillemot to be impacted by the Works, there will not be AEOSI on this qualifying interest of the Farne Islands SPA due to the wide foraging range of guillemot and the temporary nature of the works in Scottish waters.

- 8.5.2 MD-LOT has considered the information provided within the RIAA and the advice provided by JNCC and conclude that the Works, in isolation, will not adversely affect the integrity of the Farne Islands SPA.

9 In combination assessment

- 9.1 MD-LOT has carried out an in combination assessment to ascertain whether the Applicant's proposal will have a cumulative effect with other plans or projects which, in combination, would have the potential to affect the qualifying interests of the Berwickshire and North Northumberland Coast SAC, St Abb's Head to Fast Castle SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, Forth Islands SPA and Farne Islands SPA.
- 9.2 A review has been carried out of all the projects which currently have an open application or active marine licence, section 36 consent, or European Protected Species licence and associated AA which identified a likely significant effect on the qualifying interests of the same designated sites as are affected by the Works. Projects in English waters identified by the Applicant in the RIAA have also been included.
- 9.3 Construction activities associated with the Works are not likely to commence until at least quarter 4 of 2026 so any licences which expire before this date have been discounted. A number of licences to carry out periodic maintenance dredging and sea deposit of dredged material have also been issued however any impact from these projects will be minor and short term and therefore not have a significant contribution to in-combination effects with the Works. There are also a number of active marine licences to deposit fish farms however effects from these projects are also minor and not likely to lead to significant in-combination effects with the Works. These dredging, sea deposit and fish farm licences have also all been discounted from the in-combination assessment.

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- 9.4 Applications have been received for the Berwick Bank Offshore Wind Farm (“Berwick Bank”) consisting of 307 WTGs, 47.6 km from the coast of East Lothian. A determination has not yet been made on the applications for this project; however, the AA has concluded that it will have an AEOSI on a number of ornithological qualifying interests of SPAs including St Abb’s Head to Fast Castle, Forth Islands, Farne Islands, breeding and non-breeding Outer Firth of Forth and St Andrews Bay Complex SPA. Berwick Bank can therefore only be consented if a derogation case is agreed, including compensatory measures to offset its impacts on those species/sites where the AA cannot conclude that there will be no AEOSI. This means that if Berwick Bank is consented, the effects from Berwick Bank on these species/sites will be compensated for and on this basis, they have not been considered in this in-combination assessment. Berwick Bank will therefore only be considered in the in-combination assessment for those species/ sites where it has LSE but no AEOSI.

Berwick Bank Wind Farm	Application for an offshore wind farm consisting of up to 307 WTG over an area of 1,010km ² located approximately 47.6km off the East Lothian coastline and 37.8km from the Scottish Borders coastline at St Abbs Berwick Bank Offshore Wind Farm Marine Scotland Information
Cofferdam at Inch Cape Offshore Wind Farm	Installation, operation and removal of a cofferdam as part of the wider Offshore Export Cables installation for the Inch Cape Offshore Wind Farm. Estimated start date is January 2025, with installation of the cofferdam expected to take 10-12 weeks. The cofferdam and associated piling platform is proposed to remain in place for up to 23 months prior to removal. Inch Cape Offshore Windfarm (Revised Design) marine.gov.scot
Culzean Floating Offshore Wind	Construction and operation of one floating offshore wind turbine generator. It will take approximately one month for the pre-construction, construction

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Turbine Pilot Project	and installation of the WTG, moorings, and cable installation activities which are proposed to take place in Q3, 2025. https://marine.gov.scot/ml/culzean-floating-offshore-wind-turbine-pilot-project
Dalgety Bay Sailing Club Moorings	Increasing the number of moorings from 50 to 80 for the use of private pleasure boating. To be in use from April to September each year Marine Licence - Moorings - Dalgety Bay - 07199 Marine Scotland Information
Forthwind Demonstration Project	Single 20MW test and demonstration turbine and met mast located approximately 1.5km from the shore at Methil in the Firth of Forth. https://marine.gov.scot/ml/forthwind-demonstration-project
Granton Harbour Redevelopment	Construction of a new 110m sheet piled quay wall. 50m extension of the western breakwater. Creation of a 340 berth marina. Capital dredging of which 154,385m ³ will be taken for land-based disposal, 19,322m ³ will be used in land reclamation and the remaining 86,980m ³ will be deposited at a sea deposit site. https://marine.gov.scot/node/23005
Green Volt Offshore Wind Farm	This INTOG project consists of up to 35 WTGs 80 km off the Aberdeenshire coast with a cable to landfall near Peterhead and another export cable to the Buzzard platform. Construction to is due to commence in 2025 with the project becoming operational in 2027. https://marine.gov.scot/ml/green-volt-offshore-windfarm
Inch Cape Offshore Wind Farm	A maximum of 72 wind turbines will be installed 15-22km from the Angus coastline. This project is due to begin construction mid-2025.

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	https://marine.gov.scot/ml/inch-cape-offshore-windfarm
Kincardine Offshore Wind Farm	An operational demonstrator floating wind farm consisting of five 9.5MW turbines located about 8 miles of the coast to the south east of Aberdeen. https://marine.gov.scot/ml/kincardine-offshore-windfarm-0
Leith Outer Berth – Additional Works	Extension and expansion at the Port of Leith Outer Berth including construction of a retaining wall, capital dredging and deposit of dredged material at the Narrow Deep B designated sea deposit site comprising 3,807,000 wet tonnes of material to be dredged and deposited between 15 March 2024 and 31 December 2026. Port of Leith Outer Berth marine.gov.scot
Levenmouth Demonstration Turbine	Construction, operation and decommissioning of a site for the testing of new designs of offshore WTGs with a capacity of up to 7MW at the Fife Energy Park, Methil. One WTG has been installed and is currently operational. https://marine.gov.scot/ml/levenmouth-demonstration-turbine
Native Oyster restoration trial project	Reintroduction of native oysters in the Firth of Forth at two locations (Inchkeith and Inchmickery) over the summer and autumn of 2024 with monitoring ongoing into 2026. Marine Licence - Deposit of Native Oysters - Inchkeith, Firth of Forth - 00010643 marine.gov.scot Marine Licence - Deposit of Native Oysters - Inchmickery, Firth of Forth - 00010639 marine.gov.scot
Neart na Gaoithe Offshore Wind Farm	Consented offshore wind farm consisting of up to 54 WTGs located 15.5km east of Fife Ness in the Firth of Forth. The project is currently under construction.

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	https://marine.gov.scot/ml/neart-na-gaoithe-offshore-wind-farm-revised-design
Pentland Floating Offshore Wind Farm	Consented offshore floating wind farm consisting of up to 6 WTG 7.5km from Dounreay, Caithness. https://marine.gov.scot/ml/pentland-floating-offshore-wind-farm
Seagreen Alpha and Bravo Offshore Wind Farms	Consented offshore wind farm consisting of up to 150 WTGs with 114 WTGs now operational (known as Phase 1) located approximately 27km off the Angus coastline. https://marine.gov.scot/ml/seagreen-alpha-and-bravo-offshore-wind-farms
SEGL 1 HVDC Cable and Cable Protection	Installation of a subsea HVDC link between Torness in East Lothian and Hawthorn Pit in County Durham. Commencement of works is due to take place in January 2025 with completion to occur in December 2027. Marine Licence - SEGL Eastern Link 1 HVDC Cable and Cable Protection - Torness to Hawthorn Pit - 00009880 Marine Scotland Information
Blyth Demonstrator Offshore Wind Farm Phase 1	Operational wind farm consisting of 15 turbines
Blyth Demonstrator Offshore Wind Farm Phase 2	Consented wind farm consisting of up to 5 floating turbines
Eastern Green Link Cable 2	Installation of a 436 km HVDC cable between Peterhead in Aberdeenshire and Drax in North Yorkshire. Commencement of works due to take place between January 2025 and December 2031. https://marine.gov.scot/ml/marine-licence-eastern-green-link-2-egl2-hvdc-cables-and-cable-protection-peterhead-drax-00009943

9.5 Assessment of in combination effects on the Berwickshire and North Northumberland Coast SAC designated site

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The following projects were identified as having a likely significant effect on the Berwickshire and North Northumberland Coast SAC:

- Berwick Bank Offshore Wind Farm
- Forthwind Demonstration Project
- Granton Harbour Redevelopment
- Leith Outer Berth – Additional Works
- Inch Cape Offshore Wind Farm
- Neart na Gaoithe Offshore Wind Farm
- Seagreen Alpha and Bravo Offshore Wind Farms

9.5.1 The Seagreen Alpha and Bravo Offshore Wind Farms are currently in the operational phase and Neart na Gaoithe is currently under construction but is due to complete construction in July 2025 and the pathway of effects were identified for the construction phases only. Granton Harbour Redevelopment is due to be completed by July 2025 and the Leith Outer Berth construction works are due to complete by December 2026. It is therefore unlikely there will be any in combination effects arising from these projects with the Works on the Berwickshire and North Northumberland Coast SAC, and should there be any overlap it will be temporal in nature.

9.5.2 The Berwick Bank Offshore Wind Farm, and Forthwind Demonstration Project are currently in the determination phase, and Inch Cape Offshore Wind Farm is currently in the pre-construction phase. As such, there is potential for in combination effects with these projects and the Works. The RIAA considers that given the localised nature of the pre-construction activities, the only project with potential in combination effects is the construction of Berwick Bank Offshore Wind Farm and potential noise disturbance from piling activities. However, the RIAA concludes that the potential for disturbance from underwater noise in combination with this project is low. In its response, NatureScot did not consider there to be in combination effects with the grey seal qualifying feature of this site. Taking account of the RIAA and NatureScot's position, MD-LOT are of the view that provided all plans and projects identified are carried out in accordance with their respective AAs there will be no adverse effect on the grey seal qualifying feature of the Berwickshire and North Northumberland Coast SAC from the Works.

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9.6 Assessment of in combination effects on the St Abb's Head to Fast Castle SPA designated site

The following projects were identified as having a likely significant effect on the St Abb's Head to Fast Castle SPA:

- Culzean Floating Offshore Wind Turbine Pilot Project
- Green Volt Offshore Wind Farm
- Inch Cape Offshore Wind Farm
- Neart na Gaoithe Offshore Wind Farm
- Seagreen Alpha and Bravo Offshore Wind Farms
- Scotland to England Green Link (SEGL) 1

9.6.1 The Seagreen Alpha and Bravo Offshore Wind Farms are currently in the operational phase. The Scotland to England Green Link (SEGL) 1 is currently in the planning phase with construction anticipated from 2024 to 2027, Neart na Gaoithe is currently under construction but is due to complete construction in July 2025, and Culzean Floating Offshore Wind Turbine Pilot Project is currently in the determination phase, Inch Cape Offshore Wind Farm is currently in the pre-construction phase, and Green Volt Offshore Wind Farm is due to commence construction in 2025, therefore there is potential for in combination effect with the Works. The RIAA considers the pathways of effect from the Works to be localised and temporal in nature, and as such it concludes that there will be no potential in combination effects on the qualifying features of this site with any plans or projects identified. In its response, NatureScot did not raise any concerns as regards in combination effects on the St Abb's Head to Fast Castle SPA. MD-LOT therefore concludes that there will be no AEOSI in respect of the ornithological qualifying features of this site from the Works in combination with other plans or projects.

9.7 Assessment of in combination effects on the Outer Firth of Forth and St Andrews Bay Complex SPA designated site.

The following projects were identified as having a likely significant effect on the Outer Firth of Forth and St Andrews Bay Complex SPA:

- Cofferdam at Inch Cape Offshore Wind Farm
- Dalgety Bay Sailing Club Moorings
- Forthwind

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- Granton Harbour Redevelopment
- Inch Cape Offshore Wind Farm
- Kincardine Offshore Wind Farm
- Levenmouth Demonstration Turbine
- Leith Outer Berth – Additional Works
- Native Oyster restoration trial project
- Neart na Gaoithe Offshore Wind Farm
- SEGL 1 HVDC Cable and Cable Protection

9.7.1 Granton Harbour Redevelopment is due to be completed by July 2025. The Cofferdam at Inch Cape Offshore Wind Farm is expected to be completed within 10-12 weeks of January 2025. It is therefore unlikely there will be any in combination effects with the Works on the Outer Firth of Forth and St Andrews Bay Complex SPA.

9.7.2 The Kincardine Offshore Wind Farm and the Levenmouth Demonstration Turbine projects are currently in the operational phase, Neart na Gaoithe is currently under construction but is due to complete construction in July 2025, the Inch Cape Offshore Wind Farm is currently in the pre-construction phase of development, Forthwind Demonstration Project is currently in the determination phase, and the Scotland to England Green Link 1 is currently in the planning phase with construction anticipated from 2024 to 2027. As such, there is potential for in combination effects with the Works. The RIAA considers the pathways of effect from the Works to be localised and temporal in nature, and as such it concludes that there will be no potential in combination effects on the qualifying features of this site with any plans or projects identified. In its response, NatureScot did not raise any concerns as regards in combination effects on the Outer Firth of Forth and St Andrews Bay Complex SPA.

There is potential for in combination effects with the remaining projects, however due to the short duration and localised scale any overlap will be minimal. MD-LOT therefore concludes that there will be no AEOSI in respect of the ornithological qualifying features of this site from the Works in combination with other plans or projects.

9.8 Assessment of in combination effects on the Forth Islands SPA designated site.

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The following projects were identified as having a likely significant effect on the Forth Islands SPA:

- Culzean Floating Offshore Wind Turbine Pilot Project
- Forthwind Demonstration Project
- Granton Harbour Redevelopment
- Green Volt Offshore Wind Farm
- Inch Cape Offshore Wind Farm
- Kincardine Offshore Wind Farm
- Leith Outer Berth – Additional Works
- Native Oyster restoration trial project
- Neart na Gaoithe Offshore Wind Farm
- Pentland Floating Offshore Wind Farm
- Seagreen Alpha and Bravo Offshore Wind Farms

9.8.1 Granton Harbour Redevelopment is due to be completed by July 2025 prior to the commencement of the Works. It is therefore unlikely there will be any in combination effects on the Forth Islands SPA.

9.8.2 The Kincardine and Seagreen Alpha and Bravo Offshore Wind Farms are currently in the operational phase, the Neart na Gaoithe Offshore Wind Farm is scheduled to be completed in 2025, the Culzean Floating Offshore Wind Turbine Pilot Project is proposed to be carried out in 2025, the Inch Cape Offshore Wind Farm is currently in the pre-construction phase, Green Volt Offshore Wind Farm is due to commence construction in 2025, Pentland Floating Offshore Wind Farm is due to commence construction in 2027, Forthwind is currently in the determination phase. As such, there is potential for in combination effects with these projects and the Works. The RIAA considers the pathways of effect from the Works to be localised and temporal in nature, and as such it concludes that there will be no potential in combination effects on the qualifying features of this site with any plans or projects identified. In its response, NatureScot did not raise any concerns as regards in combination effects on the Forth Islands SPA.

9.8.3 There is potential for in combination effects with the remaining projects, however due to the short duration and localised scale any overlap will be minimal. MD-LOT therefore concludes that there will be no AEOSI in respect of the ornithological qualifying features of this site from the Works in combination with other plans or projects.

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9.9 Assessment of in combination effects on the Farne Islands SPA designated site.

The following projects were identified as having a likely significant effect on the Farne Islands SPA

- Inch Cape Offshore Wind Farm
- Seagreen Alpha and Bravo Offshore Wind Farms
- SEGL 1 HVDC Cable and Cable Protection
- Blyth Demonstrator Offshore Wind Farm Phase 1
- Blyth Demonstrator Offshore Wind Farm Phase 2

9.9.1 The Scotland to England Green Link 1 is currently in the planning phase with construction anticipated from 2024 to 2027. Seagreen Alpha and Bravo Offshore Wind Farms is currently in the operational phase, Blyth Demo Phase 1 and 2 are currently expected to be completed by 2025, and the Inch Cape Offshore Wind Farm is currently in the pre-construction phase of development, therefore there is potential for in combination effects with the Works.

9.9.2 The RIAA considers the pathways of effect from the Works to be localised and temporal in nature, and as such it concludes that there will be no potential in combination effects on the qualifying features of this site with any plans or projects identified. In its response, JNCC did not raise any concerns as regards in combination effects on the Farne Islands SPA. MD-LOT therefore concludes that there will be no AEOSI in respect of the ornithological qualifying features of this site from the Works in combination with other plans or projects.

10 MD-LOT Conclusion

10.1 MD-LOT concludes that providing the condition listed in Section 4 is adhered to, there will be no adverse effect on the site integrity of Berwickshire and North Northumberland Coast SAC, St Abb's Head to Fast Castle SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, Forth Islands SPA, Farne Islands SPA, from the Berwick Bank C Limited proposal either in isolation or in combination with other projects.

SECTION 4: CONDITIONS

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11 Requirement for conditions

- 11.1 The following conditions are required to ensure the project will not adversely affect the site integrity of the Berwickshire and North Northumberland Coast SAC, St Abb's Head to Fast Castle SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, Forth Islands SPA, Farne Islands SPA.
- 11.2 The Licensee must ensure that the Joint Nature Conservation Committee ("JNCC") 2017 Guidelines for minimizing the risk of injury and disturbance to marine mammals from seismic surveys is followed at all times in connection with the undertaking of such surveys as far as it is practical to do so. These are available from the JNCC website
<https://hub.jncc.gov.uk/assets/e2a46de5-43d4-43f0-b296-c62134397ce4>.