Berwick Bank Wind Farm

Phasing Variation

Ornithological Addendum

Rev 01

sse Renewables

Berwick Bank Wind Farm

Document Information

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Approval for Issue	
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Contents

Acronyms and Definitions

Acronym/Term	Definition
AA	Appropriate Assessment
BBWFL	Berwick Bank Wind Farm Limited
Berwick Bank Wind Farm (BBWF)	An offshore wind electricity generating station (GS) (located in the outer Firth of Forth and Firth of Tay region of the North Sea, approximately 38 km east of the Scottish Borders coastline at St. Abb's Head) and the associated OTI to facilitate the export of renewable energy to the national electricity transmission grid
CfD	Contract for Difference
DESNZ	Department of Energy Security and Net Zero
EIAR	Environmental Impact Assessment Report
GS	Generating Station, comprising the WTGs and their foundations, and inter-array cables
INTOG	Innovation and Targeted Oil and Gas Decarbonisation
IROPI	Imperative Reasons of Overriding Public Interest
MD-LOT	Marine Directorate Licensing Operations Team
NGESO	National Grid Electricity System Operator
OCSP	Offshore Converter Station Platform
OSP	Offshore Substation Platform
OTI	Offshore Transmission Infrastructure
OTI Part 1 Marine Licence	Marine Licence granted to BBWFL under the Marine and Coastal Access Act 2009 for the construction and operation of the OTI required to connect the GS to the national grid at Branxton, East Lothian
OWF	Offshore Wind Farm
Phase	A discrete part of the Berwick Bank Wind Farm to be constructed, commissioned and operated.
PDE	Project Design Envelope
SPA	Special Protection Area
S36 Consent	Consent awarded to BBWFL under Section 36 of the Electricity Act 1989 for the construction and operation of the GS
TEC	Transmission Entry Capacity
Whole Array	The area in which the GS will be located, as authorised by the Section 36 Consent and Generating Station Marine Licence. The Whole Array is apportioned in terms of numbers of WTGs and area into Phases A, B and C, as shown in Figure 2-1.
WTG	Wind Turbine Generator

1. Introduction and Purpose of this Addendum

This Addendum has been produced to support the phasing variation application (the Phasing Variation) by Berwick Bank Wind Farm Limited (BBWFL) to vary the:

- Section 36 Consent (S36 Consent) (as awarded on 31 July 2025) in accordance with section 36C of the Electricity Act 1989 (as amended);
- Generating Station Marine Licence (MS-00010189) (as granted on 31 July 2025) in accordance with section 72 of the Marine and Coastal Access Act 2009;
- Offshore Transmission Infrastructure (Part 1) Marine Licence (MS-00010190) (as granted on 31 July 2025) in accordance with section 30 of the Marine (Scotland) Act 2010 and section 72 of the Marine and Coastal Access Act 2009; and
- Offshore Transmission Infrastructure (Part 2) Marine Licence (MS-00010191) (as granted on 31 July 2025) in accordance with section 72 of the Marine and Coastal Access Act 2009.

The Phasing Variation is proposed to allow for a change to the operation of the above-referenced S36 Consent and Marine Licences to allow for discharge of conditions for each proposed Phase of development of Berwick Bank Wind Farm, rather than in relation to the development as a whole, as is required by the existing consent and licence condition wording. More information in relation to the different Phases of Berwick Bank is provided in Section 2.

The Phasing Variation does not alter the parameters of the development, works or licensed activities under the S36 Consent or Marine Licences – it seeks only to allow for per-Phase discharge of relevant conditions. The Phasing Variation is intended to provide a mechanism which requires, in relation to each Phase:

- BBWFL to submit up-to-date, Phase-specific information for approval; and
- MD-LOT to formally confirm that the requirements of each condition, in so far as they relate to each Phase, have been met.

This Addendum has been prepared to review whether the conclusions of the Appropriate Assessment (AA) undertaken by Scottish Ministers, together with the associated compensation requirements and Derogation Case, remain valid in the context of the Phasing Variation .

The purpose of this Addendum is to review the original AA conclusions, and confirm whether the Phasing Variation would give rise to any new or materially different effects on the integrity of European sites, either alone or in combination, when compared with the consented development as previously assessed.

In determining the Phasing Variation, Scottish Ministers may be required to consider the timing, phasing and delivery of compensatory measures across the individual Phases of the project. Accordingly, Section 3 of this Addendum sets out a clear and proportionate methodology to calculate the Phased compensation requirements and sets out the compensation requirements to be allocated to each Phase to ensure the continued effectiveness of the approved compensatory measures and ongoing compliance with the requirements of the Habitats Regulations.

This Addendum responds directly to advice and requirements issued by the Marine Directorate Licensing Operations Team (MD-LOT) and NatureScot, and provides confirmation that the conclusions of the AA and the associated Derogation Case remain valid. It demonstrates that the Phasing Variation does not undermine the original findings regarding alternative solutions, the imperative reasons of overriding public interest (IROPI), or BBWFL's ability to secure and deliver effective compensatory measures.

The Addendum supports Scottish Ministers in being able to conclude that the statutory tests under the Habitats Regulations continue to be met and that the Phasing Variation can be determined without the need for an updated AA and Derogation Case.

2. Overview of Phasing

2.1. Description of the Approach to Phasing

As outlined with the application letter which this Addendum supports, BBWFL obtained consent for the construction of up to 307 wind turbines over an eight year period. While the consents allow the wind farm to be delivered as a single development, BBWFL intends to construct Berwick Bank Wind Farm (BBWF) on a phased basis, comprising Phases A, B and C.

BBWF will be delivered in Phases to align with staged grid connection dates at Branxton (East Lothian) and Blyth (Northumberland), ongoing electricity network reforms, and the introduction of queue management by National Grid Electricity System Operator (NGESO). Phasing also allows investment to be secured progressively, reflects supply chain and port capacity constraints, enables the project to benefit from advances in wind turbine generator technology within the consented limits, and allows site conditions and mitigation measures to be monitored and adapted where required.

Phase B is intended to be delivered first, with construction anticipated to commence in February 2028. Phase A and Phase C will follow thereafter. Section 3.4.4 of the Environmental Impact Assessment Report (EIAR) states that, “Due to its scale, the Proposed Development will be built out over a period of up to eight years.” This overall length of the construction programme remains unchanged despite a phased approach.

Although construction will be phased, the development will be built out sequentially, with some overlap between Phases. Phased delivery does not alter the Project Design Envelope (PDE), and BBWF will continue to be implemented in accordance with the Section 36 Consent and Marine Licences, as listed in section 1.

The construction approach for each Phase will be set out in the relevant consent plans, which will be submitted and approved prior to the commencement of that Phase. In line with the sequential construction programme, each Phase will also become operational and begin generating power on a sequential basis.

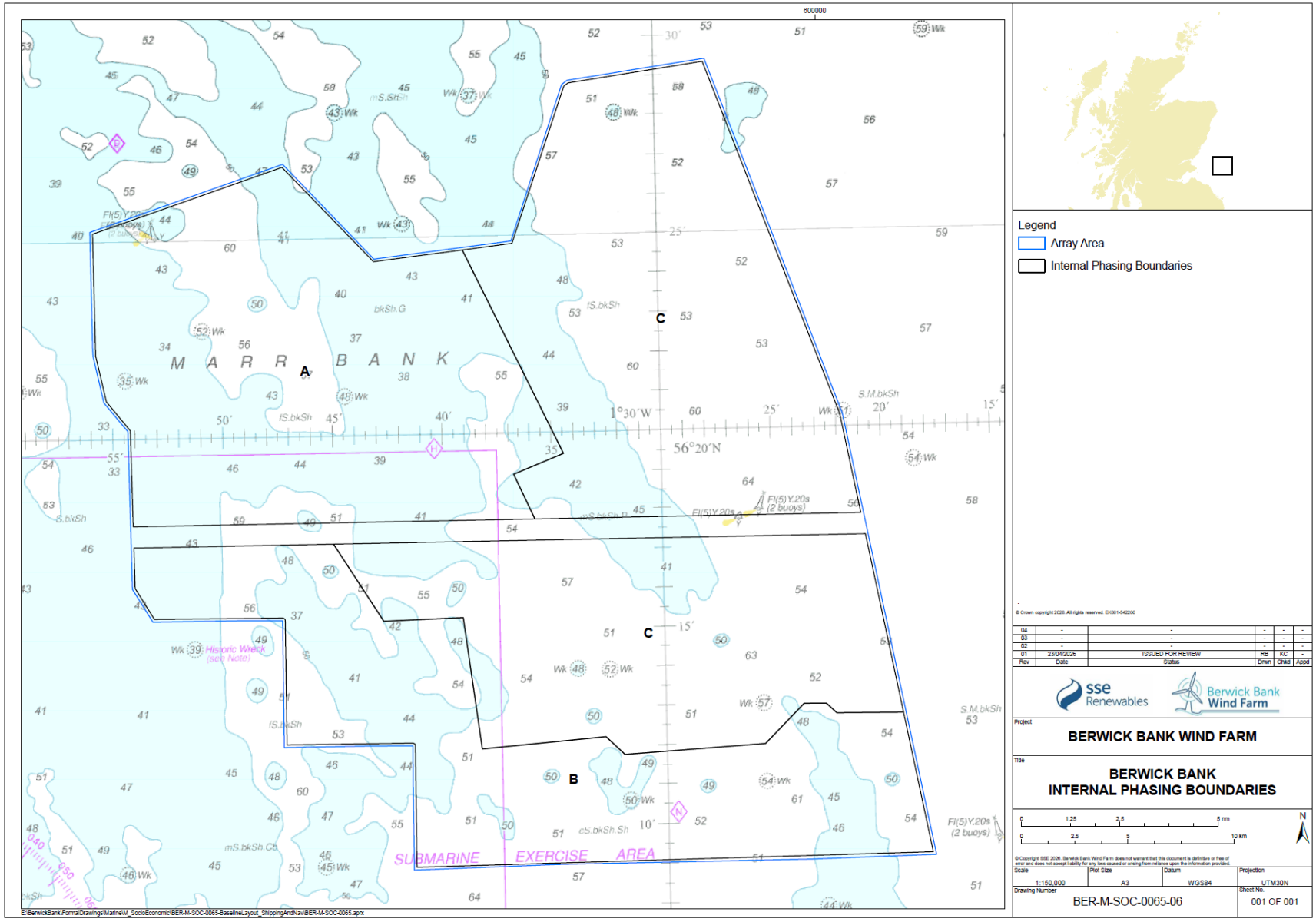
Figure 2-1 shows these three Phases in the context of the consented Array Area and Table 2-1 shows the areas (km^2) of each Phase, alongside proposed turbine numbers.

Table 2-1: Anticipated Phase areas (km2) and proposed turbine numbers compared to the whole array

Phase	Area (km2)	Proposed Number of Turbines
Berwick Bank Wind Farm (whole Array Area)	**1010.3**	**307**
Phase A	285.7	93
Phase B	236.5	93
Phase C	488.7	121

This Phasing Variation does not seek to amend any aspect of the consented development parameters upon which environmental assessments were based. The Phasing Variation does not alter the parameters of the development, works or licensed activities under the S36 Consent or Marine Licences; it seeks only to allow for per-Phase discharge of relevant conditions, more detail of which is provided in the application letter.

Figure 2-1: Indicative Berwick Bank Phases



3. Options for Allocating Compensation Across Phases

3.1. Overview of Options

Whilst it is acknowledged that the relevant conditions cannot be fully discharged until information relating to all Phases has been provided, amending the conditions to make provision for partial or phased discharge would provide certainty to all parties (including statutory and other consultees) that BBWFL remains compliant with the S36 Consent and Marine Licences prior to entering, or upon the completion of, each Phase.

This section sets out four potential options for allocating Scottish Ministers compensation requirements to each Phase and provides a comparison between the outputs. The four options increase in refinement and include:

- Option 1 – Area (all compensation);
- Option 2 – Abundance (all compensation);
- Option 3 – Area (displacement) + Turbine Numbers (collision); and
- Option 4 – Abundance (displacement) + Turbine Numbers (collision).

3.2. Compensation Requirements

Compensation requirements determined by Scottish Ministers for the BBWF are shown in Table 3-1 and Table 3-2.

Table 3-1: Compensation requirements for the Berwick Bank Wind Farm (BBWF). Extracted from Scottish Ministers Derogation Case for Berwick Bank.

Special Protection Area (SPA)	Number of breeding adults plus immatures					Total
	Guillemot	Razorbill	Gannet	Kittiwake	Puffin	
Buchan Ness to Collieston Coast	-	-	-	27.6	-	27.6
East Caithness Cliffs	-	24.7	-	61.4	-	86.1
Farne Islands	353.1	-	-	38.1	-	391.2
Flamborough and Filey Coast	-	18.3	-	57.0	-	75.3
Forth Islands	358.8	35.8	256.2	46.2	65.8	762.8
Fowlsheugh	946.2	40.5	-	139.3	-	1126
Hermaness, Saxa Vord and Valla Field	-	-	4.4	-	-	4.4
North Caithness Cliffs	-	-	-	15.3	-	15.3
St. Abb's Head to Fast Castle	1150.1	29.3	-	385.6	-	1565
Troup, Pennan and Lion's Heads	-	5.5	-	26.0	-	31.5
West Westray	-	-	-	18.2	-	18.2
Total	**2808.2**	**154.1**	**260.6**	**814.7**	**65.8**	**4103.4**
Proportion	**0.684**	**0.038**	**0.064**	**0.199**	**0.016**	**1.000**

Table 3-2: Compensation requirements by impact pathway for Berwick Bank Wind Farm (BBWF). Extracted from Scottish Ministers Appropriate Assessment for Berwick Bank

Species	SPA	Collision	Displacement	Total
Gannet	Forth Islands	155.7	100.5	256.2
Gannet	Hermaness, Saxa Vord and Valla Field	1.9	2.5	4.4
Subtotal		**157.6**	**103.0**	**260.6**
Guillemot	Farne Islands	0.0	353.1	353.1
Guillemot	Forth Islands	0.0	358.8	358.8
Guillemot	Fowlsheugh	0.0	946.2	946.2
Guillemot	St Abb's Head to Fast Castle	0.0	1150.1	1150.1
Subtotal		**0.0**	**2808.2**	**2808.2**
Kittiwake	Buchan Ness to Collieston Coast	18.3	9.3	27.6
Kittiwake	East Caithness cliffs	38.1	23.3	61.4
Kittiwake	Farne Islands	28.3	9.8	38.1
Kittiwake	Flamborough and Filey Coast	35.7	21.3	57.0
Kittiwake	Forth Islands	34.5	11.7	46.2
Kittiwake	Fowlsheugh	104.4	34.9	139.3
Kittiwake	St Abb's Head to Fast Castle	293.5	92.1	385.6
Kittiwake	Troup, Pennan and Lion's Heads	16.8	9.4	26.0
Kittiwake	West Westray	11.1	6.9	18.2
Kittiwake	North Caithness Cliffs	9.5	5.8	15.3
Subtotal		**590.2**	**224.5**	**814.7**
Puffin	Forth Islands	0.0	65.8	65.8
Subtotal		**0.0**	**65.8**	**65.8**
Razorbill	East Caithness cliffs	0.0	24.7	24.7
Razorbill	Flamborough and Filey Coast	0.0	18.3	18.3
Razorbill	Forth Islands	0.0	35.8	35.8
Razorbill	Fowlsheugh	0.0	40.5	40.5
Razorbill	St Abb's Head to Fast Castle	0.0	29.3	29.3
Razorbill	Troup, Pennan and Lion's Heads	0.0	5.5	5.5
Subtotal		**0.0**	**154.1**	**154.1**
Total		**747.8**	**3355.6**	**4103.4**

3.3. Options for Allocating Compensation to Phases

The compensation requirements set out in Table 3-1 and Table 3-2 can be allocated to the three Phases of BBWF via four differing options of increasing accuracy:

- **Option 1 – Area (all compensation).** This allocates compensation requirements for the whole BBWF array to each Phase based on the area (km^2) of each Phase. This is the most simple and straightforward option.
- **Option 2 – Abundance (all compensation).** This allocates compensation requirements for the whole BBWF array to each Phase based on the relative proportion of each species present in each Phase. This accounts for spatial differences in species occurrence across the whole BBWF array.
- **Option 3 – Area (displacement) + Turbine Numbers (collision).** The compensation requirement under this option is allocated based on proposed turbine numbers per Phase for collision impacts and on Phase area (km^2) for displacement impacts. This approach aims to capture potential impact pathways more accurately.
- **Option 4 – Abundance (displacement) + Turbine Numbers (collision).** This option aims to capture both spatial variation in species abundance across Phases alongside potential impact pathways and is likely to be the most accurate means of reallocating compensation needs across the Phases.

The methods and results associated with each option is set out below.

3.3.1. Option 1: Area (all compensation)

Under Option 1, the compensation requirement is allocated based on the relative areas (km^2) of each Phase (Table 3-3).

Table 3-3: Total compensation by area.

Description	Area (km^2)	Proportion	Compensation Need
Whole Array	1010.3	1.000	4103.4
Phase A	285.7	0.283	1160.3
Phase B	236.5	0.234	960.5
Phase C	488.1	0.483	1982.6

The compensation requirement for each species is then split based on relative proportions in the total compensation requirement (Table 3-1). As an example:

- Total Phase A compensation need = 4103.4*0.283 = 1160.3
- Kittiwake Phase A compensation need = 1160.3 * 0.199 = 230.4

Outputs from Option 1 are outlined in Table 3-4.

Table 3-4: Compensation by area split by species (Option 1).

Species	Phase	Compensation Need
Kittiwake	Whole Array	814.7
	Phase A	230.4
	Phase B	190.7

Species	Phase	Compensation Need
	Phase C	393.6
Gannet	Whole Array	260.6
	Phase A	73.7
	Phase B	61.0
	Phase C	125.9
Guillemot	Whole Array	2808.2
	Phase A	794.1
	Phase B	657.3
	Phase C	1356.8
Razorbill	Whole Array	154.1
	Phase A	43.6
	Phase B	36.1
	Phase C	74.5
Puffin	Whole Array	65.8
	Phase A	18.6
	Phase B	15.4
	Phase C	31.8

3.3.2. Option 2: Abundance (all compensation)

Under Option 2, the compensation requirement is allocated based on bird abundances in each Phase during the original baseline surveys (2019-21).

Monthly abundances of each species (flying and sitting) present in each Phase plus a 2 km buffer around each Phase (corrected for availability bias) have been calculated (see Appendix A:).

The relative proportion of each species present in each Phase is calculated as the ratio of average species abundance in each Phase to average species abundance across Phases (see Appendix A:). The resultant proportions are shown in Table 3-6.

Table 3-5: Proportions of key species per Phase based on monthly abundance.

Phase	Species				
	Kittiwake	Gannet	Guillemot	Razorbill	Puffin
Phase A	0.36	0.36	0.34	0.36	0.34
Phase B	0.18	0.24	0.26	0.19	0.23
Phase C	0.46	0.40	0.40	0.46	0.42

The compensation requirement for each species is then split based on the relative proportions of birds present in each Phase (Table 3-5). As an example:

- Kittiwake Phase A compensation need = 814.7 * 0.36 = 294.4

Outputs from Option 2 are outlined in Table 3-6.

Table 3-6: Compensation by species abundance (Option 2).

Species	Phase	Compensation Need
Kittiwake	Whole Array	814.7
	Phase A	294.4
	Phase B	146.3
	Phase C	373.9
Gannet	Whole Array	260.6
	Phase A	94.4
	Phase B	62.4
	Phase C	103.7
Guillemot	Whole Array	2808.2
	Phase A	950.0
	Phase B	736.3
	Phase C	1121.9
Razorbill	Whole Array	154.1
	Phase A	54.7
	Phase B	28.8
	Phase C	70.6
Puffin	Whole Array	65.8
	Phase A	22.7
	Phase B	15.4
	Phase C	27.7

3.3.3. Option 3: Area (displacement) + Turbine Numbers (collision)

Under Option 3, the compensation requirement is allocated for collision impacts based on proposed turbine numbers and displacement based on area (km^2) in each Phase.

Table 3-7: Total compensation by impact pathway. Displacement and collision totals for the Whole Array are taken from Table 3-2.

Phase	Area (km^2)	Turbines	Displacement	Collision	Compensation Need
Whole Array	1010.3	307	3355.6	747.8	4103.4
Phase A	285.7	93	948.9	226.5	1175.4
Phase B	236.5	93	785.5	226.5	1012.0
Phase C	488.1	121	1621.3	294.7	1916.0

The compensation requirement for each species is then split based on relative proportions in the total compensation requirement (Table 3-1). As an example:

- Phase A displacement = (3355.6 / 1010.3) * 285.7 = 948.9
- Phase A collision = (747.8 / 307) * 93 = 226.5
- Kittiwake Phase A compensation need = (948.9 + 226.5) * 0.199 = 233.4

Outputs from Option 3 are outlined in Table 3-8.

Table 3-8: Compensation by impact split by species (Option 3).

Species	Phase	Compensation Need
Kittiwake	Whole Array	814.7
	Phase A	233.4
	Phase B	200.9
	Phase C	380.4
Gannet	Whole Array	260.6
	Phase A	74.6
	Phase B	64.3
	Phase C	121.7
Guillemot	Whole Array	2808.2
	Phase A	804.4
	Phase B	692.6
	Phase C	1311.2
Razorbill	Whole Array	154.1
	Phase A	44.1
	Phase B	38.0
	Phase C	72.0
Puffin	Whole Array	65.8
	Phase A	18.8
	Phase B	16.2
	Phase C	30.7

3.3.4. Option 4: Abundance (displacement) + Turbine Numbers (collision)

Under Option 4, the compensation requirement is allocated for collision impacts based on proposed turbine numbers and displacement based on the relative proportion of birds present in each Phase during the original baseline surveys (2019-21).

The relative proportion of birds present in each Phase is calculated as the ratio of average abundance for all species in each Phase to average abundance for all species across Phases (see Appendix A). The resultant proportions are shown in Table 3-9.

Table 3-9: Total compensation by impact pathway and the relative proportion of birds per Phase based on monthly abundance. Displacement and collision totals for the Whole Array are taken from Table 3 2.

Phase	Turbines	Collision	Relative Abundance	Displacement	Compensation Need
Whole Array	307	747.8	1	3355.6	4103.4
Phase A	93	226.5	0.35	1182.7	1409.2
Phase B	93	226.5	0.22	739.7	966.2
Phase C	121	294.7	0.43	1433.2	1728.0

The compensation requirement for each species is then split based on relative proportions in the total compensation requirement (Table 3-1). As an example:

- Phase A displacement = (3355.6 * 0.35) = 1182.7
- Phase A collision = (747.8 / 307) * 93 = 226.5
- Kittiwake Phase A compensation need = (1182.7 + 226.5) * 0.199 = 279.8

Outputs from Option 4 are outlined in Table 3-10.

Table 3-10: Compensation by impact split by species (Option 4).

Species	Phase	Compensation Need
Kittiwake	Whole Array	814.7
	Phase A	279.8
	Phase B	191.8
	Phase C	343.1
Gannet	Whole Array	260.6
	Phase A	89.5
	Phase B	61.4
	Phase C	109.7
Guillemot	Whole Array	2808.2
	Phase A	964.4
	Phase B	661.2
	Phase C	1182.6
Razorbill	Whole Array	154.1
	Phase A	52.9
	Phase B	36.3
	Phase C	64.9
Puffin	Whole Array	65.8
	Phase A	22.6
	Phase B	15.5
	Phase C	27.7

3.4. Comparison across Options

Table 3-11 provides a comparison amongst the four options for allocating compensation across the Phases.

Table 3-11 shows that the allocation of compensation to Phase B varies very little irrespective of the approach taken, with an average compensation need of 23.93% (+0.77%/-0.53%) across the four options. This demonstrates consistency in outputs regardless of the method used to allocate compensation and therefore increases confidence that the allocation for Phase B is correct.

Options 1 and 3 which use an area-based approach allocate a higher compensation need to Phase C compared to Phase A because Phase C is the largest Phase.

Options 2 and 4 allocate a higher amount of compensation need to Phase A because of relatively higher bird abundance in Phase A.

As such, the use of Option 4 is likely to be the most accurate of the four options for allocating compensation need, given its use of bird abundance and refinement using turbine numbers.

Table 3-11: Allocation of compensation requirements across the Phases based on the four options.

Species	Phase	Option 1 Area	Option 2 Abundance	Option 3 Area + Turbines	Option 4 Abundance + Turbines
Kittiwake	A	230.4	294.4	233.4	279.8
Gannet	A	73.7	94.4	74.6	89.5
Guillemot	A	794.1	950.0	804.4	964.4
Razorbill	A	43.6	54.7	44.1	52.9
Puffin	A	18.6	22.7	18.8	22.6
TOTAL	**A**	**1160.3**	**1416.3**	**1175.4**	**1409.2**
Percentage	**A**	**28.3%**	**34.5%**	**28.6%**	**34.3%**
Kittiwake	B	190.7	146.3	200.9	191.8
Gannet	B	61.0	62.4	64.3	61.4
Guillemot	B	657.3	736.3	692.6	661.2
Razorbill	B	36.1	28.8	38.0	36.3
Puffin	B	15.4	15.4	16.2	15.5
TOTAL Phase B	**B**	**960.5**	**989.2**	**1012.0**	**966.2**
Percentage	**B**	**23.4%**	**24.1%**	**24.7%**	**23.5%**
Kittiwake	C	393.6	373.9	380.4	343.1
Gannet	C	125.9	103.7	121.7	109.7
Guillemot	C	1356.8	1121.9	1311.2	1182.6
Razorbill	C	74.5	70.6	72.0	64.9
Puffin	C	31.8	27.7	30.7	27.7
TOTAL Phase C	**C**	**1982.6**	**1697.8**	**1916.0**	**1728.0**
Percentage	**C**	**48.3%**	**41.4%**	**46.7%**	**42.1%**

Species	Phase	Option 1 Area	Option 2 Abundance	Option 3 Area + Turbines	Option 4 Abundance + Turbines
TOTAL (Whole Array) All Phases		**4103.4**	**4103.4**	**4103.4**	**4103.4**

3.5. Engagement with MD-LOT and NatureScot

The approach to allocating compensation requirements set out in Section 3 of this document was presented to MD-LOT and NatureScot in a note for their consideration on 30 March 2026.

During a meeting on 7 April 2026 between BBWFL, MD-LOT and NatureScot, agreement was reached that Option 4 should be used for allocating Scottish Ministers compensation requirements to each Phase.

4. Appropriate Assessment – Validation of Conclusions

4.1. AA Validation

MD-LOT guidance[1] states that a validation of any existing AA may be required when determining variation applications to S36 consents and associated Marine Licences. Accordingly, this section supports the Phasing Variation application by demonstrating that the conclusions of the AA remain valid in the context of the Phasing Variation.

The Phasing Variation does not seek to amend any aspect of the consented development parameters. The introduction of phased delivery does not alter the PDE assessed within the AA, and all assessment parameters relied upon in the AA remain unchanged. As a result, the environmental effects of the project remain as previously assessed, with no changes to:

- Spatial footprint of the development;
- Number, scale or height of turbines; or
- Construction methods or overall construction duration, which remains consistent with that assessed for the consented development, notwithstanding phased delivery.

No new impact pathways have been identified, and there is no increase in the magnitude, extent, or significance of effects on any European site, designated feature, or qualifying species as a result of this Phasing Variation. Consequently, the conclusions of the project alone assessment remain valid, and no further AA is required in respect of project alone effects.

As the effects of the project alone remain unchanged, there is no potential for any change to the in-combination effects previously assessed. Therefore, the conclusions of the in-combination AA also remain valid and no further in-combination assessment is required.

On this basis, it is confirmed that the overall conclusions of the AA undertaken by Scottish Ministers are unchanged, and that the AA remains valid for the purposes of determining this Phasing Variation.

This approach is consistent with the requirements of the Habitats Regulations and established guidance, which confirm that where a variation does not result in new or materially different effects on European sites, a review of the validity of the existing AA conclusions is sufficient and a new AA is not required.

[1] Variations and transfers - Marine licensing: applicant guidance - gov.scot

5. Derogation Case – Need for an Update

5.1. Update to the Scottish Ministers' Derogation Case

It is recognised that time has passed since submission of the S36 Consent and Marine Licence applications in December 2022 and the Project Objectives outlined in the Scottish Ministers' Derogation Assessment (Scottish Government, 2025) may need to be revisited in light of a changing policy landscape and considering this Phasing Variation. The Project Objectives within the Scottish Minister's Derogation Assessment were:

- To generate a significant volume of low carbon electricity from offshore wind farms in support of the decarbonisation of the Scottish electricity supply;
- To export electricity to the electricity grid to support Scottish commitments for offshore wind generation and security of supply;
- To contribute to the delivery of a significant volume of operational offshore wind in Scottish waters before 2030; and
- To optimise generation and export capacity within the constraints of available Scottish sites and onshore transmission infrastructure.

Since the application submission, the wider UK and Scottish policy context for offshore wind has evolved. However, it is considered that these developments strengthen the continued relevance of the Project Objectives. Importantly, these conclusions remain valid and fully applicable to the Phased delivery of the project, as the underlying policy drivers, need case, and public interest justification apply equally to each Phase as to the project as a whole.

The statutory obligations under the Climate Change (Scotland) Act 2009 have not changed, and updated government reports (e.g. Climate Change Committee (CCC) 2024 Progress Report to Parliament) emphasise that deployment rates remain off-track (paragraph 2.9 of the Derogation Assessment). The Scottish Ministers' finding in paragraph 6.3 of the Derogation Assessment that the project would make an "important material contribution" to meeting these duties is therefore reinforced. Nothing in the intervening policy landscape changes this conclusion.

Berwick Bank remains directly aligned with:

- Scotland's 2045 net-zero legal target;
- The requirement for rapid deployment of renewable capacity; and
- The increasing urgency identified in the CCC's progress assessments (paragraphs 2.9 and 6.12).

Furthermore, the updated policy framework, as outlined further below, together with recent geopolitical instability affecting global energy markets, confirms that the underlying need for Berwick Bank is even greater now than at the time of the original IROPI and alternatives assessment, and this strengthened policy basis continues to apply irrespective of whether the project is developed as a whole or in Phases.

The policy drivers originally identified as underpinning the project's need case have been reinforced by the publication of updated policy since 2022, including the 2026 Offshore Wind Policy Statement (Scottish Government, 2026) and the UK Government's Clean Power 2030 Action Plan (Department of Energy Security and Net Zero (DESNZ), 2024). The Scottish Ministers noted in paragraph 2.6 that the need for "urgent, additional and substantial increases in offshore wind capacity" is a constant theme across the policy landscape, an assessment that is now further strengthened by the updated 2026 Statement's ambition to deliver up to 40 GW of capacity by 2040.

The sections below explain why delivering the project in Phases does not alter the aim of the Project Objectives, nor the Scottish Ministers' conclusions on Alternative Solutions or IROPI as set out in the June 2025 Derogation Assessment (Scottish Government, 2025). Instead, phasing enhances deliverability within

the current policy, consenting and grid connection environment, while adhering to all relevant environmental assessment conclusions, by connecting capacity to the national grid earlier than may otherwise be possible.

5.2. Policy Context

The policy drivers set out in the EIAR and supporting documentation remain relevant to this Phasing Variation and have been built upon and further strengthened by the policies published since the application was submitted in 2022, as outlined in this section.

BBWF forms a strategically significant component of Scotland's offshore wind pipeline at a time when national policy is evolving to meet climate and energy security targets. The updated 2026 Offshore Wind Policy Statement (Scottish Government, 2026) confirms Scotland's commitment to delivering offshore wind "at scale" with an increased offshore wind target of up to 40 GW by 2040. This reflects the Scottish Government's commitment to secure economic and net-zero benefits, as well as energy-security, through accelerated deployment of offshore wind and the critical contribution offshore wind must make to meet future electricity demand and the UK Clean Power 2030 Objectives (DESNZ, 2024).

Berwick Bank is one of the most advanced projects within Scotland's offshore wind portfolio, having recently been awarded a Contract for Difference (CfD) in Allocation Round 7 for the first Phase of the development (Phase B), and therefore forms an essential part of the baseline capacity required to meet both 2030 clean power goals and the longer term 40 GW ambition by 2040. The award of a CfD provides long-term revenue certainty that accelerates the delivery of large-scale offshore wind needed for the UK's Clean Power 2030 objectives and net-zero goals. Berwick Bank also continues to play a key role in supporting the Scottish Government's statutory commitment to reduce carbon emissions and achieve net zero by 2045, ensuring the project aligns with national decarbonisation commitments.

The updated 2026 Offshore Wind Policy Statement highlights Scotland's position as a potential leader in global offshore wind development (with more than a third of the UK's total planning stage pipeline) and shows the need for mature projects, such as Berwick Bank, to progress efficiently through consenting to delivery to ensure that this pipeline becomes operational.

The Phasing Variation is consistent with the Scottish Government's ambition to facilitate efficient offshore wind deployment (Scottish Government, 2026). Recent policy updates emphasise the need for adaptability and a proportionate, enabling approach to offshore wind consenting, particularly in light of the updated draft Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 2025) which is intended to guide and accelerate the expansion of the offshore wind sector in line with national net-zero objectives. The Phasing Variation supports the Scottish Government's aim of maximising offshore wind deployment while taking a proportionate approach to considering environmental effects in line with policy.

The scale of Scotland's offshore wind pipeline places further importance on early, deliverable, and well characterised projects such as Berwick Bank. Progress to deliver this pipeline of projects will depend on already consented projects that demonstrate capability, certainty, and alignment with strategic policy priorities as discussed above. Berwick Bank is positioned to provide this, offering substantial generation capacity, contribution to 2030 clean power objectives, and a robust platform that can support supply chain development, infrastructure delivery, investment confidence, and long-term energy system planning.

5.3. Project Objectives

As outlined above, phasing does not change any assessed design parameters (array area, turbine numbers, turbine heights, export routes, or overall construction duration). It remains aligned with the Scottish Ministers' Project Objectives at paragraph 2.10 of the Derogation Assessment, particularly with regard to optimising limited fixed bottom seabed resources and contributing materially to Scottish and UK decarbonisation and energy-security targets.

Since submission of the applications there has been substantial reform to the UK grid connection process, including the NGESO Connections Reform Programme[2], the restructuring of the transmission queue, and the reprioritisation of projects across the system. These reforms, combined with constrained transmission capacity in Scotland, have altered the feasibility of achieving full build out of Berwick Bank before 2030. Considered alongside the timing of the consent determination, these external factors make full delivery of the project before 2030 unfeasible. However, through phasing the project, clarity can be provided on what aspects of the project can be delivered before 2030, including pre-2030 grid connection dates and operational capacity on the grid in 2030, supported by the project's advanced status, a CfD secured for the first Phase (Phase B) in AR7 for 1.4GW, Gate 2 confirmed Transmission Entry Capacity (TEC) dates, and use of proven fixed-bottom technology.

Phased delivery therefore allows Berwick Bank to continue meeting the Scottish Ministers' current strategic objectives while adapting to the changing grid and consenting environment. No other projects in Scotland are in a position to provide the equivalent power in the same time period. Taking account of this, the Project Objectives should be considered as:

- To generate a significant volume of low carbon electricity from offshore wind farms in support of the decarbonisation of the Scottish electricity supply - **no change**
- To export electricity to the electricity grid to support Scottish commitments for offshore wind generation and security of supply - **no change**
- To contribute to the delivery of a significant volume of operational offshore wind in Scottish waters *in 2030 and during the early* 2030*s* - **amendments in italics**
- To optimise generation and export capacity within the constraints of available Scottish sites and onshore transmission infrastructure – **no change**

5.4. Consideration of Alternative Solutions

The NGESO TEC Register[3] outlines that projects awarded seabed options agreements under the ScotWind leasing round in 2022 cannot provide early operational capacity before or in 2030 and therefore do not align with the temporal requirements associated with addressing near-term capacity needs, reinforcing the Scottish Ministers' conclusion that they do not represent feasible alternatives. This evidence has been reviewed in the context of the proposed phasing and updated delivery programme.

Only one ScotWind project, West of Orkney, has any TEC date before 2030 (750 MW in December 2029), with 1,500 MW not due until December 2030. The remaining approximate 29.3 GW of ScotWind capacity holds TEC dates in the 2030s, demonstrating that the majority of ScotWind projects remain at an early stage of development and constrained by transmission availability, and are therefore unable to meet the requisite timing to act as alternative solutions.

Furthermore, the Innovation and Targeted Oil and Gas Decarbonisation (INTOG) projects such as GreenVolt and Salamander, whilst having grid connections in 2029 and 2030 respectively, are materially different in nature, scale and purpose and are not at the scale required to act as an alternative to the project.

Berwick Bank is the only large-scale Scottish offshore wind project with contracted grid connection dates in 2030 and the early 2030s. As recognised in the Derogation Assessment (section 4.3.2.7), this firmly establishes Berwick Bank as the sole Scottish project capable of delivering meaningful operational capacity in 2030 and in the early 2030s. This position has been reassessed in light of the proposed phased delivery and

[2] Connections Reform | National Energy System Operator

[3] Transmission Entry Capacity (TEC) register | National Energy System Operator. Accessed 16th March 2026

remains unchanged. The Scottish Ministers concluded in paragraph 4.4.1 that no less damaging, legally available, technically feasible or timely alternative existed. This remains the case and delivering Berwick Bank on a phased bases reinforces this position because phasing:

- Increases certainty of delivering operational capacity in 2030 by enabling earlier partial commissioning;
- Maintains Berwick Bank's unique temporal advantage over all ScotWind projects by ensuring an initial Phase of generation is connected in 2030; and
- Supports delivery that is responsive to revised grid availability, transmission constraints and consenting realities without altering the PDE.

Recent policy work explicitly supports flexibility in delivery timelines and non-linear build out models. A recent UK Energy Research Centre paper[4] (2024) recommends "allowing more flexibility on project delivery date", recognising that phased or flexible delivery can accelerate near term deployment of offshore wind capacity and that "more planned phased orders [gives] the supply chain more visibility and scale in the project pipeline". This policy context confirms that phased delivery strengthens, rather than weakens, the project's ability to deliver timely capacity and does not introduce any new or credible alternative solutions.

Therefore, it is considered that the conclusions in the Consideration of Alternative Solutions in the Derogation Assessment remain valid.

5.5. Consideration of Imperative Reasons of Overriding Public Interest

The Scottish Ministers' IROPI conclusions (in paragraphs 7.2 to 7.5 of the Derogation Assessment) relied upon urgency of delivery and the project's ability to provide timely and substantial capacity to support decarbonisation, energy security and security of supply objectives. These conclusions have been reassessed in light of the updated phasing and delivery timings and remain valid. By enabling the energisation of initial capacity within the critical 2030 timeframe, the phased delivery of Berwick Bank:

- Enhances programme resilience by reducing delivery risk and increasing certainty of achieving early operational output;
- Accelerates climate and energy-security benefits within the current policy framework while recognising and responding to evolving grid availability and supply chain constraints; and
- Strengthens Berwick Bank's status as the only Scottish offshore wind farm capable of contributing meaningfully to short-term Scottish and UK government energy targets and delivering substantial generation in the early part of the next decade.

The phased approach ensures that material benefits are realised at the earliest opportunity. The phased approach will facilitate the timely delivery of imperative public interest benefits that cannot otherwise be met. In this context, the early generation enabled through phasing directly aligns with the basis on which the original IROPI conclusions were reached.

Accordingly, the phased approach to the delivery of Berwick Bank reinforces the urgency and public interest case relied upon by the Scottish Ministers. The balance of IROPI considerations is therefore strengthened, and the conclusions reached by the Scottish Ministers remain valid.

[4] Accelerating_Offshore_Wind_Deployment_through_Reform_of_Contracts_for_Difference.pdf

6. Summary of AA Validation and Derogation Case Conclusions

In light of the Phasing Variation and the validation and review exercise undertaken within this document, the conclusions of the AA, Assessment of Alternatives (paragraph 4.4.1), and IROPI Assessment (paragraphs 7.2 to 7.5), and associated compensation requirements are not considered to have changed and remain fully robust and valid.

7. Conclusion and Next Steps

Phased delivery enhances delivery certainty and strengthens policy alignment, while preserving all environmental conclusions and maintaining full consistency with the Scottish Ministers' Derogation Assessment. Grid reform and consenting delays have made full delivery by 2030 impractical, but Berwick Bank remains the only Scottish offshore wind project capable of delivering operational capacity, via Phase B, before 2030. The Scottish Ministers' conclusions of the AA and the associated Derogation Case remain valid and are further reinforced under a phased delivery model. The Addendum demonstrates that the Phasing Variation does not undermine the original findings regarding alternative solutions, the imperative reasons of overriding public interest (IROPI), or BBWFL's ability to secure and deliver effective compensatory measures.

On this basis, the Addendum supports Scottish Ministers in being able to conclude that the statutory tests under the Habitats Regulations continue to be met and that the Phasing Variation can be determined without the need for an updated AA and Derogation Case.

Where changes to conditions allow for a phased approach to discharging consent requirements, it is the intention that the compensation required will be delivered on a per-Phase basis. The methodology establishing the compensation to be delivered in each Phase as set out in section 3 will follow Option 4, as agreed with MD-LOT and NatureScot, alongside the amount of compensation which will be required to be delivered for each Phase.

8. References

Department for Energy Security and Net Zero (2024) Clean Power 2030 Action Plan. Available at: Clean Power 2030 Action Plan - GOV.UK

Scottish Government (2025) Draft Updated Sectoral Marine Plan for Offshore Wind Energy. Available at: Draft Updated Sectoral Marine Plan for Offshore Wind Energy

Scottish Government (2026) Offshore wind policy statement 2020 update: Scotland's Offshore Wind Ambition. Available at: Offshore wind policy statement 2020 update: Scotland's Offshore Wind Ambition - gov.scot

Appendix A: Supporting Data for Section 3

Table A1: Abundance per month, array plus 2 km, all birds, apportioned, availability bias corrected.

Month	Phase A					Phase B					Phase C					TOTAL ACROSS PHASES				
	Kittiwake	Gannet	Guillemot	Razorbill	Puffin	Kittiwake	Gannet	Guillemot	Razorbill	Puffin	Kittiwake	Gannet	Guillemot	Razorbill	Puffin	Kittiwake	Gannet	Guillemot	Razorbill	Puffin
Mar-19	10712	210	7756	1194	517	1306	35	3455	375	693	11897	149	7992	912	927	23915	394	19203	2481	2136
Apr-21 (2)	7622	336	45693	1135	2859	2334	256	38014	525	2550	2914	318	16876	1011	1245	12870	911	100583	2672	6654
May-19	2846	580	11275	647	1316	843	278	22197	732	1196	2369	1160	6613	233	219	6058	2018	40085	1613	2731
Jun-19	837	694	2804	38	172	688	622	2052	207	168	3834	2567	24062	2108	2377	5358	3883	28918	2353	2717
Jul-19	1614	1652	11906	740	1497	2722	1593	13095	878	1394	4336	1924	29289	1167	2278	8672	5169	54290	2785	5168
Aug-19	7571	3451	39022	1484	4015	1421	507	2974	437	1059	820	1775	2610	948	1026	9813	5734	44605	2869	6099
Sep-19	2279	1463	3456	1059	353	296	1107	1624	710	190	693	509	1485	545	99	3267	3080	6565	2314	642
Oct-19	332	437	1753	782	240	251	388	627	221	71	156	120	693	57	7	739	946	3073	1059	317
Nov-19	185	63	391	59	8	146	79	419	9	4	191	0	849	177	0	522	142	1659	245	13
Dec-19	223	0	719	298	0	110	0	1690	304	0	1422	0	9697	1280	21	1755	0	12106	1883	21
Jan-20	425	425	11195	1463	29	1213	9	3794	309	4	806	14	4986	608	120	2444	448	19976	2380	154
Feb-20	1988	8	10359	1299	118	476	9	1553	304	31	3636	99	20109	4767	290	6101	116	32020	6371	439
Mar-20	3250	189	22109	4330	286	4888	79	18032	3062	521	1457	226	16233	714	1047	9595	495	56373	8106	1853
May-20 (1)	6209	210	9156	307	1022	741	326	12821	344	900	6557	644	14181	460	552	13507	1180	36159	1111	2473
May-20 (2)	2779	269	6478	181	324	3631	618	12676	393	238	6847	778	36384	870	559	13257	1665	55538	1443	1121
Jun-20	2379	568	15462	248	450	3393	437	16951	534	375	6613	2150	9308	1839	495	12386	3155	41721	2621	1320
Jul-20	2047	1101	2325	135	778	4858	1902	7571	679	397	5581	1026	20957	2150	1507	12486	4029	30853	2964	2681
Aug-20	11557	2102	18296	2152	841	4253	843	13668	1072	719	13417	898	31765	12031	10935	29227	3843	63729	15256	12495
Sep-20	8517	803	13764	4263	6499	2012	556	6649	1350	3455	743	721	1400	269	85	11272	2080	21813	5882	10039
Oct-20	1312	328	2123	710	84	340	371	1796	485	124	4675	912	1273	134	85	6327	1611	5192	1330	292
Nov-20	1795	799	1455	214	84	684	472	1968	79	88	481	50	6889	927	14	2960	1320	10311	1220	186
Dec-20	563	189	8429	824	4	675	57	8043	1354	22	1570	78	7660	2766	7	2809	324	24132	4944	33
Jan-21	2060	63	7437	3893	13	446	9	3247	821	4	2348	141	4428	1181	290	4854	213	15112	5895	307
Feb-21	412	17	3948	1118	189	419	9	2087	331	163	4909	403	17251	2440	516	5740	429	23285	3889	869
Apr-21(1)	3683	277	15294	2749	374	3208	168	14268	953	609	17400	1167	28914	806	2235	24290	1612	58477	4509	3218
Average	3328	649	10904	1253	883	1654	429	8451	659	599	4227	713	12876	1616	1077	9209	1792	32231	3528	2559

Table A2: Abundance correction factors used for Options 3 and 4.

Phase	Kittiwake	Gannet	Guillemot	Razorbill	Puffin	Average
A	0.36	0.36	0.34	0.36	0.34	0.35
B	0.18	0.24	0.26	0.19	0.23	0.22
C	0.46	0.40	0.40	0.46	0.42	0.43

An example of a correction factor calculation: Kittiwake Phase A = 3328 / 9209 = 0.36