



Date: 23 April 2026

Ref: BK-SSE-000-CON-COR-0019

[Redacted]

**Berwick Bank Wind Farm Limited**  
Inveralmond House  
200 Dunkeld Road  
Perth  
PH1 3AQ

Marine Directorate – Licensing Operations Team  
Scottish Government  
375 Victoria Road  
Aberdeen  
AB11 9DB

Dear [Redacted]

### **Application to Vary the Berwick Bank Wind Farm Section 36 Consent and Marine Licences**

This letter constitutes an application 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.

#### Proposed Variation

The purpose of the proposed variation is 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.

The proposed 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 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

While 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

[www.berwickbank.com](http://www.berwickbank.com)

SSE Renewables is a trading name of SSE Renewables Limited which is a member of the SSE Group.  
The Registered Office of SSE Renewables Limited is Inveralmond House 200 Dunkeld Road Perth PH1 3AQ.

Registered in Scotland No. SC435847.

[sSERenewables.com](http://sSERenewables.com)

the S36 Consent and Marine Licences prior to entering, or upon the completion of, each phase.

### Need for the Variation

Berwick Bank Wind Farm will be constructed in phases in order to:

- Align with grid connection dates, which have been offered on a staged basis at two separate connection points (with two connections to Branxton, East Lothian and one connection to Blyth, Northumberland), and with grid connections reform, including the introduction of queue management by National Grid Electricity System Operator Limited (NGESO);
- Allow for financial investment based on securing routes to market, where financing will be secured incrementally;
- Reflect supply chain (manufacturing and installation) and port capacity and availability;
- Maximise opportunities to benefit from improvements in Wind Turbine Generator (WTG) technology, including generating capacity and efficiency (within the consented parameters); and
- Demonstrate the site conditions and effectiveness of mitigation strategies, and where necessary adapt these in response to monitoring activities.

Each phase of development will be subject to separate financing and contracting arrangements, will have separate transmission infrastructure and will therefore enter the Offshore Transmission Owner (OFTO) regime separately based on its grid connection.

While the project will be developed in phases, the entire development is intended to be built out, with each phase being taken forward sequentially, albeit there may be some overlap between construction of each phase. The construction of the development is in line with the timescales assessed in the Environmental Impact Assessment Report (EIAR) which accompanied the S36 Consent and Marine Licence applications. The construction of the development in phases does not change the Project Design Envelope (PDE), nor the conclusions of the EIAR, and the development will continue to accord with the provisions of the S36 Consent and Marine Licences.

As the S36 Consent and Marine Licence conditions are currently written, a single submission for the entire development is required in advance of the commencement of construction or, in some cases, upon completion of construction. While the S36 Consent and Marine Licence allow the post-consent plans to be updated and resubmitted for approval, recognising that information is subject to refinement as a development progresses, there is no formal requirement or allowance for information to be submitted (and approved) in advance of each phase of construction commencing. As such, there is no clear process for MD-LOT to confirm that the requirements of each condition have been met in relation to individual phases. This lack of clarity may be viewed as a risk by lenders, investors, OFTO bidders etc, who require certainty that the development is fully compliant with the S36 Consent and Marine Licences prior to making investment decisions.

Delivering the project in phases means that design parameters for the later phases are less mature and subject to further evolution and refinement. Some information required for post-consent plans for later phases is either not yet confirmed or subject to change as further refinement work is undertaken. For example, WTG layouts, cable positioning and Offshore Substation Platform (OSP) positions for later phases are indicative at this stage and subject to change based on further geotechnical and geophysical survey work and improved understanding of ground conditions. Consequently, inter-array cable configuration and routes, export cable routes and lighting and marking requirements are also yet to be determined for later phases. Taking a phased approach to condition discharge allows each post-consent plan to provide targeted information specific to each phase.

For these reasons, BBWFL require that the S36 Consent and Marine Licences include a mechanism for partial or phased discharge of those conditions that are tied to the 'Commencement of Development' (or 'Commencement of Licensed Activity') and 'Completion of Development' (or 'Completion of the Licensed Activity') milestones, or otherwise provide a route for the Scottish Ministers to confirm that the requirements of

the conditions have been met in relation to each phase, pending full discharge following the final phase milestones. This variation would provide greater clarity for all parties while reflecting the lack of certainty around design (and any requirements for further consent and licence variations), programme and financing for later phases.

On a practical level, the phased approach to development and construction means that earlier phases may be entering the operations and maintenance (O&M) phase while other phases remain in construction. Applying the same post-consent plan across multiple project stages and to multiple contractors will add complexity and increase the risk of non-compliance, particularly where a consent plan is updated with material that may not apply equally across phases. As such, BBWFL proposes that the post-consent plan conditions are amended to require the submission of *either* an updated plan *or* a new phase-specific plan, as appropriate to the subject matter, phase and contracting strategy.

While the proposed variation provides a mechanism for the phased discharge of relevant conditions, it is recognised that not all consent plan conditions are suitable for phasing. A number of conditions apply across the development as a whole and therefore must remain applicable on a project-wide basis. This includes requirements that are inherently overarching, such as the provision of an Environmental Clerk of Works (ECoW) and the implementation of development-wide aviation mitigation measures, as well as conditions that have already been fully satisfied. These conditions will continue to be discharged for the development as a whole.

Appendix 1 to this letter summarises the amendments sought via these variation applications, including a list of which conditions a mechanism for phased discharge is sought, and which ones we do not seek the ability to discharge on a phased basis. Full details of the amendments sought are within the enclosed red line versions of the consent and licences.

#### EIA Screening

This variation does not seek to amend any aspect of the PDE as assessed in the EIAR submitted with the original S36 Consent and Marine Licence applications and with which BBWFL is required to comply. Section 3.4.4 of the EIAR states that, "Due to its scale, the Proposed Development will be built out over a period of up to eight years." This overall construction programme remains unchanged. Any environmental effects identified in the EIAR, their significance, and the necessary mitigation measures are therefore unchanged. The proposed variation therefore seeks only to change the operation of the S36 Consent and Marine Licences in relation to the provision of information, rather than any design or programme aspect of Berwick Bank Wind Farm and its resulting environmental effects.

As such, an Environmental Impact Assessment (EIA) in accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended), The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) is not necessary. MD-LOT have previously confirmed (by e-mail 31 October) that screening in accordance with the aforementioned regulations would not be necessary in relation to a variation application to phase the S36 Consent and Marine Licence conditions since there is no change to the physical parameters of the development and therefore no new pathways of effect being created.

Should, in the development of the project phases, and the associated post-consent plans, BBWFL identify that any element of the PDE (or associated impact assessments) is no longer valid, this would be addressed in the relevant post-consent plan(s) and further environmental impact assessment undertaken as provided for in the EIA Regulations in relation to multi-stage consents, subject to agreement with MD-LOT.

#### Habitat Regulations Appraisal

In relation to the Habitat Regulations, an Ornithological 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 this variation application and the updated policy environment since determination of the original application. The validation exercise presented within 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 variation can be determined without the need for a new Appropriate Assessment.

In determining this 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 the Addendum sets out the methodology to calculate the phased 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.

### Consent Amendments

Marked up ('red line') versions of the S36 Consent and Marine Licences are enclosed with this application letter. These include suggested amendments that will allow for the phased discharge of the relevant conditions as described above, principally the amendment of each time-bound condition to require submission or notification to be made prior to commencement, or upon completion, of each phase of development (as applicable to the S36 Consent and each Marine Licence). The insertion of additional defined terms in Annex 3 to the S36 Consent and Part 1 of the Marine Licences is also necessary.

A key purpose of the post-consent plans is to demonstrate that the development is to be constructed in accordance with the S36 Consent and Marine Licence applications and the EIAR. Since BBWFL is proposing that the variation makes provision for new post-consent plans for each phase (where appropriate), it will be necessary for these plans to demonstrate that the construction of each phase – when considered together with the previous phase(s) – does not result in exceedance of the consented design parameters and will secure all commitments made in the EIAR. An additional condition is proposed to formalise this requirement.

While these applications are primarily intended to make provision for the phased construction of Berwick Bank Wind Farm, BBWFL is seeking to use this opportunity to make other minor amendments and corrections to the S36 Consent and Marine Licences as set out below.

#### *Corrections to S36 Consent Annex 1*

Annex 1 includes two items both numbered '1'. As such the numbering of the second, third and fourth items in the list requires correcting. This amendment is to correct a drafting error only and has no bearing on the function of the consent or the environmental impacts of the development.

#### *Corrections to S36 Consent Annex 2*

There is a drafting error referring to *First* Commissioning of the Development when instead the condition should refer to the *Final* Commissioning of the Development.

#### *Co-ordinate corrections*

This amendment would correct discrepancies in the co-ordinates included in the OTI (Part 1) and OTI (Part 2) Marine Licence applications and those in the 'Location of the Licensed Activity' in the licences as issued. These discrepancies are due to a drafting error and not due to any change in the Array Area arising from the licence determination process (for example, as mitigation for significant environmental effects). The corrected co-ordinates sit entirely within the Array Area assessed in the EIAR and do not expand the footprint or alter the design envelope. Figures 1 and 2 in the Appendix to this letter show the discrepancies in the co-ordinates in the OTI (Part 1) and OTI (Part 2) Marine Licences, respectively. In both cases, the licensed area (light green) should align with the 'Berwick Bank Offshore Site Boundary' (the wind farm Array Area).

The co-ordinates on the OTI (Part 1) and OTI (Part 2) Marine Licence applications provided for a full overlap with the wind farm Array Area to provide maximum flexibility in the siting of OSPs and OCSPs and the routing

of offshore export cables. This reflected the approach taken in the EIAR where it was assumed that the infrastructure could be located anywhere within the Array Area and the assessments were undertaken accordingly.

The co-ordinates on the Marine Licences exclude areas of the wind farm Array Area therefore reducing flexibility. These exclusions are not discussed in the decision notices for the Marine Licences and do not serve to avoid, reduce or mitigate for potential environmental effects. It is therefore assumed that the exclusions result from transcribing or mapping errors. As the EIAR assessed infrastructure anywhere within the Array Area, reinstating the excluded areas does not give rise to any new or worse likely significant effects.

#### *Removal of duplicate conditions*

BBWFL have identified instances where conditions or text are duplicated with the consent and licences, specifically:

- Condition 3.3.9 of the Generating Station Marine Licence has the same purpose and intent as conditions 3.3.2 and 3.3.3
- Condition 3.3.10 of the Generating Station Marine Licence is a duplicate of part of condition 3.3.3
- Parts of condition 32 of the S36 Consent have been repeated.

All proposed amendments described in this letter are summarised in Appendix 1 and detailed in the enclosed red line versions. BBWFL has supplied these red line versions to aid the determination process. If the Scottish Ministers intend to issue varied S36 Consent and Marine Licences which differ from these proposals, we would be grateful for the opportunity to review the drafts, and to discuss the variations, before issue.

Should you wish to discuss this request, or if you require any further information, please do not hesitate to contact me. Otherwise, we look forward to receiving your positive determination of the application set out in this letter.

Yours sincerely,

[Redacted]

#### **Simon Hindson**

Development Manager

For and on behalf of Berwick Bank Wind Farm Limited

#### Enclosures

- Supporting Ornithological Addendum
- Red line versions of the following, as detailed in page 1 of this letter application:
  - S36 Consent
  - Generating Station Marine Licence
  - Offshore Transmission Infrastructure (Part 1) Marine Licence
  - Offshore Transmission Infrastructure (Part 2) Marine Licence

## **Appendix 1 – List of conditions to be varied**

In this Appendix, all requests for conditions to be varied relate to the phased development of the project and the introduction a mechanism for phased discharge of conditions, unless marked (\*). Requests marked (\*) exclusively relate to the other amendments or corrections described in this application.

**Table 1: Section 36 Consent**

<b>Condition</b>	<b>Request to be varied (Yes/No)</b>
Annex 1	Yes*
1 – Duration of Consent	Yes*
2 – Commencement of Development	Yes
3 – Decommissioning Plan	No
4 - Assignation	No
5 – Redundant Turbines	No
6 – Incident Reporting	No
7 – Compliance with EIA	No
8 – Submission of Plans	No
9 – Compliance with Consent	No
10 – Forth and Tay Regional Advisory Group	No
11 – Construction Programme	Yes
12 – Construction Method Statement	Yes
13 – Development Specification and Layout Plan	Yes
14 – Design Statement	Yes
15 – Environmental Management Plan	Yes
16 – OFFSAB Monitoring	No
17 – Vessel Monitoring Plan	Yes
18 – Operations and Maintenance Programme	Yes
19 – Navigational Safety	Yes
20 – Inter Array Cable Plan (and ML Export Cable Plans)	Yes
21 – Lighting and Marking Plan	Yes
22 – Air Radar Defence Mitigation System	No
23 – Primary Radar Mitigation System	No
24 – Air Traffic Control Radar Mitigation Scheme	No
25 – Project Environment Monitoring Plan	Yes
26 – Fisheries Management Strategy	Yes
27 – Environmental Clerk of Works	No
28 – Fisheries Liaison Officer	No

Condition	Request to be varied (Yes/No)
29 – Offshore Archaeology	No
30 – Construction Traffic Management Plan	Yes
31 – Piling Strategy	Yes
32 – Seabird Compensation Plan	Yes
33 – Seabed Obstruction Plan	Yes
34 – Aviation Charting and Safety Management	Yes
Annex 3	Yes

**Table 2: Generating Station, OTI (Part 1) and OTI (Part 2) Marine Licences**

Condition	Request to be varied (Yes/No)		
	GS ML	OTI (Part 1) ML	OTI (Part 2) ML
1.1 – Interpretation	Yes	Yes	Yes
1.2 – Contacts	No	No	No
1.3 – Other authorisations and consents	No	No	No
1.4 – Variation, suspension, revocation and transfer	No	No	No
1.5 – Breach of requirement for, or conditions of, licence	No	No	No
1.6 – Defences: actions taken in an emergency	No	No	No
1.7 – Offences relating to information	No	No	No
1.8 – Appeals	No	No	No
2.1 – Location of the Licensed Activity	No	Yes*	Yes*
2.2 – Description of the Licensed Activity	No	No	No
2.3 – Descriptions of the materials to be used during the Licensed Activity	No	No	No
3.1.1	No	No	No
3.1.2	No	No	No
3.1.3	No	No	No
3.1.4	No	No	No
3.1.5	No	No	No
3.1.6	No	No	No
3.1.7	No	No	No
3.1.8	No	No	No
3.1.9	No	No	No
3.1.10	No	No	No

Condition	Request to be varied (Yes/No)		
	GS ML	OTI (Part 1) ML	OTI (Part 2) ML
3.1.11	No	No	No
3.1.12	No	No	No
3.1.13	No	No	No
3.1.14	Yes	Yes	Yes
3.1.15	No	No	No
3.1.16	Yes	Yes	Yes
3.1.17	No	No	No
3.1.18	No	No	No
3.1.19	No	No	No
3.1.20	No	No	No
3.1.21	No	No	No
3.1.22	No	No	No
3.1.23	No	No	No
3.1.24	No	No	No
3.1.25		No	
3.1.26		No	
3.1.27		No	
3.2.1	Yes	Yes	Yes
3.2.2	No	No	No
3.2.3	Yes	Yes	Yes
3.2.4	Yes	No	Yes
3.2.5	No (FTRAG)	Yes	No (FTRAG)
3.2.6	Yes (CoP)	No (FTRAG)	Yes (CoP)
3.2.7	Yes (CMS)	Yes (CoP)	Yes (CMS)
3.2.8	Yes (DSLPL)	Yes (CMS)	Yes (DSLPL)
3.2.9	Yes (DS)	Yes (DSLPL)	Yes (DS)
3.2.10	Yes (EMP)	Yes (DS)	Yes (EMP)
3.2.11	No (OFFSAB)	Yes (EMP)	No (OFFSAB)
3.2.12	Yes (VMP)	No (OFFSAB)	Yes (VMP)
3.2.13	Yes (OMP)	Yes (VMP)	Yes (OMP)
3.2.14	Yes (NSP)	Yes (OMP)	Yes (NSP)
3.2.15	Yes (CaP)	Yes (NSP)	Yes (CaP)
3.2.16	Yes (LMP)	Yes (CaP)	Yes (LMP)

Condition	Request to be varied (Yes/No)		
	GS ML	OTI (Part 1) ML	OTI (Part 2) ML
3.2.17	No (ADRMS)	Yes (LMP)	Yes (PEMP)
3.2.18	No (PRMS)	Yes (PEMP)	Yes (FMMS)
3.2.19	No (ATCRMS)	Yes (FMMS)	No (ECoW)
3.2.20	Yes (PEMP)	No (ECoW)	No (FLO)
3.2.21	Yes (FMMS)	No (FLO)	No (WSI/PAD)
3.2.22	No (ECoW)	No (WSI/PAD)	Yes (CTMP)
3.2.23	No (FLO)	Yes (CTMP)	Yes (PS)
3.2.24	No (WSI/PAD)	Yes (PS)	Yes (SCP)
3.2.25	Yes (CTMP)	Yes (SCP)	Yes (MMO)
3.2.26	Yes (PS)	Yes (MMO)	Yes (TPC/TPV)
3.2.27	Yes (SCP)	Yes (TPC/TPV)	(New condition)
3.2.28	Yes (MMO)	(New condition)	
3.2.29	Yes (TPC/TPV)		
(3.2.30)	(New condition)		
3.3.1	No	No	No
3.3.2	No	No	No
3.3.3	Yes	Yes	Yes
3.3.4	Yes	Yes	Yes
3.3.5	No	No	No
3.3.6	No	No	No
3.3.7	No	No	No
3.3.8	No	No	No
3.3.9	(Condition deleted)*		
3.3.10	(Condition deleted)*		
3.3.11	(Condition to be renumbered)*		
3.4.1	Yes	Yes	Yes
3.4.2	Yes	Yes	Yes
3.4.3	Yes	Yes	Yes
3.4.4	Yes	Yes	Yes
3.4.5	Yes	Yes	Yes
3.4.6	No	Yes	Yes
3.4.7	No	Yes (SOMP)	Yes (SOMP)
3.4.8	No		

Condition	Request to be varied (Yes/No)		
	GS ML	OTI (Part 1) ML	OTI (Part 2) ML
3.4.9	No		
3.4.10	Yes		
3.4.11	Yes		
3.4.12	Yes		
3.4.13	Yes		
3.4.14	Yes (SOMP)		



Figure 2: Co-ordinate discrepancies – OTI (Part 2) Marine Licence

