

Berwick Bank Wind Farm Offshore Wind Farm

Planning Statement

December 2022



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Executive Summary

The Proposed Development

- 1.1.1 The Proposed Development comprises the offshore elements of Berwick Bank Wind Farm which are subject of this application. The Berwick Bank Wind Farm will include both offshore and onshore infrastructure including an offshore generating station (wind turbines located in the Proposed Development array area), offshore export cables to landfall and onshore transmission cables leading to an onshore substation, with subsequent connection to the electricity transmission network.
- 1.1.2 Berwick Bank, as one of the largest offshore Wind Farms being proposed in the world, can substantially contribute to both the Scotland and the UK's legally binding climate change targets by helping to decarbonise energy supply, whilst also contributing to the essential tasks of ensuring security of supply and providing low-cost energy for consumers in line with the Scotland and UK Government's national policies.
- 1.1.3 Berwick Bank will also contribute materially to the economic and social landscape in Scotland and the UK as it can provide substantial employment opportunities and skills development, particularly in coastal communities, whilst also playing a major role in supporting Scotland and the UK's supply chains.
- 1.1.4 The Proposed Development comprises up to 307 wind turbines to be located in the outer Firth of Forth and Firth of Tay, within the former Round 3 Firth of Forth Zone, to the south of the Seagreen 1 and 1A Offshore Wind Farm projects. The Proposed Development array area will be located within the Scottish Offshore Region, approximately 37.8 km east of the Scottish Borders coastline and 47.6 km east of the East Lothian coastline. The offshore export cables which form part of the Proposed Development will be located within both the Scottish offshore region and Scottish Territorial Waters.
- 1.1.5 The Applicant has secured three Grid Connection Offers from National Grid Electricity System Operator (NGESO) for 4.1GW of Transmission Entry Capacity for Berwick Bank. This includes two connections at Branxton, East Lothian and an additional connection at Blyth, Northumberland. The agreement for the third additional connection was signed in June 2022 (hereafter referred to as the "Cambois connection"). Applications for the necessary consents (including marine licences) for the Cambois connection are being applied for separately once further development work has been undertaken on this offshore export corridor.
- 1.1.6 An Environmental Impact Assessment (EIA) has been completed for the Proposed Development 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). A Habitats Regulation Appraisal (HRA) has also been completed as required under the Conservation (Natural Habitats, & c.) Regulations 1994, The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (collectively referred to as the "Habitats Regulations")

The role of this Planning Statement

- 1.1.7 This Planning Statement supports the offshore applications for consent under Section 36 of the Electricity Act 1989, as well as Marine Licences under the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010c up to Mean High Water Spring (MHWS). A separate Onshore Planning Statement has also been prepared to support the application for planning permission under the Town and Country Planning (Scotland) Act 1997 for the Onshore Transmission Infrastructure landward of Mean Low Water Springs (MLWS).

- 1.1.8 The Scottish Ministers are the primary Regulatory Authority in respect of the necessary consents and licences required for the construction and operation of the Proposed Development. To allow the Scottish Ministers to properly consider the development proposals, developers are required to provide information which demonstrates compliance with the relevant legislation and policy and which allows adequate understanding of the relevant material considerations.
- 1.1.9 This Planning Statement demonstrates accordance with legislation and consenting requirements for the Proposed Development and sets out a clear case for consent. Importantly, Berwick Bank Wind Farm has been demonstrated to be a highly deliverable opportunity because of its proposed location, extent of previous surveys and studies and selected technology. When delivered, it will make a significant and important contribution to decarbonisation, security of supply and affordability, in the very near future. The Proposed Development is wholly consistent with the Scottish Energy Strategy and UK energy policy and is critical if Scottish and UK policy aims and legislative Net Zero targets are to be achieved within targeted timescales.
- Why Consent Berwick Bank?**
- 1.1.10 The Application for Berwick Bank Wind Farm presents an opportunity to deliver 4.1GW of offshore wind energy, with significant generation operational to the grid by 2030. Extensive work has been undertaken by the Applicant to identify opportunities for maximising generating capacity that can be delivered by the Project (4.1 GW) whilst reducing and mitigating potential adverse effects on the environment through design changes and reductions in the boundary of the Proposed Development array area.
- 1.1.11 The Statement of Need for Berwick Bank demonstrates that the deployment of offshore wind, and specifically the Berwick Bank Project is needed to make a significant contribution to the UK Government's following national policy aims of decarbonisation:
- > Net-zero and the importance of deploying zero-carbon generation assets at scale;
 - > Security of supply (geographically and technologically diverse supplies); and
 - > Affordability of energy.
- 1.1.12 Maximising the generating capacity of the Proposed Development array area will enable the Project to make significant strides towards the achievement of Scotland's legally binding Net Zero commitment by 2045 and the UK's target by 2050 as well as significant contribution towards achieving Scottish interim targets of reducing emissions by 75% by 2030. Moreover, it will make an essential contribution to the delivery of targets of 11 GW of offshore wind capacity in Scotland and 50 GW in the UK of offshore wind generation by 2030. Most importantly, by utilising proven technology (fixed foundations) this significant contribution can be delivered quickly (with significant generation by 2030) and competitively by a highly experienced and reputable developer.
- 1.1.13 Without Berwick Bank, it is very possible that delivery of multiple policies will fall short, including those as set out in: the Scotland Sectoral Marine Plan, Scottish Energy Strategy, The Ten Point Plan, UK Net Zero Strategy and UK Offshore Wind Sector Deal, as well as the targets set by the Climate Change (Scotland) Act 2009, The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, the (UK) Climate Change Act 2008 (as amended) and the Net Zero Strategy: Build Back Greener. Offshore wind is recognised as being an important technology for low-carbon generation and the urgent need for large capacities of low-carbon generation is clear to avoid compromising security of electricity supply. Specifically, Berwick Bank will be a necessary part of the future generation mix, and as such will make a valuable contribution in the direction of adopted Scotland and UK Government policy and achievement of decarbonisation commitments.
- 1.1.14 Having initially considered developing the Proposed Development as two separate projects (Marr Bank and the 2020 Berwick Bank) it became apparent that delivery of the full 4.1 GW

capacity by the early 2030s could only be achieved through the development of one single larger project, the Berwick Bank Wind Farm.

- 1.1.15 Although the two projects were combined to create one larger single project, subsequent changes made to the Berwick Bank Wind Farm Project boundary have resulted in the Proposed Development array area being only 30.8% larger than the 2020 Berwick Bank project (1,010.2 km² compared to 775 km²), whereas the maximum generating capacity of the Proposed Development array area has increased by 78.3% (4.1 GW compared to 2.3 GW). The maximum number of turbines required to generate 4.1 GW has also only increased by 26.9% (307 compared to 242) as a result of using larger wind turbines.
- 1.1.16 The Berwick Bank Wind Farm occupies the only remaining fixed bottom wind farm site in Scotland with capacity to deliver 4.1 GW of capacity. It is therefore important to note that if the Berwick Bank Wind Farm is not consented or unable to deliver the maximum achievable generating capacity, there are no alternative opportunities either within the Firth of Forth zone or elsewhere in Scottish Waters for the same capacity to be delivered against a similar time frame (early 2030s). All developable seabed is required to make continued progress in the fight against climate change.
- 1.1.17 Berwick Bank also offers an important opportunity to expedite energy security – a critically important national policy objective at this time. If developed to its full technically achievable capacity, Berwick Bank would provide enough energy to replace a proportion of imports to the UK.
- 1.1.18 Reducing the UK dependency on hydrocarbons is essential and consenting the full technical potential at Berwick Bank by the early 2030s would make a substantive step forward in that objective.
- 1.1.19 Another important consideration is the cost efficiency of delivering the scale of offshore wind proposed at Berwick Bank. The proposed location is assessed as being a lower-cost location than other alternative sites identified for delivery should Berwick Bank not be consented. The delivery of alternative, less progressed sites is likely to cost significantly more and take much longer to realise. The reasons for this include:
- > The seabed at Berwick Bank is shallower than the seabed lease areas in other locations and the proposed location is relatively close to shore. This allows lower cost technical solutions to be utilised compared to longer time frames for technological delivery for deeper seabed solutions.
 - > The seabed and marine environment at Berwick Bank is well surveyed. This provides increased confidence in the ability of the lease area to accommodate target capacities for generation. This improves the understanding of the levels of environmental impact and reduces uncertainty in assessments. Confidence in the overall ability to deliver the technical capacity is higher than those locations which do not benefit from the same level of survey.
 - > Wind Farm construction is already ongoing in the Firth of Forth, with Seagreen 1 located close by and on similar sub-sea terrain. Berwick Bank will be able to benefit from construction experience there and improve efficiency and help to underpin accurate connection dates and cost estimates.
 - > The points of connection identified for Berwick Bank are likely to attract lower onshore transmission costs and losses for the project than for comparable capacity connected further North. In turn, this will deliver low carbon energy to consumers at a lower overall cost than any other reasonable alternatives, including ScotWind.
- 1.1.20 The Proposed Development benefits further from confidence in delivery in using tried and tested fixed bottom technology (compared to new floating technology) and through delivery by a developer with a proven track record of delivering offshore wind in Scottish waters and in the specific area of the project.

The ScotWind Context

- 1.1.21 The delivery of the full potential capacity in one development enables efficiencies in delivery and consenting. As noted above, Berwick Bank Wind Farm is the largest developable fixed foundation site in Scotland. Of the 18 option areas awarded in January 2022 under the Crown Estate Scotland's ScotWind Offshore Wind Leasing Round, six option areas are for fixed foundation projects. The largest of these, the BP E1 option area is approximately 3GW¹ with a further three option areas indicating fixed wind capacity of up to 2GW each². As of November 2022, Scoping Reports have been submitted for two of these 2GW projects (OceanWinds Caledonia Offshore Wind Farm² and Offshore Wind Power Limited's West of Orkney Offshore Wind Farm).
- 1.1.22 Of the six fixed foundation projects, two have pre-2030 grid connections³ (2GW for Scottish Power Renewables (SPR) in 2028 and 750 MW for Offshore Wind Power Limited (OWPL) in 2029⁴). Both SPR and OWPL also have additional grid connection in 2031. The majority of other ScotWind projects either have 2033 grid connection, or do not yet have a grid connection agreement.
- 1.1.23 Based on this, it can be concluded that there are currently no other projects in the Scottish pipeline which could deliver the equivalent capacity in the timeframes in which Berwick Bank can deliver. All other ScotWind projects are scheduled for delivery post 2030. Delaying the consenting of the full available development capacity, which has been surveyed and assessed as capable of accommodating and delivering renewable energy generation would have a ratcheting-up effect on the capacity of offshore wind required to be developed under 2022 ScotWind and subsequent seabed leases in order to hit Net Zero. This is because taking actions later allows time for carbon emissions to accumulate further and global warming to progress yet further before the next round of sites are delivered. This would then require an increased magnitude of subsequent actions required to deliver decarbonisation.
- 1.1.24 In summary on Scotwind, it is essential for Scotland that Berwick Bank is developed, and developed at its full 4.1GW of potential capacity for the following reasons.
- > Against current development timeframes, which include grid connection, the great majority of ScotWind sites will not commission before 2030.
 - > SSE is a reputable and highly experienced developer with a proven track record in successfully developing and delivering offshore wind projects (from inception to operation).
 - > Berwick Bank uses a mature fixed bottom technology in a marine environment and water depth where offshore wind delivery is tried and tested.
 - > Berwick Bank is the next step to larger offshore projects in Scotland and to the delivery of ScotWind.
 - > The bringing forwards of ScotWind connection dates requires the bringing forward of onshore transmission system works to support power flows. The same does not apply to Berwick Bank.

¹ Based on ScotWind Results: [scotwind-list-of-successful-project-partners-170122](https://www.crownestatescotland.com/scotwind-list-of-successful-project-partners-170122) ([crownestatescotland.com](https://www.crownestatescotland.com))

² Option Area W1 (2 GW – fixed) and Option Area N1 (2 GW – fixed). Option Area NE4 has indicative capacity of 1 GW [scotwind-list-of-successful-project-partners-170122](https://www.crownestatescotland.com/scotwind-list-of-successful-project-partners-170122) ([crownestatescotland.com](https://www.crownestatescotland.com)). However Caledonia Offshore Wind Farm Scoping Report (Option Area NE4) [pre-application - offshore scoping report redacted.pdf](https://www.marine.gov.scot/pre-application-offshore-scoping-report-redacted.pdf) ([marine.gov.scot](https://www.marine.gov.scot)) refers to target capacity of 2 GW.

³ Scottish Power Renewables (SPR) – connection location not stated ([ESO Data Portal: Transmission Entry Capacity \(TEC\) Register - Dataset](https://www.eso.gov.uk/eso-data-portal-transmission-entry-capacity-tec-register-dataset)) [National Grid Electricity System Operator](https://www.nationalgrideso.com) ([nationalgrideso.com](https://www.nationalgrideso.com))

⁴ West of Orkney Scoping Report (OWPL, March 2022) makes reference to both fixed and floating foundations [Scoping Report](https://www.marine.gov.scot/scoping-report) ([marine.gov.scot](https://www.marine.gov.scot))

- > Berwick Bank therefore remains advantageous versus ScotWind in relation to grid connection dates and confidence of delivery and therefore in terms of its contribution to decarbonisation for Scotland and the UK and importantly can significantly contribute to the critical 2030 emission reduction targets.

Policy Appraisal

- 1.1.25 The Proposed Development has been appraised against the relevant energy and planning policy framework. In addition to the energy policy considerations referenced above, the policy appraisal set outs that although some significant environmental impacts are identified, these need to be viewed in the context of the design and siting approach taken for the Project and in relation to proposed mitigation. It is considered that the adverse effects that do arise, are outweighed by the benefits that would result.
- 1.1.26 Alternatives have been carefully considered and ruled out for robust reasoning. The Proposed Development has been carefully formulated and focused down to appropriate scale parameters by way of boundary revisions to minimise environmental effects.
- 1.1.27 The Applicant's Report to Inform Appropriate Assessment (RIAA) has concluded that there is a potential adverse effect on integrity (AEOI) in respect of eight Special Protection Areas (SPAs) because of predicted levels of collision and displacement impacts on qualifying ornithological species. However, these conclusions are based on the application of assessment parameters advised by key stakeholders in the Berwick Bank Scoping Opinion (MSLOT, 2022) which are considered to be highly precautionary. These assessment parameters are referred to in the ornithological assessment and the RIAA as the Scoping Approach. For five of the eight SPAs, conclusions of AEOI were reached as a result of in-combination effects which takes into consideration all other offshore wind farms in the North Sea. For the three SPAs where conclusions of AEOI have been reached for the project alone (based on the Scoping Approach), the species affected are kittiwake and guillemot.
- 1.1.28 The Applicant has also assessed potential collision and displacement impacts using an alternative 'Developer approach' where assessment parameters are more closely aligned with standard practice applied to other offshore wind farm projects outside Scotland. When applying the Developer Approach, the number of SPAs where the RIAA is concluding AEOI is reduced to five and only for impacts on kittiwake. Furthermore, there is only one SPA where a conclusion of AEOI is reached for the project alone, the St Abb's Head to Fast Castle SPA.
- 1.1.29 Given that conclusions of AEOI have been reached under both the Scoping Approach and Developer Approach, it is deemed necessary for the Applicant to provide the requisite information and justification (the Derogation Case) to satisfy the HRA Derogation Provisions under the Habitats Regulations in respect of the species for the SPAs identified. Under the Derogation Provisions decision-makers may grant consent for a plan or project where it is demonstrated that the plan or project must be carried out for imperative reasons of overriding public interest (IROPI), there are no alternative solutions and that compensatory measures can be secured to ensure that the overall coherence of the national site network is maintained. It is for the Scottish Ministers in conjunction with the Secretary of State to determine whether the substantial, long-term public interests that Berwick Bank serves, outweigh the public interest in the conservation of the qualifying species of the affected SPAs.
- 1.1.30 The assessment set out by the Applicant, in terms of the balance to be struck, is that there is an imperative overriding public interest in authorising Berwick Bank to further the fundamental policy objectives it will serve, which it is considered demonstrably outweighs the AEOI which is predicted in respect of the identified SPAs.
- 1.1.31 Moreover, the Derogation Case shows that predicted impacts are more than compensated for, by way an already well progressed and viable programme of compensation measures, giving more than enough confidence to consent the full application, and also presenting a detailed and carefully considered model of strategic compensation that can be used by the

Scottish Government much more widely than only in relation to Berwick Bank. Such an approach to ensure appropriate steps are taken would enable not just Berwick Bank, but the wider programme of Scotwind projects to go ahead with more than adequate compensation for any potential ecological effects.

Conclusions & the Planning Balance

1.1.32

A planning appraisal inevitably involves the striking of a balance between likely adverse effects, the extent to which they can be adequately mitigated and consideration of project benefits. Alongside the effects of the Project identified through the EIA process and reported in the EIA Report, key benefits will include:

- > With the potential capacity to generate an estimated **4.1 GW**, Berwick Bank is the largest offshore wind farm currently in development and, once built will be one of the largest offshore wind farms in the world. The Project will be a substantial infrastructure asset, capable of making a significant single near term contribution to decarbonisation objectives by delivering substantial amounts of low-carbon electricity – enough to power in excess of **5 million homes**⁵ each year, from as early as 2026.
- > Berwick Bank is essential to close the ‘gap’ on the Scottish Government’s offshore wind deployment target of 11GW by 2030;
- > Berwick Bank will contribute significantly to meeting climate change emission reduction targets in the 2020s and into the early 2030s. The 2030 global emissions reduction ambition ‘gap’ will be closed only by bringing forward such projects which connect as much capacity as possible to as early as possible. Over its lifecycle the electricity generated by the Project will save **9,178,312 tCO₂e** from being emitted into the atmosphere that would otherwise have been emitted from conventional, higher carbon emitting forms of energy generation (i.e. fossil fuels). When construction phase greenhouse gas emissions are included, the Project will save **2,951,519 tCO₂e** from being emitted into the atmosphere over its lifecycle.
- > Berwick Bank will contribute significantly to grid stability and security of supply. The British Energy Security Strategy (April 2022) aims for 50GW of offshore wind deployment by 2030.
- > Berwick Bank will also contribute materially to the economic and social landscape in Scotland and the UK and can provide substantial employment opportunities and skills development, particularly in coastal communities, whilst also playing a major role in supporting Scotland and the UK’s supply chains for offshore wind;
- > Economic benefits through the creation of jobs, work-force upskilling and investment in supply chain are also expected from the construction, operation and maintenance of Berwick Bank. Such benefits live on beyond the immediate construction of the project and can provide a long-lasting legacy (e.g. skilled workers who go on to work on successive OWF projects in the years and decades to come). Key economic benefits include:
 - The Project could potentially add up to an estimated **£8.3 billion to the UK economy** as a whole over its life-time.
 - During development, manufacturing, construction, and installation activities for Berwick Bank, the potential increase in employment across Scotland is estimated to be **6,000 total Full Time Employment (FTE) years** (direct employment).

⁵ Based on Typical Domestic Consumption Vales (Medium Electricity Profile Class 1, 2,900kWh per household: Ofgem, January 2020), minimum projected 50% load factor, and projected installed capacity of 4.1GW.

- In annual terms, the construction phase of Berwick Bank could support approximately **4,800 FTE job years** across Scotland.
 - Once operational, Berwick Bank would support around **750 jobs per annum** and **26,100 total (FTE years)** in Scotland (direct, indirect and induced).
 - In terms of investment, during manufacturing, construction, and installation activities, the Proposed Development has the potential to generate **£360 million GVA per annum** and **£450 million** in total over the whole construction period at the Scotland national level. This is equivalent to **80% of the 2019 offshore wind sector GVA** in Scotland.
- > Berwick Bank is compatible with Scottish planning and energy policies and would substantially help attain policy objectives, serving the public interest;
- > Maximising the capacity of generation in the resource-rich, accessible and technically deliverable Berwick Bank area, is to the benefit of all GB consumers, and the wind industry generally.

- 1.1.33 It is considered that the overall policy appraisal presented in this Planning Statement demonstrates a compelling case that Berwick Bank would deliver significant benefits in the wider public interest. The Project has been designed and assessed in full accordance with relevant legislative requirements and the underlying aims and objectives of the policy framework.
- 1.1.34 Overall, Berwick Bank can substantially contribute to both the Scotland and the UK's legally binding climate change targets by helping to decarbonise energy supply, whilst also contributing to the essential tasks of ensuring security of supply and providing low-cost energy for consumers in line with the Scotland and UK Government's national policies.
- 1.1.35 Berwick Bank will also contribute materially to the economic and social landscape in Scotland and the UK as it can provide substantial employment opportunities and skills development, particularly in coastal communities, whilst also playing a major role in supporting Scotland and the UK's supply chains.
- 1.1.36 It must follow from the above that the benefits that would arise from the Project should be afforded substantial weight in the planning balance. The delivery of this renewable generating infrastructure will substantially assist in the delivery of the Net Zero policy imperative, by the critically important date of 2030.
- 1.1.37 Consideration of the application will involve striking a balance between the need for the Project, its benefits and the mitigation of (and compensation above and beyond) predicted environmental effects. It is considered that the substantial, clear and compelling benefits of the Proposed Development outweigh any potential individual or cumulative adverse effects.
- 1.1.38 For all the above reasons the Section 36 consent and Marine Licence applications should be granted.

1. Introduction

1.1 Background

- 1.1.1 This Planning Statement has been prepared on behalf of Berwick Bank Wind Farm Limited (BBWFL), a wholly owned subsidiary of SSE Renewables (SSER) hereafter referred to as 'the Applicant'. The Applicant is developing the Berwick Bank Wind Farm and associated offshore and onshore infrastructure ('the Project'). The Planning Statement is submitted in support of the applications for consent for the offshore elements submitted under Section 36 of the Electricity Act 1989 (as amended) and the applications for Marine Licences under the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 for the Proposed Development (as described in the EIA report and accompanying application documents).
- 1.1.2 The Proposed Development is an offshore wind farm located in the outer Firth of Forth and Firth of Tay, approximately 37.8 km east of the Scottish Borders coastline (St. Abb's Head) and 44.8 km to the East Lothian coastline. The Project comprises both offshore and onshore infrastructure required to generate and transmit electricity from the Proposed Development array area to a Scottish Power Energy Networks (SPEN) 400 kV Grid Substation located at Branxton, southwest of Torness Power Station. The export cables will make landfall on the East Lothian coast at Skateraw.
- 1.1.3 The Applicant is also developing an additional export cable and grid connection to Blyth, Northumberland (hereafter the "Cambois connection"). Applications for the necessary consents (including marine licences) will be applied for separately once further development work has been undertaken on this offshore export corridor. The Cambois connection has been included as a cumulative project for the purposes of the offshore EIA and assessed based on the information presented in the Cambois connection Scoping Report submitted in October 2022 (SSER, 2022e). An EIA will be prepared to support any relevant consent applications that are required to deliver the Cambois connection which will also consider cumulative effects with the Proposed Development.
- 1.1.4 SSER is a leading developer, owner and operator of renewable energy across the UK and Ireland. This includes an impressive portfolio of offshore wind projects in the UK including the world's largest offshore wind energy project, the 3.5 GW Dogger Bank Wind Farm in the North Sea, which is a joint venture with Equinor and Eni, as well as Scotland's largest and the world's deepest fixed bottom offshore site, the 1.1 GW Seagreen Offshore Wind Farm in the Firth of Forth, a joint venture with Total Energies. In addition to this SSE are developing the Ossian ScotWind project and North Falls (Round 3 extension project). The background to the acquisition of the relevant Development Agreement with the Crown Estate for the development area is set out in detail in the EIA Report Volume 1, Chapter 4 Site Selection and Alternatives.
- 1.1.5 An Environmental Impact Assessment (EIA) has been undertaken and an EIA Report has been submitted in support of the Proposed Development in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) and The Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended). A separate Onshore EIA Report and Planning Statement have been prepared pertaining to the onshore elements of the Project which will be consented under the Town and Country Planning (Scotland) Act 1997 (as amended).
- 1.1.6 A HRA has also been completed as required under the Conservation (Natural Habitats, & c.) Regulations 1994, the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (collectively referred to as the "Habitats Regulations").

1.1.7 This Planning Statement provides an assessment of the Proposed Development against the relevant marine planning and renewable energy policy framework and relevant provisions of the National Planning Framework 3 (NPF3), emerging NPF4, and the Local Development Plan, in so far as the latter is relevant to offshore effects. The Statement is supplementary to, and separate from the EIA Report, and both documents should be read in conjunction.

1.2 Berwick Bank Wind Farm – scale and potential

1.2.1 The Berwick Bank Wind Farm will result in development of the remaining ‘developable’ parts of the Firth of Forth Round 3 Zone. Having initially considered developing the Proposed Development as two separate projects (Marr Bank (previously named ‘Seagreen 3’) and the 2020 Berwick Bank (previously named ‘Seagreen 2’) it became apparent that delivery of the full 4.1 GW capacity by the early 2030’s could only be achieved through the development of one single larger project, the Berwick Bank Wind Farm.

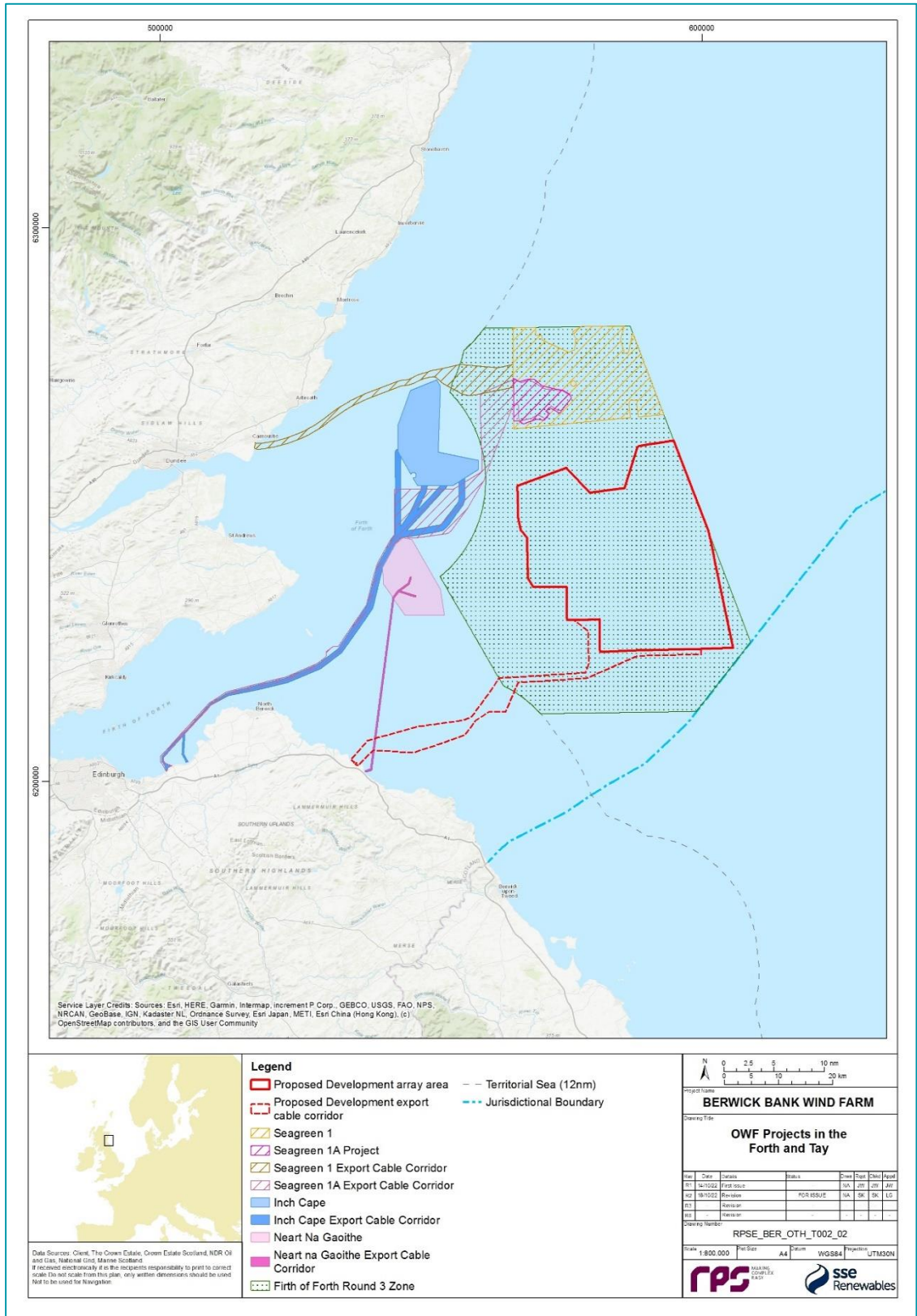
1.2.2 Having initially combined the Marr Bank and 2020 Berwick Bank projects into the single Berwick Bank Wind Farm Project in 2021 (SSER, 2021a), the Applicant progressed further studies to explore options for further refining the Project boundary with the principal objective of reducing the potential for adverse effects on the environment. This culminated in a 23% reduction in the Project boundary presented in the Berwick Bank Wind Farm Offshore Scoping Report (SSER, 2021a). The changes focused on the west and northern areas of the Proposed Development array area where the boundary was realigned to reduce the extent of overlap with areas identified from baseline surveys and desk studies as being of importance to seabirds and sandbank features of the Firth of Forth Banks Complex Nature Conservation Marine Protected Area (ncMPA). The southwest boundary was also realigned to increase the distance between the Proposed Development array area and the adjacent Outer Firth of Forth and St Andrew’s Bay SPA by 2 km.

1.2.3 The boundary change was also beneficial in mitigating potential effects on commercial fisheries (reducing the area of the array area and overlap with important fishing grounds), shipping and navigation (by increasing the distance between the Proposed Development array area and other offshore wind farm projects in the Firth of Forth and reducing potential for interaction with key shipping routes) and Seascape, Landscape and Visual receptors by increasing the distance of the Proposed Development array area from the coast.

1.2.4 Following the boundary change the Proposed Development array area for the Berwick Bank Wind Farm is now only 30.8% larger than the 2020 Berwick Bank project (1,010.2 km² compared to 775 km²), whereas the maximum generating capacity of the Proposed Development array area has increased by 78.3% (4.1 GW compared to 2.3 GW). The maximum number of turbines required to generate 4.1 GW has also only increased by 26.9% (307 compared to 242) as a result of using larger wind turbines.

1.2.5 The extent of the boundary change is illustrated in Figure 1 below. Further detail on the establishment of the Firth of Forth Zone and subsequent evolution of the Berwick Bank Wind Farm is presented in the EIA Report Volume 1, Chapter 4 Site Selection and Alternatives.

Figure 1.1: Berwick Bank Wind Farm



- 1.2.6 Developing the Berwick Bank Wind Farm as a single project enables the Project to maximise development of the remaining generation within the Firth of Forth Zone. At 4.1GW, the Project offers important opportunities to deliver a significant volume of renewable energy to attain climate targets in a short timescale (by the early 2030s). (This is an important consideration at a time when delivering enhanced renewable generation to meet extended climate targets is a critical policy priority – in particular the Scottish interim targets of reducing emissions by 75% by 2030.
- 1.2.7 Given the long history of the evolution of projects within the Firth of Forth Zone substantive advanced site investigations and surveys have been conducted to better understand both the technical conditions and potential environmental impacts associated with the Proposed Development and to identify measures for reducing any adverse effects to a minimum where possible. Development of the full 4.1GW is therefore secure in terms of engineering risk and deliverability and offers significant benefits to consenting smaller, higher risk generation projects in varying locations as alternatives.
- 1.2.8 Proposing to develop as large an installed capacity as possible in one location, while respecting the planning balance and required mitigations associated with the Project, whilst continuing to pursue opportunities to bring forward connections dates enables a big step towards closing the gap to increasing global renewables capacity by 2030 as agreed at COP26.
- 1.2.9 No other emerging offshore wind projects in Scotland have the advantage of being as advanced in their technical investigations to ensure delivery of this scale of capacity within the timescales required. Failing to deliver the full capacity at Berwick Bank within this single consent would not be consistent with, and does not support delivery against, international commitments made by the UK (including Scotland) at COP26, nor with Scottish and UK Climate Change policy and legislative provisions.
- 1.2.10 Berwick Bank is the last project that can be developed from the Crown Estate's Offshore Wind Lease Round 3 Zones (of which there are only two in Scotland) (and is significantly larger than any other remaining projects) and the project will effectively plug the gap between the remaining Scottish terrestrial waters projects (Inch Cape and NnG) and Moray West, the last of the Moray Firth Projects, coming online in the next few years, and the development of the ScotWind projects.
- 1.2.11 Furthermore, by proposing to develop as large a capacity as possible at Berwick Bank, the proposal brings forward an important opportunity and potential for supply chain investment in Scotland consistent with policy by supporting an expanding domestic market in Scotland-based support services in readiness for both ScotWind and international project support.

1.3 Project Description

- 1.3.1 Volume 1, Chapter 3 of the EIA Report provides a description of the Proposed Development. The description is based on design work undertaken to date and current understanding of the associated environment from site-specific survey work. Individual components of the Proposed Development, and associated activities with construction, operation and maintenance and decommissioning are described. A summary is provided below.

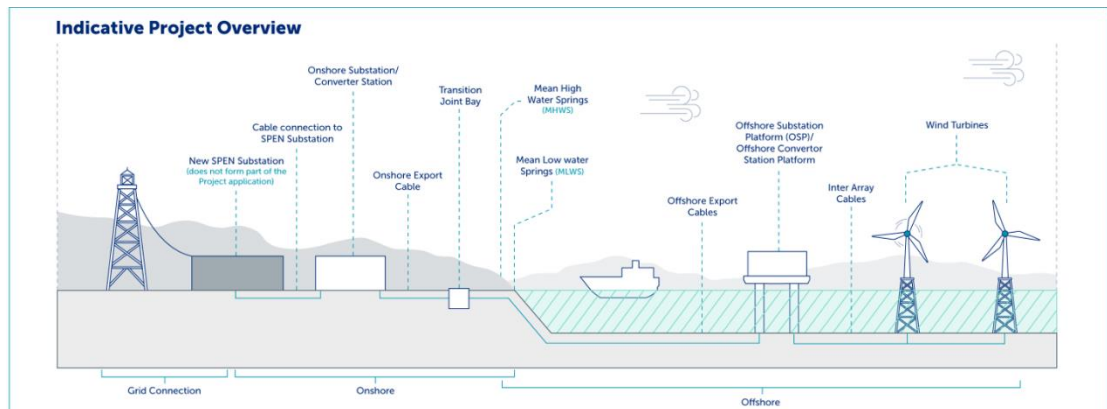
The Proposed Development – Approach and Description of Elements

- 1.3.2 The Applicant has followed the project design envelope (PDE) approach. The Proposed PDE has been designed to include sufficient flexibility to accommodate further project refinement during the final design stage. This approach is in line with Scottish Government (2013) guidance and is also compliant with guidance prepared by Marine Scotland and the Energy Consents Unit in June 2022 for applicants using the design envelope for applications under section 36 of the Electricity Act 1989.

- 1.3.3 The Proposed Development boundary covers an offshore area of 1,178.1 km². this area includes:
- > The Proposed Development array area (1,010.2 km²), where the offshore wind farm will be located, which will include the wind turbines, wind turbine foundations, array cables and a range of offshore substation and interconnector cables; and
 - > The Proposed Development export cable corridor up to MHWS (167.9 km²), where the offshore electrical infrastructure such as the offshore export cable(s) will be located.
- 1.3.4 The maximum seabed depth is recorded at two locations where deep channels cut into the seabed east and west of the central point array areas and is 68.5m Lowest Astronomical Tide (LAT). The shallowest area is observed in the west array areas at 33.4m LAT. The average seabed depth across the array area is 51.7 below LAT.
- 1.3.5 The Proposed Development export cable corridor commences at the southern/south-western boundary of the Proposed Development array area and makes landfall at Skateraw on the East Lothian coast.
- 1.3.6 The Applicant has a 50-year lease agreement with the Crown Estate and is applying for a 35 year operational period.
- 1.3.7 The key offshore elements of the Proposed Development (seaward of MHWS) include:
- > Up to 307 wind turbines (each comprising a tower section, nacelle and three rotor blades) and associated support structures and foundations;
 - > Up to 10 Offshore Substation Platforms (OSPs) / Offshore Converter Station Platforms and associated support structure and foundations to accommodate for a combined High Voltage Alternating Current (HVAC) High Voltage Direct Current (HVDC) transmission system solution or an HVDC solution;
 - > Estimated scour protection area of up to 10,984 m² per wind turbine and 11,146 m² per OSP/Offshore converter station platforms;
 - > A network of inter-array cabling linking the individual wind turbines to each other and to the OSP/Offshore converter station platforms, plus inter -connections between OSPs / Offshore converter station platforms (approximately 1,225 km of inter-array cabling and 94 km of interconnector cabling); and,
 - > Up to eight offshore export cables connecting the OSPs /Offshore converter station platforms to landfall at Skateraw. Offshore export cable design includes both HVAC and HVDC solutions.
- 1.3.8 The onshore elements are considered separately and are therefore not addressed within this Report.

1.3.9 **Figure 1.2** illustrates a diagrammatic indicative overview of the Project.

Figure 1.2 Indicative Project Overview



1.3.10 Further descriptive details of each element of the Proposed Development are provided in Volume 1, Chapter 3 of the EIA Report along with preliminary indicative layouts.

1.3.11 The following paragraphs provide a summary of the key stages of development:

Site Preparation Activities

1.3.12 A number of site preparation activities will be required in both the array and the export cable corridor areas. Site preparatory works are assumed to begin nine months prior to the first activities within the Proposed Development array areas and continue as required throughout the construction programme. These activities include:

- > Pre-Construction surveys;
- > Clearing of unexploded ordnance;
- > Sand wave clearance;
- > Boulder clearance; and,
- > Vessels for site preparation activities.

Construction Phase

1.3.13 Construction of the Proposed Development will follow the general sequence presented below. Further detail on each of these steps is provided in Volume 1, Chapter 3 of the EIA Report (Project Description):

- > Step 1 – offshore export cable – landfall installation;
- > Step 2 – foundation installation and scour protection installation;
- > Step 3 - OSP topside installation / commissioning;
- > Step 4 – inter-array and interconnector cable installation and cable protection installation;
- > Step 5 – offshore export cables – offshore installation and cable protection installation; and,
- > Step 6 – wind turbine installation / commissioning.

1.3.14 The construction activities associated with the Proposed Development are anticipated to commence in 2024 and will last for up to 96 months. The decommissioning process is likely to follow a similar programme to construction, in a reverse manner.

Operation and Maintenance Phase

- 1.3.15 The overall operation and maintenance strategy will be finalised once baseline location and technical specifications are known. The offshore operation and maintenance will however be both preventative and corrective. The strategy will include an onshore (harbour based) operation and maintenance base, supported by a Service Operation Vehicle (SOV) and / or Crew Transfer Vessel (CTV) logistics strategy.

Decommissioning Phase

- 1.3.16 Developers are required by legislation to prepare a decommissioning programme for approval by Scottish Ministers. A Section 105 notice is issued to developers by the regulator after consent or marine licences are issued. Developers are then required to submit a detailed plan for decommissioning works, including anticipated costs and financial securities. The plan will be consulted on with relevant stakeholders and will be made publicly available.
- 1.3.17 At the end of the operational lifetime of the Proposed Development, it is anticipated that all structure above the seabed or ground level will be completely removed where this is feasible and practicable. This will be kept under review depending on current legislation and guidance requirements at that time. A similar approach will be taken for cables and associated infrastructure with the aim for removal.
- 1.3.18 There is also potential for repowering, and this would be addressed via appropriate consenting applications in advance of termination of the current lifespan if desired. At this time, if this option was to be progressed, it is not expected that repowering would require any removal of existing or installation of new offshore cables.

1.4 Structure of this Planning Statement

- 1.4.1 This Planning Statement has been structured as follows:
- > **Chapter 2** provides a description of the relevant statutory and legislative provisions that apply to the consenting process for the Proposed Development;
 - > **Chapter 3** sets out the climate change and renewable energy policy framework;
 - > **Chapter 4** sets out other planning policy considerations;
 - > **Chapter 5** provides a policy assessment relative to the predicted significant environmental effects reported in the EIA Report and provides overall conclusions regarding policy matters;
 - > **Chapter 6** provides a description and assessment of the key benefits of the Proposed Development; and
 - > **Chapter 7** provides overall conclusions.

2. Statutory Considerations

2.1 Introduction

2.1.1 This Chapter provides a description of the relevant legislative provisions that apply to the determination of the application for Section 36 Consent and the associated Marine Licences. These provisions define the matters that the decision maker must have due regard to when reaching their decision on the applications. As noted, this Planning Statement applies only to the offshore generation aspects of the Project and associated transmission infrastructure seaward of MHWS which are the subject of the current applications, namely the wind turbines, their foundations and substructures, inter-array cables, cabling up to and onto the offshore substation platform / offshore converter station platforms, interconnector cables and export cables which will make landfall at Skateraw, East Lothian.

2.1.2 The following legislation is applicable for the consents and licences required for offshore electricity generation projects that are located in in both inshore and offshore waters.

- > The Electricity Act 1989 (as amended);
- > The Marine (Scotland) Act 2010;
- > The Marine and Coastal Access Act 2009;
- > The Energy Act 2004;
- > The Conservation (Natural Habitats, &c) Regulations 1994 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

2.2 The Electricity Act 1989 (as amended)

2.2.1 The Electricity Act 1989 provides the primary consent required to allow the construction and operation of a proposed offshore wind farm (the generating stations). An application for consent under Section 36 of the Act has been submitted and requires to be assessed in accordance with Schedules 8 and 9 of the Act.

2.3 The Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009

2.3.1 The Marine (Scotland) Act 2010 (MSA) and the Marine and Coastal Access Act 2009 (MCAA) set a requirement for a Marine Licence, the purpose of which is to protect the marine ecosystem and human health, as well as to minimise interference and nuisance to other legitimate users of the sea.

2.3.2 Under the MSA, Scottish Ministers have responsibility to determine whether to grant licences within the Scottish Inshore region of UK water from 0-12 nautical miles (nm), as well as having responsibility under the MCAA for licensing activities taking place within the Scottish Offshore Region (12-200nm) (which includes the Proposed Development array area).

2.3.3 Section 58 of the MCAA requires that *“A public authority must take any authorisation or enforcement decision with the appropriate marine policy documents unless relevant considerations indicate otherwise. If a public authority takes an authorisation or enforcement decision otherwise than in accordance with the appropriate marine policy documents, the public authority must state its reasons”*. The same requirement is stated in Section 15 of the MSA.

2.3.4 Section 69 of the MCAA and Section 27 of the MSA confirm the matters to be considered in determining licence applications and these include:

- > The need to protect the environment;
- > The need to protect human health;
- > The need to prevent interference with legitimate users of the sea;
- > Any such other matters as the determining authority considers relevant and
- > To have regard to any representations received from any person having an interest in the outcome of the application.

2.3.5 Consideration of these matters has informed the EIA and the mitigation proposed to minimise identified potential effects. This is presented fully within the EIA Report submitted in support of the application. A summary assessment of these findings in the context of the legislative framework forms the focus of this Planning Statement.

2.4 The Energy Act 2004

2.4.1 The Energy Act 2004 introduced provision for safety zones to be declared around offshore renewable energy installations, during construction and operation. It is a criminal offence for a vessel to enter a safety zone unless it is a permitted vessel or it is acting in an emergency situation.

2.4.2 The safety zone scheme as set out in the Energy Act 2004 and the Electricity (Offshore Generating Stations) (Safety Zones) (Applications Procedures and Control of Access) Regulations 2007 applies to territorial water (within 12nm) in Scotland to waters in the UK REZ. This scheme applies to all Offshore Renewable Energy Installations (OREIs) but not to export cables or inter-array cables. (The Scotland Act 2016 amends the Energy Act 2004, transferring functions to Scottish Ministers in relation to the declaration of safety zones in Scottish offshore waters). It is the intention that applications in this regard will be progressed post the submission of the main application.

2.4.3 The Energy Act 2004 also introduced a decommissioning regime for offshore wind and marine energy installations (as amended by the Energy Act 2008 and the Scotland Act 2016) ('the Energy Act'). Scottish Ministers may require a person who is responsible for these installations in Scottish Waters, or in a Scottish part of a REZ to prepare and carry out a costed decommissioning programme for submission to and approval by Scottish Ministers.

2.4.4 The decommissioning programme would be informed by the EIA Report and a final draft submitted to Scottish Ministers no later than six months prior to construction. Ministers have the power to determine specific approaches to decommissioning, including stipulating what form, timing and size of financial securities are required.

2.4.5 Further details on the decommissioning programme content and scope of requirements is contained within the EIA Report. The approach is wholly consistent with the Energy Act requirements.

2.5 The Habitats and Birds Directive

2.5.1 Council Directive (92/43/EEC) (the Habitats Directive) and European Directive (2009/147/EC) on the conservation of wild bird (The Birds Directive) were transposed into UK law (as relevant to Scottish waters) by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) (as they apply to section 36 consent applications) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). Together these are referred to as the Habitat Regulations.

2.5.2 The Habitats Regulations require a Habitats Regulations Appraisal (HRA) to be conducted by the competent authority before a plan or project that is likely to have a significant effect on a

European site or a European offshore marine site (as defined in the Habitats Regulations) can be given consent.

- 2.5.3 Despite the UK no longer being an EU State Member the Habitats Regulations continue to provide a legislative backdrop for HRA in the UK, and the UK is currently bound by HRA judgements handed down by the Court of Justice of the European Union (CJEU) prior to 31st December 2020.
- 2.5.4 In accordance with the Habitat's Regulations, where HRA screening has identified a likely significant effect (LSE) on a European site or a European offshore marine site, further information is required to enable the competent authority (in this case Scottish Ministers) to carry out an appropriate assessment to determine whether there is potential for the Project to have an adverse effect on the integrity (AEOI) of a European site. Where the appropriate assessment concludes that there is a risk of AEOI on a European site, further steps are undertaken as part of the HRA process including assessment of alternatives, examination of imperative reasons of overriding public interest (IROPI) for the plan to proceed, and consideration of necessary compensatory measures. These steps are referred to as the derogation process.
- 2.5.5 The Applicant has prepared a Report to Inform Appropriate Assessment (RIAA) for submission as part of the consent application. The RIAA presents information on the assessment of the effects of the Proposed Development on a number of European sites. This assessment concludes that, under the Scoping Approach (paragraph 1.1.27) there is a risk that the Proposed Development will have an AEOI on eight SPAs (The Forth Islands SPA, Fowlsheugh SPA, St Abb's Head to Fast Castle SPA, Buchan Ness to Collieston Coast SPA, East Caithness Cliffs SPA, Troup, Pennan & Lions Head SPA, Flamborough and Filey Coast SPA and Farne Islands SPA).
- 2.5.6 The key species effects across these sites include kittiwake (collision risk impacts), guillemot, razorbill and puffin (due to displacement impacts from the presence of the wind farm). Of the eight affected sites, three are predicted to be adversely affected by the Project alone, with kittiwake and guillemot the only species that are predicted to be affected at these sites. Adverse effects on the remaining five sites are predicted as a result of in-combination effects with other North Sea offshore wind farm.
- 2.5.7 When applying the Developer approach (paragraph 1.1.28) the number of SPAs where it is concluded that there is a risk of AEOI reduces to five, with adverse effects only identified for kittiwake. Of these five sites, conclusions of AEOI for four of the sites are as a result of in-combination effects. The only SPA to be adversely affected by the Project alone is St Abb's Head to Fast Castle SPA.
- 2.5.8 A derogation case has been provided with the submission due to the identified risk of AEOI on sites and species. As part of the Derogation Case, the Applicant has demonstrated that there are no alternative solutions to Berwick Bank, and there are imperative reasons of overriding public interest (IROPI) for the project to proceed, and that necessary compensatory measures can be secured.
- 2.5.9 The Derogation Case documents also demonstrate that the necessary compensation measures would more than adequately compensate for the predicted levels of impact identified for the eight sites and four species where AEOI has been concluded under the Scoping Approach. This will ensure that the overall coherence of the national site network is protected.

2.6 European Protected Species Licence

- 2.6.1 European Protected Species (EPS) are animals and plants (listed in the Habitats Directive and referred to in the Habitats Regulations) that are afforded protected under the Habitats Regulations. All cetacean species (whales, dolphins and porpoise) are EPSs. A licence is required for any activity that is likely to cause disturbance or injury to an EPS. EPS licences

are obtained from NatureScot or the Scottish Ministers depending on the reason for the licence application. The grant of these licences is separate to the main Section 36 and Marine Licence Application process. Activities which can be licenced under EPS licences includes those such as subsea noise disturbance due to piling construction activities.

2.6.2 EPS licences will be sought in due course, post-consent, if required.

2.7 Marine Strategy Framework Directive

2.7.1 The Marine Strategy Framework Directive (MSFD) came into force on 15th July 2008 and was transposed into UK law by the Marine Strategy Regulations in 2010. The MSFD requires Member States to prepare national strategies to manage their seas to achieve Good Environmental Status (GES) by 2020.

2.8 Water Framework Directive Regulations

2.8.1 The EC Water Framework Directive (WFD) became law in Scotland as the Water Environment and Water Services (Scotland) Act 2003. The legislation covers certain activities in coastal waters (3 nm from the limit of the highest tide) (SEPA, 2021). In the UK, coastal waters are protected under the WFD which requires *“the project or activities does not cause or contribute to deterioration in water body status or jeopardise the water body achieving good status”* (UK Government, 2014).

2.8.2 The Proposed Development is not considered to give rise to activities in the relevant coastal water areas which will contribute to deterioration in water body status in this regard (See WFD Assessment, Volume 3, Appendix 19).

2.9 Marine Protected Area Regulations

2.9.1 The MSA and the MCAA introduced provisions for the identification, designation and management of Nature Conservation Marine Protected Areas (ncMPAs). Under section 126 of the MCAA and section 83 of the Marine (Scotland) Act 2010, Marine Scotland, as the public authority, is required to consider whether an activity is capable of affecting (other than insignificantly) a protected feature or features in a ncMPA or any ecological or geomorphological process on which the conservation of any protected features in an ncMPA is dependent. In such circumstances authorisations must not be granted unless the person applying for the authorisation can satisfy the authority that:

- > There is no significant risk of the activity hindering the achievement of the conservation objectives for the ncMPA; or,
- > There is no other means of proceeding with the activity which would create a substantially lower risk of hindering the achievement of those objectives, that the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it, and that the person will undertake measures of equivalent environmental benefit to the damage which the act will, or is likely to have on the ncMPA concerned.

2.9.2 If the authority considers that there is, or may be, a significant risk, then they must notify the appropriate statutory conservation bodies of that fact (e.g. NatureScot (for ncMPAs within 12 nm), or the Joint Nature Conservation Committee (JNCC) (for ncMPAs out with 12 nm).

2.9.3 Relevant information and assessment in this regard is contained within the EIA Report. A MPA Stage One Assessment has been completed and concludes that there is no significant risk of the Proposed Development hindering the achievement of the conservation objectives for the Firth of Forth Banks Complex ncMPA as set out in section 1.7.1 and 1.7.2 (in accordance with section 83 of the Marine (Scotland) Act 2010 and section 126 of the Marine and Coastal Access Act 2009).

3. The Climate Change & Renewable Energy Policy Framework

3.1 Introduction

- 3.1.1 This Chapter sets out the climate change and renewable energy policy framework. Reference is made to International, UK Government, and Scottish Government climate change and renewable energy policies and targets. The Chapter also clearly sets out the relevant requirements of UK and Scottish Marine Policy as it is relevant to marine renewables, and how this is related to the wider renewable energy policy framework. This Chapter draws upon the Berwick Bank Wind Farm 'Statement of Need' and also Volume 1, Chapter 2 (Policy and Legislation) of the EIA Report.
- 3.1.2 Notwithstanding the importance of the international policy framework for renewables and green energy, it is the Scottish climate change, renewables and marine policies that are considered to be the most relevant elements of the overall framework under which to assess and determine the Proposed Development.
- 3.1.3 The framework discussed below is a very relevant material consideration to be afforded substantial weight in the determination of the Section 36 application and the associated Marine Licences.

3.2 Climate Change & Renewable Energy Policy: International Commitments

The Paris Agreement (2016)

- 3.2.1 In December 2015, 195 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 20C above pre-industrial levels, and to pursue efforts to limit global warming to 1.50C.
- 3.2.2 It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.
- 3.2.3 The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021 & 2022), related Press Release and Statements

- 3.2.4 The first part of the Inter-Governmental Panel on Climate Change (IPCC) 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The AR6 Report is the first major review of the science of climate change since 2013. The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.50C in the next decade and reaches the sobering conclusion that, without immediate, rapid and large-scale reductions in GHG, limiting warming close to 1.50C or even 20C will be beyond reach. For this and many other reasons the UN Secretary General described the AR6 Report as a "Code Red for humanity".

- 3.2.5 The second part of the AR6 report was published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a “dire warning about the consequences of inaction”. The press release refers to a narrowing window for action and states (emphasis added):
- “The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future.”*
- 3.2.6 The third part of the IPCC’s AR6 Report ‘Mitigation of Climate Change’ was published on 04 April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.
- 3.2.7 The Press Release for the third report summarises a number of the key points from the publication including:
- > *“limiting global warming will require major transitions in the energy sector. This will involve a substantial reduction in fossil fuel use, widespread electrification, improved energy efficiency and use of alternative fuels.” The report sets out that the “next two years are critical”. (page 1)*
 - > *In the scenarios assessed, limiting warming to around 1.5°C “requires global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030.... even if we do this, it is almost inevitable that we will temporarily exceed this temperature threshold but could return to below it by the end of the century”. (page 2)*
- 3.2.8 The Report makes it clear that immediate short-term acceleration of low carbon energy is needed if limiting warming below danger levels is to stay feasible. The Report emphasises the particular cost reductions that have affected wind and solar development and that these technologies will play a key role in the energy transition.
- 3.2.9 This third report from the IPCC has focused on how human actions can mitigate climate change. In short, the principal message is that humanity is currently not on track to limit warming, but that it is still possible to make the progress necessary by 2030 by using existing technologies for example, by moving rapidly to non-fossil fuel sources of energy.
- 3.2.10 The timescale imperative set out in the IPCC report matches that of the Scottish Government - both are essentially saying through their policy documents that it is clear that the next decade can and must be transformative.
- The United Nations Emissions Gap Report (2022)**
- 3.2.11 On 27 October 2022 the UN published its annual ‘Emissions Gap Report’ ‘The closing window – climate crisis calls for rapid transformation of societies’. In short it takes stock of where global greenhouse gas emissions are headed and where they need to be if we are to avoid the worst climate impacts.
- 3.2.12 The related ‘Key Messages’ paper published with the Report states that *“the world is still falling short of the Paris climate goals, with no credible pathway to 1.5°C in place. Only an urgent system-wide transformation can avoid an accelerating climate disaster.”*
- 3.2.13 The report looks at how to deliver this transformation, through action in the electricity supply, industry, transport and building sectors and the food and financial systems. The stated key messages include:
- > *“Despite a call for a strengthened Nationally Determined Contributions (NDCs) for 2030, progress since COP 26 in Glasgow has been woefully inadequate.*

- > *This lack of progress leaves the world on a path towards a temperature rise far above the Paris agreed goal of well below 2°C, preferably 1.5°C.*
- > *To get on track to meet the Paris Agreement goal, the world needs to reduce greenhouse gases by unprecedented levels over the next eight years.*
- > *Such massive cuts require a large scale rapid and systemic transformation across the globe.*
- > *The transformation towards zero greenhouse gas emissions and electricity supply, industry, transportation and buildings is underway but needs to move much faster”.*

3.3 Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

3.3.1 Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May to the Scottish Parliament on the 'Global Climate Emergency' and stated:

"There is a global climate emergency. The evidence is irrefutable. The science is clear, and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year - the world must act now by 2030 it will be too late to limit warming to 1.5 degrees.

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

3.3.2 The Minister also highlighted the important role of the planning system stating:

"And subject to the passage of the Planning Bill at Stage 3, the next National Planning Framework and review of Scottish Planning Policy will include considerable focus on how the planning system can support our climate change goals.

The Scottish Government has therefore begun to act on the stark warnings issued by the IPCC who have stated that by 2030 it would be too late to limit global heating to 1.5 degrees – but there is much more to be done”.

3.3.3 The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the Climate Emergency in 2019 by bringing in legislation.

3.3.4 Furthermore, the declaration of the emergency is not simply a political declaration, it is now the key priority of Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change, its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.

3.3.5 The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

- 3.3.6 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets even more ambitious targets – which reflect the recommendations of the Climate Change Committee (CCC) for a net zero greenhouse gas emissions target by 2045 at the latest, with challenging interim stages – a 75% reduction target by 2030 and 90% by 2040.
- 3.3.7 The 75% target which requires to be met by 2030 is especially challenging. Indeed, when the matter was proceeding through Parliament, it was the Scottish Parliament that increased the requirement from a 70 to 75% reduction by 2030. This acts upon the declarations of the climate change emergency and recognises the urgent response that is required.
- 3.3.8 The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. Table 3.2 below sets out the annual targets for every year to net-zero. The report for the 2019 target year was published in June 2021. The Report states that the Greenhouse Gas Account reduced by only 51.5% between the baseline period and 2019. As noted, the 2019 Act specifies a 55% reduction over the same period – therefore the targets for 2018 and 2019 were not met.
- 3.3.9 The Scottish Greenhouse Gas Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However according to the report, the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.
- 3.3.10 Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO₂e as more people worked from home during the pandemic. The Scottish Net Zero Secretary Michael Mathewson stated in June 2022 on the release of the latest statistics:
- “Nonetheless, the most significant changes are in the transport sector and are associated with the temporary measures taken in response to the Covid-19 pandemic. We must be prepared for these figures to substantially rebound in 2021. There can be no satisfaction taken in emissions reductions resulting from the health, economic and social harms of the pandemic.”* (emphasis added)
- 3.3.11 This demonstrates the scale of change required over the next decade to achieve the 2030 target. Delivering the necessary transmission infrastructure in Scotland will be critical to enabling the necessary increases in renewable capacity to drive the considerable increase in renewable electricity use which is forecast.

Table 3.1: Scotland's Annual Emission Reduction Targets to Net Zero

Year	% Reduction target	Actual Emissions Reduction %	Year	% Reduction Target
2018	54	50	2032	78
2019	55	51.5	2033	79.5
2020	56	58.7	2034	81
2021	57.9	-	2035	82.5
2022	59.8	-	2036	84
2023	61.7	-	2037	85.5
2024	63.6	-	2038	87
2025	65.5	-	2039	88.5
2026	67.4	-	2040	90 (Interim)
2027	69.3	-	2041	92
2028	71.2	-	2042	94
2029	73.1	-	2043	96
2030	75	Interim Target	2044	98
2031	76.5	-	2045	100% Net Zero

- 3.3.12 The targets set out in **Table 3.1** clearly illustrate the speed and scale of change that is required, essentially prior to 2030. This also demonstrates that up to 2020 the annual percentage reduction that was required was 1% but this then increases each year from 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030. This is the level of change that is required to achieve the 2030 target and represents a near doubling of the response.
- 3.3.13 This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before. The 2020s is a critical decade.
- 3.3.14 It is no exaggeration to say that there is a 'mountain to climb' to meet Scotland's 75% target for 2030. The CCC modelled five scenarios in CB6 and in none – even its most optimistic – is Scotland close to achieving a 75% emissions reduction by 2030:

“Scotland’s 75% target for 2030 will be extremely challenging to meet, even if Scotland gets on track for net zero by 2045. Our balance net zero pathway for the UK would not meet Scotland’s 2030 target – reaching a 64% reduction by 2030 – while our most stretching tail winds scenario reaches a 69% reduction”.

The Scottish Energy Strategy (2017)

- 3.3.15 The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but references the 50% energy from renewable sources target to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets so it is out of date in that respect.
- 3.3.16 The SES refers to *"Renewable and Low Carbon Solutions"* as a strategic priority (page 41) and states: *"we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets"*.
- 3.3.17 The SES specifically refers to offshore wind (pages 44/45) and states that *"our deeper waters in particular offer tremendous potential for future development."*
- 3.3.18 Reference is made to Scotland's first National Marine Plan (2015) which it states sets the overall framework for the management of Scotland's seas, including energy installations. Reference is also made to Marine Scotland's role in producing Sectoral Marine Plans to support the development of offshore renewable energy. It adds:
"There is huge industrial and economic potential attached to offshore wind development. Our offshore wind supply chain is strengthening and expanding – building on Scotland's established oil and gas expertise and experience. Scotland has the necessary competitive advantage and the building blocks – a skilled, committed workforce, excellent port infrastructure and a strong innovation hub."
- 3.3.19 The SES adds: *"We are determined to continue supporting and growing the sector in Scotland – creating more opportunities for Scottish manufacturers and our supply chain from the developments taking place in our waters and beyond."*

The Update to the Climate Change Plan (2018-2032) (December 2020)

- 3.3.20 The Scottish Government published the update to the Climate Change Plan (CCP) 'Securing a Green Recovery on a Path to Net Zero' on 16 December 2020. The plan covers the period 2018-2032 and responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045. The period it covers refers to the timescale in which the Government has committed to reduce greenhouse gas emissions by 75% by 2030 (compared with 1990 levels).
- 3.3.21 A key part of the plan is the green recovery, and it states (page 1) that:
"It is essential that a recovery from the pandemic responds to the climate emergency and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals".
"The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss".
- 3.3.22 In terms of electricity, the CCP update announces, *"further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system"*.
- 3.3.23 Page 18 refers to the "pathway to 2032" and sets out what the policies mean in practice. It states:
"our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met by renewable sources. More and more households, vehicles, businesses and industrial processes will be powered by renewable electricity, combined with green hydrogen production. There will also be a substantial increase in

renewable generation, particularly through new offshore and onshore wind capacity” (page 18).

- 3.3.24 Chapter 1 addresses electricity. Paragraph 3.1.4 recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector *“is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry”*.
- 3.3.25 Annex A of the CCP contains policies and proposals. For the electricity sector, ‘outcome 1’ is that *“the electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies”*.
- 3.3.26 Key points from the Climate Change Plan Update include:
- > Government views it as essential that a recovery from the pandemic responds to the climate emergency and puts Scotland on a pathway to deliver statutory climate change targets and a transition to net zero (page 1).
 - > In terms of electricity, the plan states that the Government will deliver actions from the Offshore Wind Policy Statement which *“supports the development of between 8 and 11GW of offshore wind capacity by 2030.”* (page 10).
 - > A growing and increasingly decarbonised electricity sector is seen as critical to enabling other parts of the economy to decarbonise, particularly transport, buildings and industry (page 32).
 - > The need to invest in renewable generation and related infrastructure to reduce greenhouse gas emissions is critical to creating good, green jobs as part of the green recovery and longer-term energy transition (page 78).
 - > Renewable generation is expected to increase substantially between now and 2032 with an expectation of development of between 11 and 16 Giga Watts (GW) of new capacity during this period, *“helping to decarbonise our transport and heating energy demand”* (page 40).

The Scottish Offshore Wind Policy Statement

- 3.3.27 The Offshore Wind Policy Statement (OWPS) (2020) sets out ambitions to capitalise on offshore wind development and the role this technology could play in meeting commitments of Net Zero by 2045. The OWPS builds upon the ambitions outlined in Scotland’s Energy Strategy. It also refers to the Offshore Wind Sector Deal published in 2019 which details specific actions to be undertaken by Governments and industry, designed to promote and grow the sector.
- 3.3.28 The OWPS highlights the intention of the Scottish Government to achieve as much as 11 GW of offshore wind capacity in Scottish waters by 2030. The report shows that the total consented capacity in Scotland (both from fixed and floating technologies) was 5.6 GW in September 2020.
- 3.3.29 Furthermore, the OWPS states:
- “Looking beyond 2030, we know that huge increases in renewable capacity and generation are likely to be needed in order to decarbonise our energy use, and to meet the potential for much greater demand for clean electricity – as well as for green hydrogen – to reduce emissions associated with heat, transport and industrial energy demand as we move towards 2045 and net zero. The 2020 Future Energy Scenarios, published by National Grid ESO, includes the potential requirement for 24 GW of offshore wind capacity dedicated solely to hydrogen production”*. (paragraph 10)
- 3.3.30 The OWPS also states with confidence that the current 2 GW of operational and under construction offshore wind capacity in Scottish waters could grow to between 8 GW to 11 GW by 2030, based on estimated forecasts of growth trends.

3.3.31 The Proposed Development will be a key contributor towards the offshore wind capacity growth required in Scottish waters to aid Net Zero goals.

The Programme for Government (2022)

3.3.32 The 'Programme for Government' 'a Stronger and More Resilient Scotland' was published in September 2022. It states that the climate emergency is becoming "more urgent" (page 4) and with reference to the current cost of living crisis, states "*our journey to net zero is not just part of the solution to this crisis: it is also critical to minimising the impending climate crisis, the impact of which will be even more significant than what we expect to see in the coming months*".

3.3.33 The Programme maintains the national focus on the transition to net zero and the significant economic opportunity it creates. The Programme therefore contains robust recommendations relating to achieving Net Zero and reducing greenhouse gas emissions.

3.4 UK Climate Change & Energy Legislation & Policy

The Climate Emergency

3.4.1 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared in Scotland in April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

3.4.2 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

3.4.3 The 2008 Act also established the (Climate Change Commission) CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

3.4.4 The CCC has produced six, four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in Table 3.2 below.

3.4.5 These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037. The UK is currently in the third carbon budget period 2018-2022.

Table 3.2: Carbon Budgets and Progress⁶

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1st carbon budget (2008 – 2012)	3,018 MtCO ₂ e	25%	Yes
2nd carbon budget (2013 – 2017)	2,782 MtCO ₂ e	31%	Yes
3rd carbon budget (2018 – 2022)	2,544 MtCO ₂ e	37% by 2020	On Track
4th carbon budget (2023 – 2027)	1,950 MtCO ₂ e	51% by 2025	Off Track
5th carbon budget (2028 – 2032)	1,725 MtCO ₂ e	57% by 2030	Off Track
6th carbon budget (2033 – 2037)	965 MtCO ₂ e	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

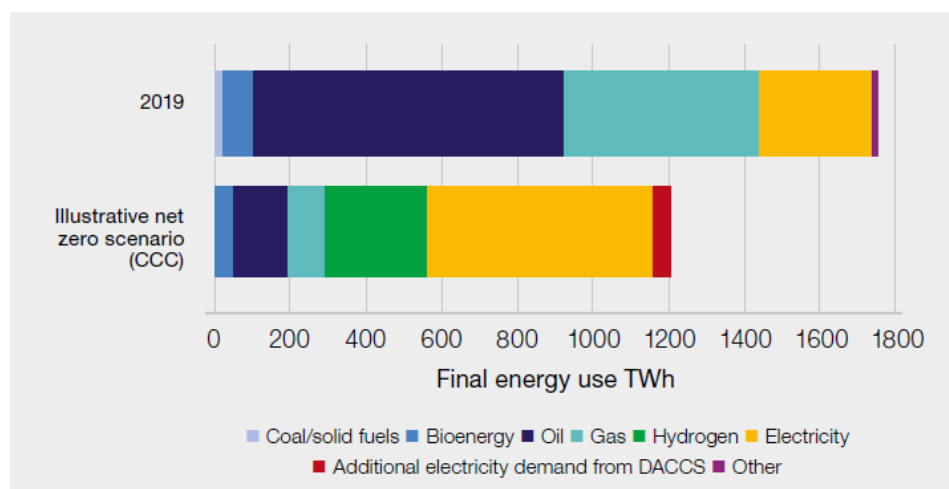
- 3.4.6 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK “decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement”.
- 3.4.7 Page 23 of CB6 refers to the devolved nations and sets out that “UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland” and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “planning and consenting”.
- 3.4.8 Key points from CB6 include:
- > UK climate targets cannot be met without strong policy action in Scotland.
 - > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and potentially trebling by 2050.
 - > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
 - > In terms of the expansion of low carbon energy supplies, the in the CCC’s ‘balanced pathway’ the low carbon share of generation is 100% by 2035 – the “*largest contribution is from offshore wind reaching the Government’s goal of 40 GW in 2030, on a path to 65-125 GW by 2050.*” (page 25)
- 3.4.9 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021) to reduce emissions by 78% by 2035 compared to 1990 levels.

⁶ Source: CCC (2022).

The UK Energy White Paper (December 2020)

- 3.4.10 The UK Government Energy White Paper 'Powering our Net Zero Future' (December 2020) sets out that: "electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050".
- 3.4.11 It adds a key objective is to "accelerate the deployment of clean electricity generation through the 2020s" (page 38). Electricity demand is forecast to double out to 2050, which will "require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target" (page 42).
- 3.4.12 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 3.1**.

Figure 3.1: Illustrative UK Final Energy Use in 2050



- 3.4.13 In terms of electricity policy in the White Paper, the UK Government clearly recognises that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

The UK Net Zero Strategy (October 2021)

- 3.4.14 The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC) and establishes the long-term pathway to net zero by 2050.
- 3.4.15 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.
- 3.4.16 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

3.4.17 Key policies are set out including that by 2013 there will be some 40GW of offshore wind with “more onshore, solar and other renewables”.

3.4.18 In terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents “a very significant increase in the pace of power sector decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity”. (page 98). It adds:

“although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject to security of supply bringing forward the Government’s commitment to a fully decarbonised power system by 15 years, whilst meeting at 40-60% increase in demand”.

3.4.19 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

3.4.20 The British Energy Security Strategy (“BESS”) was published by the UK Government on 7 April 2022. The BESS focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

“this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies”. (emphasis added)

3.4.21 In terms of offshore wind, the BESS states (page 16):

“Our island’s resources, with its shallow seabeds and high winds offers us unique advantages that have made us global leaders in offshore wind and pioneers of floating wind. With smarter planning we can maintain high environmental standards while increasing the pace of deployment by 25%. Our ambition is to deliver up to 50GW by 2030, including up to 5GW of innovative floating wind.

Our history of North Sea oil and gas expertise enables us rapidly to deploy our rich expertise in sub-sea technology and maximise our natural assets. Already, just off the coast of Aberdeenshire, we have built the world’s first floating offshore wind farms. There will be huge benefits in the Irish and Celtic Sea. And by 2030 we will have more than enough wind capacity to power every home in Britain.

We will be the Saudi Arabia of wind power, with the ambition that by 2030 over half our renewable generation capacity will be wind, with the added benefit of high skilled jobs abounding these shores. But the development and deployment of offshore wind farms still takes up to 13 years.

On planning, these projects tend to have public support, and ultimately benefit the environment because they help reduce the damage to habitats that is caused by climate change.

On cost, the unit cost of offshore wind power has fallen by around two-thirds. The Contracts for Difference scheme has shared the risks of investing in new technologies to boost UK renewables and bring in billions of pounds of private investment.

On jobs, our technological leadership is delivering high skilled, high wage British jobs. Our increased ambition means we expect the sector will grow to support around 90,000 jobs by 2030.”

3.4.22

The BESS is specifically referenced in the Berwick Bank Statement of Need which highlights that it is relevant to the case for need for the Proposed Development because it explains the important energy security and affordability benefits associated with developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is enormous in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics. The Proposed Development would help the UK attain these objectives.

3.5 Key Zero Carbon Targets: Summary

3.5.1 It is considered helpful to summarise the key targets and the current position against each. There are a number of key zero carbon targets as set out in **Table 3.3** below.

Table 3.3: Key Zero Carbon Targets

Year	Target	Summary	Current Position
2045	Net Zero In Scotland	Scotland has already largely decarbonised electricity production, therefore the primary challenge is to replace fossil fuels used in industry, heating of buildings and transport, which will mostly require substitution of fossil fuels with zero carbon electricity, meaning a large expansion of generation, transmission, distribution and supply of renewable energy.	The Scottish greenhouse gas account 'GHG Account' reduced by 58.7% between the baseline period (1990) and 2020 ⁷ .
2050	Net Zero in the UK	Means no net carbon emissions in UK. Given there will be some residual emissions remaining (e.g. from agriculture) therefore an equal amount of carbon removal will be required by means such as carbon capture, storage or usage.	In 2021 total greenhouse gas emissions were 47.3% lower than they were in 1990 ⁸ .
2035	Zero Carbon Electricity in the UK	The UK Government target is for all electricity in 2035 to be generated by zero carbon, i.e. with no unabated fossil generation.	In 2021 fossil fuels generated 41.9% of UK electricity ⁹ , hence a large increase in renewables is required for this target.
2030	50% renewable energy in Scotland	Renewable energy generation to account for 50% of energy demand across electricity, heat and transport. This will mean a significant expansion of renewable energy sources and associated needs for energy storage, flexibility and stability services.	Total Scottish energy consumption from renewables was 25.4% in 2020 ¹⁰ .
2030	75% Interim Emissions Reduction Target in Scotland	Key interim target as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. 75% reduction in emissions lower than the baseline of 1990 levels.	The Scottish greenhouse gas account 'GHG Account' reduced by 58.7% between the baseline period (1990) and 2020.

⁷ Scottish Government, Official Statistics, Scottish Greenhouse Gas Emissions 2020, (June 2022).

⁸ Department for Business, Energy & Industrial Strategy, 2021 UK Provisional Greenhouse Gas Emissions, National Statistics (March 2022).

⁹ Department for Business, Energy & Industrial Strategy, UK Energy in Brief, National Statistics (2022).

¹⁰ Scottish Government, Energy Statistics for Scotland, Q1 2022 Figures (June 2022).

3.6 The Marine Policy Framework

3.6.1 This section describes the marine policy framework that is applicable to the consideration of the Proposed Development. The key marine policies are:

- > The UK Marine Policy Statement (2011) (and Guidance effective from 1 January 2021)
- > Scotland's National Marine Plan (2015)
- > Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 28th October 2020)

The UK Marine Policy Statement (2011)

3.6.2 The Marine Policy Statement (MPS) is a joint policy adopted by all UK Governments including the Scottish Government and sets the framework for preparing Marine Plans and taking decisions affecting the marine environment. It was prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009.

3.6.3 The MPS restates the Marine and Coastal Access Act 2009 requirement that *"all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine areas do so in accordance with the MPS unless relevant considerations indicate otherwise"*.

3.6.4 The MPS facilitates and supports the formulation of Marine Plans to ensure that marine resources are used in a sustainable way in line with high level marine objectives to:

- > *"Promote sustainable economic development;*
- > *Enable the UK's move towards a low carbon economy, in order to mitigate the cause of climate change and ocean acidification and adapt to their effects;*
- > *Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and heritage assets; and*
- > *Contribute to the societal benefits of the marine areas, including the sustainable use of marine resources to address local social and economic issues"*.

3.6.5 The MPS also sets the direction for marine licensing and other relevant authorisation systems. In doing so marine planning is directed to:

- > *"achieve integration between different objectives;*
- > *Recognise that the demand for use of our seas and the resulting pressures on them will continue to increase;*
- > *Manage competing demands on the marine areas, taking an ecosystem-based approach;*
- > *Enable the co-existence of compatible activities wherever possible; and*
- > *Integrate with terrestrial planning"*.

3.6.6 The MPS and Marine Plans for a *"plan-led system for marine activities and provide a greater coherence in policy alongside a proactive and spatial planning approach to the management of the marine area, its resources and the activities and interactions that take place within it"*. Marine Plans require to be prepared and adopted in accordance with the relevant legislation. Scottish Ministers are the authority responsible for preparation of the Marine Plan for the Scottish inshore and offshore region. Marine Plans for each areas are required to provide detailed policy and spatial guidance for an areas and help ensure that decisions within a plan areas contribute to the delivery of UK, national and area specific policy objectives.

3.6.7 The MPS and marine planning systems sit alongside and interact with existing planning regimes, including the town and country planning. In Scotland this includes the National

Planning Framework. As the Marine Plan will cover the areas up to the level of mean high water spring tides, and terrestrial planning boundaries usually extend up to the level of mean low water spring tides, the marine plan areas will physically overlap with the terrestrial plan, thus ensuring that the whole of the marine and terrestrial environments are adequately considered and addressed and ensuring that organisations work together to ensure appropriate decisions are reached.

3.6.8 Chapter 2 of the MPS sets out high level marine objectives for the marine environment which are summarised as:

- > Achieving a sustainable marine economy;
- > Ensuring a strong, healthy and just society;
- > Living within environmental limits;
- > Promoting good governance; and
- > Using sound science responsibly.

3.6.9 Thereafter MPS sets out a number of high level principles for marine decision making, those of relevance include:

- > Be conducted in a manner that meets requirements under UK and EU legislations;
- > Be based on detailed information and advice in the relevant marine policy documents for the administrative area;
- > Be conducted in a manner that takes account of other relevant projects, programmes, plans and national policies and guidance;
- > Be taken after appropriate liaison with terrestrial planning authorities and other regulators, and in consultation with statutory and other advisors when appropriate;
- > Be taken using risk-based approach that allows for uncertainty, recognising the need to use sound science responsibly;
- > Be sensitive to any potential impacts on sites of particular significance including those:
 - > Protected under environmental legislation or designed in relation to cultural heritage;
 - > Of particular social or economic significance.
- > Take account of potential impacts of climate change mitigation and adaptation in individual applications to ensure that any appropriate adaptation and mitigation measures have been identified;
- > Take account of the benefits of good design (including the best use of available technologies and innovation) can delivery; and
- > Look to avoid and then mitigate negative impacts where possible at various stages of development, including appropriate conditions in line with legal obligations, in a manner that is proportionate to the potential impacts of the proposal under consideration. Where alternative site selection or design could mitigate negative effects whilst retaining benefits, this should be considered, where appropriate.

3.6.10 As regards the consideration of benefits and adverse effects the marine plan authority (Scottish Ministers) will need to assess the impacts of proposals for the marine plan area. The precise nature of the benefits or adverse effects will depend on a number of factors depending on the type of activity proposed, the specific characteristics of the area affected, and the compatibility of the proposed use with other existing or planned activities. The consideration of cumulative impact is stated as an essential step in the process.

- 3.6.11 MPS states that all these considerations should be picked up within the Marine Plan making process through the Sustainability Appraisal for each Marine Plan that is created, highlighting that that should include a Strategic Environmental Appraisal (SEA) and an Appropriate Assessment (AA) for the Marine Plan.
- 3.6.12 Other key considerations that Marine Plan Authorities should take into account when preparing the required assessments as part of the marine planning process are discussed in detail and include economic social and environmental benefits and potential adverse effects that may arise from any activity. A summary of the key issues to be considered within marine plans includes:
- > Marine ecology and biodiversity;
 - > Air quality;
 - > Noise;
 - > Ecological and chemical water quality and resources;
 - > Seascape;
 - > Historic environment;
 - > Climate change adaption and mitigation; and
 - > Coastal change and flooding.
- 3.6.13 Section 3.3 of the MPS specifically relates to 'Energy Production and Infrastructure Development'. It advises that when decision makers are determining application for energy infrastructure the following issues should be taken into account:
- > The national level of need for energy infrastructure as set out in the National Planning Framework (in Scotland);
 - > The positive wider environmental, societal and economic benefits of low carbon electricity generation and carbon capture and storage as key technologies for reducing carbon dioxide emissions;
 - > That renewable energy resources can only be developed where that resource existing and where economically feasible;
 - > The potential impact of inward investment in offshore wind, wave, tidal stream and tidal range energy related manufacturing and deployment activity, as well as the impact of associated employment opportunities on the regeneration of local and national economies – all of which support the objective of developing the UK's low carbon manufacturing capability;
 - > The UK's programme to support the development and deployment of Carbon Capture and Storage (CCS) and in particular the need for suitable locations that provide for the permanent storage of carbon dioxide.
- 3.6.14 Paragraph 3.3.19 identifies that *"the UK has some of the best wind resources in the world and offshore wind will play an important and growing part in meeting our renewable energy and carbon emission targets and improving energy security by 2020, and afterwards towards 2050"*.
- 3.6.15 The MPS is a strategic policy document and sets the requirements for the area specific Marine Plans detailed policy provisions and direction.

Scotland's National Marine Plan (2015)

- 3.6.16 Scotland's National Marine Plan (NMP) was adopted in March 2015 and sets out a national strategy, ensuring sustainable economic growth of marine industries which taking into account environmental protection, and sets out policies with economic, social and marine ecosystem objectives. The plan covers the management of both Scottish inshore and offshore waters.
- 3.6.17 The NMP sets a number of general policies applicable to all marine applications underpinned by the need for marine planning to contribute to sustainable development and use of marine resources by enabling development and use that balances costs and benefits. The NMP acknowledges that development and use of the marine environment, if undertaken in the right place at the right time, can provide multiple benefits. The presumption in favour of sustainable development and use is presented as an overarching general principle of the Plan.
- 3.6.18 Chapter 11 provides specific objectives and policies for the Offshore Wind and Marine Renewable Energy sector. It is noted that *"not all the objectives listed can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making"*.
- Objectives:*
- > Sustainable development of offshore wind, wave and tidal renewable energy in the most suitable locations;
 - > Economic benefits of offshore wind, wave and tidal energy developments maximised by securing a competitive local supply chain in Scotland;
 - > Alignment of marine and terrestrial planning and efficient consenting and licensing processes;
 - > Aligned marine and terrestrial electricity transmission grid planning and development in Scottish Waters;
 - > Contribute to achieving the renewables target to generate electricity equivalent to 100% of Scotland's gross annual electricity consumption from renewable sources by 2020;
 - > Contribute to achieving the decarbonisation target by 2030;
 - > Sustainable development and expansion of test and demonstration facilities for offshore wind and marine renewable energy devices;
 - > Coordinated government and industry-wide monitoring.
- 3.6.19 A series of 10 Marine Planning Policies for 'Renewables' are set a summary of those most relevant to the Proposed Development are provided in **Table 3.4** below:

Table 3.4: Relevant NMP Marine Planning Policies for Renewables

Policy	Summary
Renewables 1	Proposals for commercial scale offshore wind and marine renewable energy development should be sited in Plan Option (PO) areas identified through Sectoral Marine Plan process. POs are preferred strategic locations for the sustainable development of offshore wind and marine renewables. Proposals are subject to consenting and licensing processes.
Renewables 4	Application for marine licences and consents relating to offshore wind and marine renewable energy projects should be made in accordance with the Marine Licensing Manual and Marine Scotland's Licensing Policy Guidance.
Renewables 5	Marine planners and decision makers must ensure that renewable energy projects demonstrate compliance with Environmental Impact Assessment and Habitats Regulation Appraisal (HRA) legislative requirements.
Renewables 6	New and future planning grid connections should align with relevant sectoral and other marine spatial planning processes, where appropriate, to ensure a co-ordinated and strategic approach to grid planning.
Renewables 8	Developers bringing forward proposals for new developments must actively engage at an early stage with the general public and interested stakeholders of the areas to which the proposal relates and of adjoining areas which may be affected.
Renewables 10	Good practice guidance for community benefit from offshore wind and renewable energy development should be followed by developers where appropriate.

3.6.20 The Plan sets out key its understanding of the key issues for marine planning and discusses the opportunities to support economically productive activities arising from offshore wind and renewable energy proposals not least through onshore support, manufacturing and other support functions. This section also discussed grid provision and potential interactions with other users also addressed the need to operate within environmental limits and the need to recognise and support mechanisms used to address uncertainties. It also states the importance of Strategic Environmental Assessment (SEA), HRA and EIA's as means to assess key environmental risks and that these will be taken into account in plan and project development and consenting procedures.

3.6.21 Reference is made to the 2020 Routemap for Renewable Energy in Scotland which sets out a comprehensive path of action to delivery on Scotland's renewable energy ambitions.

Sectoral Marine Plan for Offshore Wind Energy in Scotland (2020)

3.6.22 The Plan aims to identify sustainable plan options for the future development of commercial-scale offshore wind energy, including deep water wind technologies and covers both Scottish inshore and offshore water. In doing so the Plan seeks to contribute to achieving the objectives of climate change objectives and targets through the provision of a spatial strategy to inform the seabed leasing process in Scottish water which:

- > *“minimises the potential adverse effects on other marine users, economic sectors and the environment resulting from further commercial scale offshore wind development; and*
- > *Maximises opportunities for economic development, investment and employment in Scotland, by identifying new opportunities for commercial scale offshore wind development, including deeper water wind technologies”.*

- 3.6.23 The Proposed Development is not addressed in this document and its relevant seabed leasing round pre-dated its release and the identification of the ScotWind Projects, given its establishment having evolved from the Round 3 wave of offshore developments. However, the SMP sets useful principles to guide appropriate offshore wind development and demonstrate how advanced Berwick Bank is in terms of concluded site investigation and surveys and the ability to promote the current development with the benefit of having established a number of known environmental and technical facts, thus enabling an expedited delivery, construction and commissioning period.
- 3.6.24 The Plan identifies 15 Plan Options (POs) across 4 regions, which are capable of generating several GW of renewable energy. As a result of consultation feedback, amendments were made to the boundaries of 7 of the Draft Plan Options (DPOs) and 2 DPOs were not progressed. Amendments were made primarily to mitigate potential negative impacts on commercial fishing, natural heritage and the shipping sectors and in response to strong public opposition.
- 3.6.25 The Plan established the footprint for the ScotWind Leasing cycles and is kept under review for any future requirements as new evidence comes forward. Rapid technological advances and cost reductions as well as ever changing industry innovations are recognised as key factors to help Scotland capitalise on its excellent natural resources. Each round of leasing requires a strategic planning exercise to assess the suitability of potential locations and to ensure compatibility with other projects and marine users in Scotland.
- 3.6.26 The Plan was developed in accordance with the strategic aims of the NMP (2015). Regional Marine Plans are in the process of being prepared within the Scottish Marine Regions established. The planning competence of Regional Marine Planning Partnerships extends to 12 nm.
- 3.6.27 From a national perspective the Plan identifies 15 POs across the four regions which are spatially distinct. There is considered to be potential for cumulative positive effects through a significant contribution to the decarbonisation of the energy sector and the establishment of a secure energy supply.
- 3.6.28 Significant offshore wind development inshore of the proposed POs identified for East Region, including Berwick Bank are noted as essential to be considered in an in-combination assessment.
- 3.6.29 As regards consenting, in light of the identification of further regional surveys being required in this location, the MP notes that *“Applicants may also choose to submit licence and consent applications without completing the regional level survey, research and assessment work required for POs E1 and E2, however, the competent authority may consider that there is not sufficient information available to process the licence and consent application without prior completion...”*.
- 3.6.30 This constraint has the potential to delay delivery if ScotWind sites, and further strengthens the case for consenting the Proposed Development at Berwick Bank with its technical capacity for 4.1GW delivered prior to 2030 offering a significant contribution to meeting Scottish and UK enhanced targets.
- 3.6.31 The Marine Plan for Scotland is noted as an iterative document which will evolve as information is available and need arises. Whilst not directly relevant to the consideration of Berwick Bank which supersedes its publication, the principles set, and the support for substantially increased offshore wind generation in the offshore waters of Scotland is material.

3.7 Conclusions

- 3.7.1 The trajectory, in terms of the scale and pace of action to reduce emissions, is steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of an interim 75% reduction of GHG emissions by 2030 will not be met.
- 3.7.2 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 3.7.3 Decisions through the consenting system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.
- 3.7.4 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable capacity.
- 3.7.5 It must follow that the need case is to be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Scotland towards where it needs to be.
- 3.7.6 The relevant marine policy documents provide significant support for the Proposed Development subject to demonstrating the effects of development are acceptable. The MPS provides the statutory framework within which to consider the Proposed Development and Marine Plan for Scotland clearly sets out the strategic baseline and acceptance for development in this location and clearly states the additional clarifications and information required to determine acceptability at project specific level.

4. Other Relevant Policy Considerations

4.1 Introduction

4.1.1 This Chapter provides a statement on other policy considerations that are not directly renewables or climate change policy, but which have relevance to the assessment and determination of the Proposed Development. These considerations include:

- > The National Planning Framework for Scotland 3, (NPF3);
- > The Fourth National Planning Framework 'Scotland 2045' Consultative Draft (2021) (NPF4 Consultative Draft); and
- > Aspects of the terrestrial Statutory Development Plans for East Lothian & Scottish Borders Councils.

4.2 National Planning Framework 3

4.2.1 NPF3 is the current long-term strategy for Scotland. It is the spatial expression of the Scottish Government's Economic Strategy, and of plans for development and investment in infrastructure.

4.2.2 Part of the vision is of Scotland as a low carbon place, where the opportunities arising from the ambition to be a world leader in low carbon energy generation have been seized. NPF3 is informed by, and aims to help achieve, the Scottish Government's climate change and renewable energy targets.

4.2.3 NPF3 acknowledges that the energy sector accounts for a significant share of the country's greenhouse gas emissions, and that addressing this requires capitalising on Scotland's outstanding natural advantages, including its significant wind resource.

4.2.4 Chapter 3 of NPF3 focuses on the promotion and achievement of a low carbon economy and the ambition to reduce greenhouse gas emission by 80% by 2050. The statement acknowledges the long reliance on hydropower for a source of clean energy and notes that there is also *"significant wind resource, both onshore and offshore, and electricity generation from win continues to rise... We are pioneering marine renewable energy technologies – there are more marine energy devices commissioned, partly commissioned, under construction or permitted in Scotland than in any other country in the world"*.

4.2.5 A target to meet at least 30% of overall energy demand from renewables by 2020, including generating an equivalent of at least 100% of gross electricity consumption from renewables is stated.

4.2.6 NPF3 identifies that *"both terrestrial and marine planning have a key role to play in reaching these ambitious targets by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations"* (para 3.12).

4.2.7 Paragraph 3.32 recognises that many of the economic opportunities arising from the transition to a low carbon economy are emerging in Scotland's coastal areas and islands, *"including the deployment of onshore, and in particular, offshore renewable energy. Significant areas for wind, wave and tidal energy have been identified inshore, and, in the longer term, new construction methods will open up opportunities for generation in deeper water much further offshore"*. Paragraph 3.33 specifically references the expectation of offshore wind off the Firths of Tay and Forth and states a commitment from Scottish Ministers to maximise the economic benefits arising from these offshore energy developments.

4.2.8 NPF3 recognises the role that onshore planning has in facilitating the delivery and connection of offshore proposals through longer term road improvements, creation of hubs for construction of offshore assets and strengthening the grid to enable onshore connections in order to fully realise the potential for diverse renewable energy development.

4.3 NPF4 (Revised Draft)

Programme for coming into force

4.3.1 Draft NPF4 has been subject to consultation and committee scrutiny over the last year and was first laid before the Scottish Parliament in November 2021. Once approved, it will become part of statutory Development Plan. The revised NPF4 was laid before the Scottish Parliament on 8th November 2022 for approval.

4.3.2 This is the final stage of NPF4 being examined before adoption. The revised NPF4 will be before the Scottish Parliament for six weeks.

4.3.3 Whilst it is before Parliament, there is the opportunity for the revised NPF4 to be debated, however, its terms will not be subject to change - it will either be approved in whole or rejected. The Scottish Government has committed to providing an opportunity for evidence to be given by the Parliament's Local Government, Housing and Planning Committee, to allow for an informed vote.

4.3.4 Despite the changes that have been made to the draft that is now before Parliament, the Scottish Government has confirmed that no further consultation will take place.

How NPF4 is to be used

4.3.5 Annex A of the document explains how NPF4 is to be used. It states:

"The purpose of planning is to manage the development and use of land in the long-term public interest ... Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places."

4.3.6 It states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals. NPF4 includes a long-term spatial strategy to 2045."

4.3.7 Reference is made to NPF4 strategy, policies and identification of national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan (IIP). In addition to containing national level development management policies the document contains instructions for planning authorities with regard to the preparation of Local Development Plans (LDPs).

4.3.8 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and also *"meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity"*.

National Developments

4.3.9 Page 97 of NPF4 sets out that 18 national developments have been identified. These are described as *"significant developments of national importance that will help to deliver the spatial strategy ... National development status does not grant planning permission for the development and all relevant consents are required"*.

- 4.3.10 It adds that "*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. ... In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".
- 4.3.11 Annex B of NPF4 sets out the various national developments and related statements of need.
- 4.3.12 It states that national developments are significant developments of national importance that will help to deliver our spatial strategy. It adds that:

"The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes".
- 4.3.13 National Development 3 (ND3) is "*Strategic Renewable Electricity Generation and Transmission Infrastructure*".
- 4.3.14 Page 103 of NPF4 describes ND3 and it states:

"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."
- 4.3.15 The location for ND3 is set out as being all of Scotland and in terms of need it is described as:

"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy..."
- 4.3.16 Reference is made in NPF4 to the designation and classes of development and it states in this regard:

"A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:

(a) on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity.."

National Planning Policy

- 4.3.17 Part 2 of NPR4 sets out National Planning Policy. In terms of sustainable places relevant policies (for the onshore elements of the Project) will include the following:
- > Policy 1: Tackling the Climate and Nature Crisis;
 - > Policy 3: Biodiversity;

- > Policy 4: Natural Places;
- > Policy 5: Soils;
- > Policy 6: Forestry, Woodland and Trees;
- > Policy 7: Historic Assets and Places; and
- > Policy 11: Energy.

4.3.18 The policies may be subject to some changes at this final Parliamentary stage. The two most relevant policies are Policy 1 and 11.

4.3.19 **Policy 1** states “*when considering all development proposals significant weight will be given to the global climate and nature of crisis.*”

4.3.20 Policy intent is set out as being “*to encourage, promote and facilitate development that addresses the global climate emergency in nature crisis.*”. Policy outcomes are identified as being zero carbon, nature positive places.

4.3.21 **Policy 11** is as follows:

4.3.22 “*a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported.*”. The policy lists a range of assessment criteria. This is referred to in detail in the separate Planning Statement dealing with the onshore elements of the Project.

4.3.23 Policy intent for Policy 11 is set out as:

“to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage.”

4.3.24 Policy Outcomes for Policy 11 are seen as “*expansion of renewable, low carbon and zero emission technologies.*”

NPF4: Contribution to National Outcomes

4.3.25 Although the NPF4 is still in final draft form, it needs to be recognised that the amended Town and Country Planning (Scotland) Act 1997 directs that the NPF must contribute to a series of six outcomes and one of these includes “*meeting targets for emissions of greenhouse gases*” (revised draft NPF4, Annex a, page 95).

4.3.26 The statutory outcomes are not being consulted on and are set in law.

4.3.27 The Proposed Development would make a valuable contribution to the emissions reduction outcome and the delivery of Net Zero. It has been set out that it is essential to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amended the Climate Change (Scotland) Act 2009 and introduced the Net Zero targets.

4.3.28 Furthermore, it has been explained that the targets for each year clearly illustrate the speed and scale of change that is required over the next decade to achieve the 2030 target. That statutory footing and context for the proposed development can be afforded significant weight.

4.3.29 NPF4 is likely to come into force during the determination period for the Proposed Development.

4.4 Statutory Development Plans (onshore)

- 4.4.1 The statutory Development Plans do not have primacy in the determination of a Section 36 application, nor in relation to marine licences for offshore development, however it is considered that they have some relevance to the determination due to there being the potential for impacts from the Proposed Development to be experienced onshore. Such matters include:
- > Landscape and Visual effects – effects of the wind farm on landscape, seascape and views;
 - > Traffic and transport – effects on shore from the wind farms construction activities;
 - > Archaeology / Cultural Heritage -effects on the setting of onshore receptors;
 - > Natural heritage and environment;
 - > Socio-economics – effects on tourism and recreation based on the precited visual effects.
- 4.4.2 The relevant Development Plans are:
- > East Lothian Local Development Plan (2018);
 - > Scottish Borders Local Development Plan (2016).
- 4.4.3 No specific reference to offshore wind energy is provided but a recognition of the role of renewables and the need to ensure they are well suited to the location in which they are proposed and effect is stated.
- 4.4.4 Paragraph 4.88 notes the East Lothian Council's endorsement of the support expressed within NPF3 for onshore links to offshore renewable energy installations, including at Cockenzie and the Forth Coast extending to Torness, as part of National Development 4. High Voltage Energy Transmission Network. More general support for enhance high voltage transmission network improvements is provided in Policy EGT4 which supports such development in locations defined by operational requirements subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the provision of appropriate mitigation as appropriate.
- 4.4.5 Achieving sustainable development is an overarching aim of the East Lothian LDP and is a statutory requirements of the Climate Change (Scotland) Act 2009.
- 4.4.6 The Scottish Borders LDP provides policy on renewable energy seeking primarily to direct such development to appropriate locations but recognising the importance of renewables as a way in which to promote sustainable energy and address Climate Change as required by the Climate Change (Scotland) Act 2009. The LDP acknowledges the potential of offshore wind and seeks to maximise the development of the area's full potential for electricity and heat from renewable resources, in line with national climate change targets with due regard to environmental, community and cumulative impacts.
- 4.4.7 A separate Planning Statement has been prepared for the Project in relation to the onshore elements of the Proposed Development and it should be referred to for a detailed appraisal of such effects and how the Project relates to LDP policies of relevance.
- 4.4.8 The appraisal concludes that the Proposed Development is consistent with the wider planning objectives of such policies and overall aims of the Development Plans as a whole.

5. Policy Assessment

5.1 Introduction

5.1.1 The preceding Chapters have set out the policy framework against which the Proposed Development should be assessed. This Chapter provides a high-level consideration of the key findings of the EIA to allow conclusions to be drawn on the accordance of the Proposed Development against the relevant policy objectives identified.

5.1.2 The EIA has been prepared drawing on the legislative requirements of the EIA Regulations (comprising the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Marine Works (Environmental Impact assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) Regulations 2007). The EIA Report clearly identifies the predicted environmental effects of the Proposed Development on key topic areas identified in the Berwick Bank Wind Farm EIA Scoping Opinion (MSLOT, 2022) and through discussions with stakeholders. These can be broadly assessed in the context of the policy requirements as identified in the preceding Chapters under the following core headings:

Core Heading	Chapters
Physical Environment	Physical Processes – EIA Report Volume 2 Chapter 7 Water Quality – EIA Report, Volume 2, Chapter 19 Climate Effects and Climate Change Assessment, EIA Report, Volume 3, Appendix 21.
Biological Environment	Benthic Ecology, EIA Report, Volume 2, Chapter 8 Fish and Shellfish Ecology, EIA Report, Volume 2, Chapter 9 Marine Mammals, EIA Report, Volume 2, Chapter 10 Ornithology, EIA Report, Volume 2, Chapter 11.
Human Environment	Commercial Fisheries, EIA Report, Volume 2, Chapter 12 Shipping and Navigation, EIA Report, Volume 2, Chapter 13 Aviation, Military Communications, EIA Report, Volume 2, Chapter 14 Seascape, Landscape and Visual Resources, EIA Report, Volume 2, Chapter 15 Marine Archaeology, EIA Report, Volume 2, Chapter 16 Infrastructure and Other Users, EIA Report, Volume 2, Chapter 17 Offshore Socio-Economics and Tourism, EIA Report, Volume 2, Chapter 18 Major Accidents and Disasters, EIA Report, Volume 2, Chapter 21

5.1.3 The extent to which the Applicant has had regard to Schedule 9 of the Electricity Act 1989 and complied with the EIA Regulations noted above, is reflected throughout the EIA Report as a whole and is considered further within the conclusions of this Chapter and of the Planning Statement as a whole. It should be noted that this Chapter presents a high level summary of effects and more detail is contained in the EIA Report topic Chapters and in the overall Non-Technical Summary for the Project.

5.2 Residual Environmental Effects

- 5.2.1 The methodology adopted for the EIA is detailed in Volume 1, Chapter 6 of the EIA Report and is not repeated here. This has been heavily influenced through consultation with relevant consultees and stakeholders to ensure significant effects are correctly identified and assessed.
- 5.2.2 Where possible, potential significant effects have been reduced to non-significant in EIA terms through detailed iterative design, assessments and analysis, enabling the formulation and application of appropriate mitigation. The assessment of effects and identification of residual significant adverse environmental effects where appropriate, have been based on realistic worst-case scenarios. Importantly, it should be noted that these effects can be limited in duration, location or to a specific receptor. Where effects are positive, this is specifically reported.

5.3 The Need to Protect the Physical Environment

- 5.3.1 The need to protect the physical environment is a key design objective within the Proposed Development's design and EIA process. This includes consideration of effects on physical processes, water quality and climate. A summary of the physical environment effects reported within the EIA Report is provided in tabular form below.

Table 5.1 Summary of Key EIA Report Findings – Need to Protect the Physical Environment

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
Physical Processes	No	No	<p><u>Proposed Development</u></p> <p>Physical processes refer to the coastal and marine processes and includes tidal currents, wave climate and the sediment transport regime. The physical processes of the Proposed Development were numerically modelled using datasets collected from a series of site-specific bathymetric surveys, including grab sampling and a detailed desktop review of existing studies and datasets. Two potential impacts of physical processes on receptors were identified. These were noted as increased suspended sediment concentrations (SSCs) and associated deposition on physical features as a result of seabed preparation, foundation installation, cable installation, maintenance activity, and decommissioning. As well as the presence of infrastructure potentially leading to changes to tidal currents, wave climate, littoral currents and sediment transport which may result in changes to sediment transport pathways, bank morphology, and beach morphology.</p> <p>An assessment was undertaken for the Proposed Development as described in volume 1, chapter 3 of the Offshore EIA Report which includes details of cable and scour protection. The potential impacts of impacts were assessed as being either of minor or negligible adverse significance.</p> <p><u>Cumulative</u></p> <p>Cumulative impacts of physical processes arising from each identified impact in combination with adjacent offshore wind farm developments were assessed and predicted to result in impacts of negligible to minor adverse significance (not significant in EIA terms).</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p><u>Transboundary</u></p> <p>No likely significant transboundary effects with regard to physical processes from the Project Development on the interests of other EEA States were predicted.</p>
Water Quality	No	No	<p><u>The Proposed Development</u></p> <p>Water quality has the potential to effect ecological and human receptors. The assessment has been undertaken under the legislative framework set out previously in Volume 2, Chapter 19.</p> <p>With mitigation, best practise and monitoring, no significant effects are predicted as a result of construction, operation and maintenance or decommissioning.</p> <p><u>Cumulative and Transboundary</u></p> <p>No significant cumulative effects are predicted.</p> <p>Similarly, no likely significant transboundary effects with regards to water quality from the Proposed Development are predicted.</p>
Climate Change	Yes	N/A	<p>The carbon savings and climate change benefits that would result from the Project are summarised at section 6.2 below in relation to Project benefits. The Project would result in a significant beneficial effect on climate. The detailed assessment is set out in the EIA Report Appendix 21 'Climate Assessments Report'</p>

5.4 The Need to Protect the Biological Environment

5.4.1 Potential impacts to the biological environment which includes effects on benthic ecology, fish and shellfish, marine mammals and ornithology are summarised in Table 5.2 below.

Table 5.2 Summary of Key EIA Report Findings – Need to Protect the Biological Environment

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
Benthic Ecology	Yes (Short term only)	Yes (short term only)	<p><u>Proposed Development</u></p> <p>Overall conclusion for temporary subtidal habitat loss / disturbance in the construction phase the overall impact would be of moderate adverse significance in the short term, decreasing to minor adverse in the long terms as sediments and communities are predicted to recover. No significant long-term effects are predicted.</p> <p>For all other impacts it is concluded there will no significant effects arising during construction, operation and maintenance and decommissioning phases.</p> <p>No direct impacts to benthic intertidal receptors, including feature of the Barns Ness SSSI are predicted due to the Applicant's commitment to</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>using trenchless techniques to cross the intertidal zone.</p> <p><u>Cumulative</u></p> <p>Overall, for temporary subtidal habitat loss/disturbance in the construction phase the overall cumulative impact would be of a moderate adverse significance in the short-term, decreasing to minor adverse in the long term as sediments and communities recover. No significant long-term effects are predicted.</p> <p>For all other cumulative impacts, it is concluded that there will be no significance effects arising alongside other plans/projects.</p> <p><u>European Sites</u></p> <p>No adverse effect on integrity is predicted to occur on any sites designated for Annex I habitats below mean high water springs (MHWS), specifically: Berwickshire and North Northumberland Coast SAC. (as assessed within the Report to Inform Appropriate Assessment (RIAA), which equates to no significant likely effects in EIA terms).</p> <p>As assessment of the individual qualifying interest features of the Firth of Forth Banks Complex Marine Protected Area (FFBC MPA) finds the effect of temporary habitat disturbance to be moderate adverse significant in the medium term, decreasing to minor adverse in the long terms due to slower rates of recovery. No significant long term effects are therefore predicted directly or cumulatively in this respect. A full assessment of the effects on the FFBC MPA is presented in the MPA Assessment Report. This concludes no significant risk of the Proposed Development and the relevant cumulative projects hinder the achievement of the conservation objectives of the FFBC MPA.</p> <p><u>Transboundary</u></p> <p>No potential significant transboundary effects are identified.</p>
Fish & Shellfish Ecology	No	No	<p><u>Proposed Development</u></p> <p>A number of potential impacts on fish and shellfish receptors including temporary habitat loss / disturbance, increased suspended sediment, injury and /or disturbance from underwater noise and vibration, long term habitat loss, EMG from subsea cabling and colonisation of foundations were assessed as resulting in no significant effects.</p> <p><u>Cumulative</u></p> <p>No significant cumulative impacts are predicted upon fish and shellfish important ecological features (IEFs) within a 25km buffer of the Proposed Development fish and shellfish ecological study area.</p> <p><u>European Sites</u></p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>No adverse effect on integrity is predicted to occur on any sites designated for diadromous fish specifically: The Tweed Estuary SAC; The River Tweed SAC; The River South Esk SAC; the River Tay SAC; the River Dee SAC and the river Teith SAC (as assessed within the Report to Inform Appropriate Assessment (RIAA), which equates to no significant likely effects in EIA terms.</p> <p><u>Transboundary</u></p> <p>No likely significant transboundary effects with regard to fish and shellfish ecology from the Proposed Development on the interests of other EEA States were predicted.</p>
Marine Mammals	No	No	<p><u>Project and Cumulative</u></p> <p>A number of potential impacts on marine mammal receptors were identified, including injury and disturbance from elevated underwater noise associated with piling, site investigation surveys, clearance of UXOs, vessel use and other construction-related activities. An increased risk of injury of marine mammals could also arise due to collision with vessels. In consideration of the wider ecosystem, the assessment also considered potential indirect effects due to changes in fish and shellfish communities which could affect prey availability for marine mammals</p> <p>The overall conclusion in the EIA is that the effects on marine mammals during construction, operation and maintenance and decommissioning, (after implementation of secondary mitigation), will result in no significant effects either in isolation or cumulatively.</p> <p><u>European Sites</u></p> <p>RIAA concluded that no adverse effect on integrity is predicted to occur on any European sites designated for marine mammals, specifically:</p> <p>Berwickshire and North Northumberland Coast SAC</p> <p>Isle of May SAC</p> <p>Firth of Tay and Eden Estuary SAC</p> <p>Moray Firth SAC</p> <p>Southern North Sea SAC.</p> <p><u>Transboundary</u></p> <p>No significant transboundary effects have been identified in regard to effects of the Proposed Development.</p>
Ornithology	Yes	Yes	<p><u>Proposed Development</u></p> <p>A number of potential impacts on offshore and intertidal ornithology receptors were identified associated with the construction, operation and maintenance and decommissioning of the Proposed Development.</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>No significant effects are identified from construction and decommissioning activities.</p> <p>For displacement, barrier and collision effects in the operation phase, population modelling was undertaken to support the assessment and to investigate any long-term effects on population size of any key species.</p> <p>Displacement and barrier effects in the operation phase were assessed to be of no more than minor adverse significance for gannet, kittiwake, razorbill and puffin. These effects are therefore not significant in EIA terms. For guillemot, displacement and barrier effects in the operation phase were considered to be minor adverse, however for the more precautionary 'Scoping Approach B', the effect was considered to be moderate adverse, which is significant in EIA terms. It is considered that the displacement mortality rates used in Scoping Approach B are likely to be highly precautionary, for the reasons outlined in Volume 3, Appendix 11.4</p> <p>Collision effects from wind turbines during the operation phase were assessed to be of no more than minor adverse significance for gannet, herring gull, lesser black-backed gull, little gull, common tern, Arctic tern and great skua. These effects are therefore not significant in EIA terms. For kittiwake, collision effects were assessed under expert judgement to also be minor adverse, which is not significant in EIA terms.</p> <p>Inter-related effects of multiple stressors were also assessed with one main stressor identified – overall effects on foraging seabirds from potential changes in prey communities. The assessment concluded that due to the high mobility of the birds and their ability to exploit different prey species, the small scale of potential habitat changes relative to the wider habitat, are unlikely to have significant effect.</p> <p><u>Cumulative</u></p> <p>The cumulative effects assessed included displacement and barrier effects from offshore infrastructure and collision effects from wind turbines during the operation phase. Overall, it was concluded that there will be a likely significant effect on guillemot and razorbill for Scoping Approach B arising from cumulative displacement effects from the Proposed Development alongside other projects/plans. In addition, there will also be a likely significant effect on gannet and kittiwake for Scoping Approach B from combined displacement and collision effects from the Proposed Development alongside other projects/plans.</p> <p><u>European Sites</u></p> <p>20 breeding seabird SPAs, 17 migratory waterfowl SPAs and one marine SPA were screened in to Stage Two HRA assessment, with results</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>presented in the Report to Inform the Appropriate Assessment. Adverse effects has been concluded for eight sites (The Forth Islands SPA, Fowlsheugh SPA, St Abb's Head to Fast Castle SPA, Buchan Ness to Collieston Coast SPA, East Caithness Cliffs SPA, Troup, Pennan & Lions Head SPA, Flamborough and Filey Coast SPA and Farne Islands SPA) and four species (kittiwake, guillemot, razorbill, puffin). Of these sites, AEOI on three sites supporting kittiwake and guillemot have been identified as a result of the project alone. AEOI on the other five sites are as a result of in-combination effects. These conclusions are based on predicted rates of collision and displacement using the assessment parameters agreed under the Scoping Approach which are considered to be highly precautionary. The number of sites where AEOI are concluded using the 'Developer Approach' reduces to five, four of which are as a result of in-combination effects.</p> <p><u>Transboundary</u></p> <p>No transboundary effects are identified.</p>

5.5 The Need to Protect the Human Environment

- 5.5.1 This section seeks to assess the summary of the effects on maritime users identified within the EIA Report. Again, these effects are assessed within the context of legislative requirements as identified within Chapters 3 and 4.
- 5.5.2 Furthermore, amenity considerations and potential impacts to onshore residents relating to landscape and visual matters and socio-economic and tourism are also considered in this section.

Table 5.3 Summary of Key EIA Report Findings – Need to Protect the Human Environment

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
Commercial Fisheries	No	No	<p><u>Proposed Development</u></p> <p>Potential effects of the Proposed Development are identified in the assessment process including loss or restricted access to fishing grounds, displacement of fishing activities to other areas, increase steaming times, snagging risk, potential impacts on exploited species.</p> <p>No significant EIA effects are identified after the implementation of appropriate designed in measures including safety zones, good communication and management measures.</p> <p><u>Cumulative</u></p> <p>No significant cumulative effects are predicted.</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p><u>Transboundary</u></p> <p>No likely significant transboundary effects are predicted.</p>
Shipping & Navigation	No	No	<p><u>Proposed Development</u></p> <p>An assessment of potential impacts, mitigation measures and residual effects in respect of shipping and navigation includes consideration of vessel displacement, increased collision risk, access, reduction of under keel clearance and interaction with cables. No significant effects are determined to arise in isolation or cumulatively.</p> <p><u>Transboundary</u></p> <p>A potential transboundary impact has been identified regard vessel displacement for commercial routing between international ports. This effect is not significant.</p>
Aviation	No	No	<p><u>The Proposed Development</u></p> <p>Information on aviation, military and communications within the relevant study areas was collected and assessed in consultation with stakeholders. The impacts assessed include the creation of physical obstacles affecting air traffic, impact on NERL ATC radars, impact on military ATC radars and the impact on military AD radars. It is concluded due to the design of two important secondary mitigations (ATC radar and designation of TMZ) that there will be no likely significant residual effects arising from the Proposed Development individually or cumulatively.</p> <p><u>Cumulative</u></p> <p>The cumulative impacts assessed include the creation of physical obstacles affecting air traffic.</p> <p><u>Transboundary</u></p> <p>No potential transboundary impacts have been identified.</p>
Seascape Landscape and Visual Receptors	Yes (in optimal conditions only)	No	<p><u>Proposed Development</u></p> <p>The SLVIA considered effects within a large study area of 60km radius.</p> <p>The siting of the Proposed Development at long distance offshore forms the key designed-in measure to minimise potential for significant landscape and visual effects experienced in coastal views. The spatial extent of the northern part of the array areas has been reduced during project design which further increased its distance offshore from the coast of Aberdeenshire, Angus and Fife, thereby reducing effects on receptors in these areas.</p> <p>No significant effects are predicted for Angus, Fife or East Lothian and Northumberland, the overall effects in these areas are long distance and</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>reduced due to the existence of existing offshore wind features within the key receptor viewpoints.</p> <p>Significant effects will arise on the perceived character of the coastline and views/visual amenity between Fast Castle Head and Eyemouth, including the Berwickshire Coastal Path and views from Fast Castle, Turn Law, St Abb's head and Eyemouth in the Scottish Borders area. The visual effects will be relatively higher in these areas due to the elevation of the coast which has views over the seascape and the Proposed Development due to its aspect. Furthermore, the addition of the Proposed Development in the seascape context will influence the open and exposed character of the wide views out to sea. However, due to the offshore positioning of the Proposed Development, it avoids the dramatic coastline scenery and rocky coastline and cliff views along the coast.</p> <p>The effect of the Proposed Development lighting at nights is assessed as being significant in views from the coastline around St Abb's Head, due to the combination of its higher sensitivity and the change resulting from the lighting to the dark seascape in the view off this coast at night. The lights would however be low to the horizon and do not extent or impede the wider expanse of night sky. The distance of the coastlines of the study areas from the potential sources of light reduces the overall effects and viewers are considered unlikely to perceive the aviation lights to any degree of intensity.</p> <p>The assessments concludes that the effects will vary according to the weather and prevailing visibility. As such effects that may be assessed as being significant under very good or excellent visibility may not be significant under moderate or poor visibility conditions. The assessed worst case optimum visibility does not occur often and for the majority of time the clarity of long distance views will not be part of the experience of those enjoying the coast and as such, under the more frequent sub-optimal conditions, the effects of the turbines will not be significant.</p> <p><u>Cumulative</u></p> <p>A tiered approach to the cumulative effects assessment was adopted. This concluded that the majority of receptors will not experience tier 1 (whole project) cumulative effects since they have either no visibility, or very limited/distant visibility, of either the onshore infrastructure or the Berwick Bank Wind Farm offshore. The main tier 1 cumulative effect during construction is likely to occur in views experienced by walkers along a short section of the John Muir Way between Torness and Chapel Point, and visitors to Skateraw Harbour, where the construction of the landfall will be visible at close range in combination with the</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>construction of the Berwick Bank Wind Farm offshore and the construction of the onshore substation in inland views, which are assessed to be significant (major/moderate), although temporary during construction.</p> <p>The Tier 2 assessment considers projects consented and submitted but not yet determined. These consist of offshore and onshore wind farms within the SLVIA study area but the primary impact interactions result from the Proposed Development with the consented Inch Cape offshore wind farm and Seagreen 1A, The contribution of the Proposed Development to the cumulative effect with tier 2 projects on views and perceived character of the South-East Aberdeenshire, Fife and Angus coastline of the SLVIA study area has been found to be medium-low to low with effects not significant (moderate to minor), due to it being visually recessive at long distance offshore partially behind Inch Cape and Seagreen 1A, with Inch Cape contributing most to the overall cumulative effect on the views given its closer proximity and larger vertical scale. The cumulative effect of the Proposed Development with tier 2 projects is also assessed as medium low and not significant</p> <p><u>Transboundary</u></p> <p>No transboundary effects with regard to SLVIA were predicted</p>
Cultural Heritage	No	No	<p><u>Proposed Development</u></p> <p>The assessment of cultural heritage refers to historic monuments, building and sites that are valued for their architectural, historic or archaeological interest. The cultural significance of such assets draws to varying degrees upon their setting. The assessment identified assets where the Proposed Development might result in change that would adversely affect cultural significance. The assessments drew heavily upon visual relationships with the seascape. The assessment concluded that the proposed Development will result in visual changes in the setting of cultural heritage receptors, but that this will not affect the cultural significance of the receptors. This reflects the distance of the Proposed Development from receptors.</p> <p><u>Cumulative Impacts</u></p> <p>The potential for cumulative effects to arise in combination with other offshore wind farms within 60km was considered to give rise to no effects.</p> <p><u>Transboundary</u></p> <p>No likely transboundary effects with regard to marine archaeology were predicted.</p>
Infrastructure & Other Users	No	No	<p><u>Proposed Development</u></p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
			<p>A number of potential impacts on infrastructure and other users were identified. These include other offshore wind farms and limited recreational users (due to the distance offshore). The potential impacts including displacement of recreational craft, recreations vessels and activities, and restriction of access to cables and pipelines associated with the NnG offshore wind farm and Easter Link 1 offshore export cables. With the proposed mitigation measures in place, there will be negligible significant effects arising from the array areas and export cable corridor. In reference to the displacement of recreation vessels and activities the impacts is predicted to be of local spatial extent only and therefore of low significance. Likewise temporary restricted access to the other offshore cables is predicted to be of local spatial extent, short to medium term duration, intermittent and highly reversible.</p> <p><u>Cumulative</u> Cumulative impacts associated with the Proposed Development were assessed as being of minor adverse significance.</p> <p><u>Transboundary</u> No transboundary effects are predicted.</p>
Socio-Economic. Recreation and Tourism	Yes	Scotland Wide Positive effect with other projects.	<p>Proposed Development</p> <p>A number of potential impacts on socio-economics and tourism activities, associated with the Proposed Development were identified. These included: supporting employment and GVA across Scotland and within the identified support facilities locations, including creating employment opportunities for local workers; increasing demand for short term, medium term and long term accommodation and housing from workers migrating into selected support locations; and potential impacts on the tourism and recreation sector. Following assessment the vast majority of effects will be beneficial, ranging from minor to major significance.</p> <p>Summary details of predicted socio-economic effects are presented in Chapter 6 of this Planning Statement.</p> <p><u>Cumulative</u> Cumulative impacts from offshore energy developments were assessed and predicted as likely to result in no adverse change to the levels of significance assessed when considering the Proposed Development in isolation.</p> <p><u>Transboundary</u> No likely significant transboundary effects with regard to socio-economics and tourism from the Project on the interests of other EEA States were predicted</p>

Receptor Group	Likely Significant Effects	Significant Cumulative Effects	Summary Description of Effects
Major Accidents and Disasters	No	No	<p><u>The Proposed Development</u></p> <p>The assessment of the likely significant effects both that the Proposed Development presents, and is susceptible to, from the existing environment regarding major accidents and disasters has been undertaken. The assessment of effects established that for all risks identified, designed in measures would be sufficient to appropriately manage the risk. Potential risks included:</p> <ul style="list-style-type: none"> • Collision and allision (vessels and aircraft) • Snagging (fishing vessels) • Unexploded ordnance • Pollution of the marine environment (from vessels and structures), and • Fire at the OSP / Offshore convertor station platform. <p>No likely significant effects are identified after consideration of designed in measures.</p> <p><u>Cumulative and Transboundary</u></p> <p>No assessment of cumulative or transboundary effects has been undertaken.</p>

5.6 Other Considerations & Derogation Case

5.6.1 As set out in Section 2.5 above, the Berwick Bank Wind Farm - Report to Inform Appropriate Assessment (RIAA) prepared as part of the consent application concludes that there is a risk that the Proposed Development would have an adverse effect on the integrity (AEOI) of the following SPAs either from the Proposed Development in isolation or in-combination with other projects:

- > The Forth Islands SPA;
- > Fowlsheugh SPA;
- > St Abb's Head to Fast Castle SPA;
- > Farne Islands SPA;
- > East Caithness Cliffs SPA;
- > Troup, Pennan & Lions Head SPA;
- > Buchan Ness to Collieston Coast SPA;
- > Flamborough and Filey Coast SPA.

5.6.2 The species at these sites for which adverse effects have been identified include kittiwake (collision risk), guillemot, razorbill and puffin (displacement).

5.6.3 In accordance with the relevant provisions of the Habitats Regulations, the Applicant has (see the Derogation Case Report) demonstrated that:

- > there are no alternative solutions to Berwick Bank;
- > There are “*imperative reasons of overriding public interest*” (IROPI) for the project to proceed; and
- > Any necessary compensatory measures can be secured to ensure that the overall coherence of the national site network is protected.

5.6.4 Together these provisions are referred to as the “HRA Derogation Provisions”.

5.6.5 The Applicant accepts that the application of the HRA Derogation Provisions is necessary, because of a risk of AEOI of the SPAs listed; and has therefore provided the information necessary to support a clear and overriding HRA Derogation Case for Berwick Bank, which could be relied upon by the Scottish Ministers if required.

5.6.6 The Applicant is confident that the public interest in Berwick Bank overrides any potential harm to each of the above SPAs (and cumulatively) for the reasons set out in the HRA Derogation Case, which in summary include:

- > Berwick Bank will contribute significantly to meeting climate change reduction targets in the 2020s and into the early 2030s.
- > Berwick Bank is essential to close the ‘gap’ on the Scottish Government’s offshore wind deployment target of 11GW by 2030;
- > Berwick Bank will contribute significantly to grid stability and security of supply;
- > Berwick Bank is capable of making a substantial contribution to the Scottish economy;
- > Berwick Bank will bring forward an important near-term opportunity for supply chain investment in Scotland; and
- > Berwick Bank is compatible with Scottish planning and energy policies, serving the public interest.

5.6.7 The Derogation Case concludes that the long-term public interest that Berwick Bank delivers demonstrably outweighs the potential harm to each of the European sites (and cumulatively). Moreover any harm that does result will be compensated for via a developed, deliverable programme of compensation measures. There are no alternatives to Berwick Bank. As the project is a fundamental component of both Scotland and the UK’s need and obligations to address climate change, the potential harm is considered to be clearly outweighed by the clear public interest.

5.7 Conclusions

5.7.1 From consideration of all of the factors discussed and presented above, residual significant environmental effects are considered to be very limited. When considered in the context of the relevant policy and legislative considerations, it is considered that the Proposed Development meets the relevant policy requirements which are aimed at, increasing renewable energy capacity, whilst minimising effects on human health, minimising wider environmental harm and ensuring that conflicts with other users of the marine environment are kept to a minimum.

6. Benefits of the Proposed Development

6.1 Introduction

6.1.1 This Chapter describes the benefits of the Proposed Development, the key elements of which relate to the generation of renewable electricity, climate change and socio-economics. The conclusions of this Chapter make reference to support which can be drawn in this regard from relevant climate change and renewable energy policy objectives as set out in Chapter 3.

6.2 Renewable Generation, Emission Savings & Security of Supply

Renewable Generation

6.2.1 As explained, the Project will involve a maximum of 307 wind turbines to be installed in the Proposed Development array area. The Proposed Development has secured Grid Connection Offers from National Grid Electricity System Operator (NGESO) for 4.1GW of Transmission Entry Capacity. Maximising the capacity of generation in the resource-rich, accessible and technically deliverable Berwick Bank area, is to the benefit of all GB consumers, and the wind industry generally;

6.2.2 The Project proposes a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity – enough to power in excess of 5 million homes¹¹ each year, from as early as 2026. This is in line with the CCC's recent identification of the need for urgent action to increase the pace of decarbonisation in the GB electricity sector;

Decarbonisation

6.2.3 A Climate Assessment Report has been prepared for the Proposed Development (Appendix 21 within the EIA Report). The report assesses the effects of the Project on climate through GHG emissions, and also examines the vulnerability and resilience of the Project to climate change.

6.2.4 As set out in Chapter 3 of this Planning Statement, the UK Government is legally bound to achieve net zero carbon emissions by 2050 and the Scottish Government has a statutory target to achieve this by 2045. 'Net zero' means that the total GHG emissions produced would be equal to or less than the amount removed from the atmosphere, through a combination of GHG emission reduction and removal. The UK Government has introduced a series of carbon 'budgets' for five-year periods, which act as stepping-stones to achieve the overall reduction in GHG emissions by 2050. The five-year budgets are currently set up to 2037 and the UK is 'off track' with later budgets within this range.

6.2.5 The assessment estimates that the Project will produce approximately 505,589,525 MWh of low carbon electricity during its 35-year operation and maintenance phase. Over its lifecycle the Project will produce an emission intensity of 15 gCO₂e/kWh. The electricity generated by the Project will save approximately **9,178,312 tCO₂e** from being emitted into the atmosphere that would otherwise have been emitted from conventional, higher carbon emitting forms of energy generation (i.e. fossil fuels). When construction phase GHG emissions are included (6,226,793 tCO₂e), the Project will save **2,951,519 tCO₂e** from being emitted into the atmosphere over its lifecycle.

¹¹ Based on Typical Domestic Consumption Vales (Medium Electricity Profile Class 1, 2,900kWh per household: OFGEM, January 2020), minimum projected 50% load factor, and projected installed capacity of 4.1GW.

- 6.2.6 The assessment explains that it will take the Project 8 years and 2 months to ‘pay back’ the GHG emissions relating to the construction phase from the start of operation. This ‘payback’ period is in line with both the UK and Scottish Governments’ net zero ambitions as the carbon savings will start in 2036. Due to the carbon savings that the operation and maintenance phase will produce from low carbon electricity generation, the Project is assessed in the EIA Report as having a **significant beneficial effect on the climate**.
- 6.2.7 It should also be noted that the projected carbon savings are likely to be greater than estimated in the assessment as it uses a publicly available load factor from RenewableUK, which is based on performance of existing offshore wind turbines; however this load factor is expected to increase in the future due to the inclusion of actual site wind data measurements, and improvements in wind turbine technology and associated operation and maintenance activities that are included in the load factor.
- 6.2.8 In addition, the implementation of the Cambois connection, which is related to the Project but will be consented separately, will be dependent on the completion of the Project. Therefore, the estimated GHG emissions resulting from the Cambois connection have been assessed cumulatively with the GHG emissions from the Project. The Cambois connection will be constructed during a two-year period between 2028 and 2031.
- 6.2.9 The Project’s significant beneficial effect in relation to climate during the operation and maintenance phase is not changed with the implementation of the Cambois connection, nor is the overall significant beneficial effect of the Project on the climate during its lifetime.

Grid Balancing Benefits & Security of Supply

- 6.2.10 Berwick Bank’s connection to the National Electricity Transmission System (NETS) means that it will be required to play its part in helping National Grid Electricity System Operator (ESO) manage the national electricity system. This includes participating in mandatory balancing markets (to help balance supply and demand on a minute-by-minute basis and provide essential ancillary services) as well as providing visibility to the GB power market of its expected generation. This means that the low marginal cost wind power it will produce, can be forecast and priced into future contracts for power delivery by all participants, thus allowing all consumers to benefit from the market-price reducing effect of low-marginal cost offshore wind generation.
- 6.2.11 Reducing Scotland and the wider UK’s dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.
- 6.2.12 By maximising the capacity installed at Berwick Bank, the Project delivers the greatest possible hydrocarbon usage reductions, and the greatest possible opportunity to reduce dependency on foreign imports, as demonstrated in the Statement of Need. This sets out that if developed at its full technically achievable capacity, Berwick Bank would provide enough energy to replace 19% of Russian gas imports to the UK. This demonstrates the significant national benefit to energy security provided by a fully developed Berwick Bank scheme.
- 6.2.13 Berwick Bank is highly likely to cost less to the end consumer than the cost of developing OWF capacity elsewhere in Scotland, due to the optimum environmental conditions (shallow, close to shore), technology (fixed turbines), high confidence in capacity owing to extensive survey of the site, efficient construction due to the nearby Seagreen OWF construction, which is ongoing, and lastly, low transmission costs due to onshore connection points.

Conclusions

6.2.14 The Statement of Need for Berwick Bank is a key supporting document. It demonstrates that the deployment of offshore wind, and specifically Berwick Bank is needed to make a significant contribution to the following UK Government's national policy aims in relation to decarbonisation. It should be referred to for its detail – in relation to:

- > Net-zero and the importance of deploying zero-carbon generation assets at scale, such as with the Project;
- > The significant carbon savings that would result;
- > Security of supply (geographically and technologically diverse supplies); and
- > Benefits in relation to affordability of energy.

6.2.15 As concluded in the Statement of Need, Berwick Bank can make a single, large, meaningful and timely contribution to decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, thereby addressing all important aspects of Scotland and the UK's legal obligations and existing and emerging Government policy.

6.3 Socio-Economic Considerations

6.3.1 The socio-economic impact (SIA) of the Proposed Development is set out in Chapter 18 of the EIA Report (Volume 2), which refers to an economic impact study carried out by independent renewable energy consultants, BVG Associates (BVGA). A summary of the key findings are set out below.

6.3.2 The study considers various scenarios and shows that the Berwick Bank Wind Farm Project could add potentially up to an estimated £8.3 billion (offshore and onshore) to the UK economy as a whole over the life-time of the Project.

6.3.3 Berwick Bank Wind Farm Project is therefore capable of providing substantial socio-economic benefits to the Scottish economy, including facilitating confidence in the Scotland supply chain, growing a skilled workforce, improving Gross Value Added (GVA) and providing wider community benefits.

Employment

6.3.4 During manufacturing, construction, and installation activities, the assessment estimates that the Proposed Development would support around 4,800 jobs per annum and 6,000 total Full Time Employment (FTE) in Scotland under the Baseline UK Supply scenario (refer to Table 18.33 of the Offshore EIA Report, Volume 2, Chapter 18).

6.3.5 During development, manufacturing, construction, and installation activities, the Proposed Development will inevitably draw some of its labour from outside of a number of local economic development study areas. However, within the local study areas referenced in the assessment for this phase of development (Invergordon, Aberdeen, Dundee, and Leith), the potential employment is estimated to be approximately 1,100 total FTE years (direct employment) under the Baseline UK Supply scenario (refer to Table 18.33 of the Offshore EIA Report, Volume 2, Chapter 18).

6.3.6 In conclusion, there will be a material positive benefit for the offshore wind sector, with significant beneficial impacts on employment generally but especially during the construction phase.

6.3.7 In addition, throughout the operation and maintenance phase, the assessment estimates that the Proposed Development would support around 320 jobs per annum and 11,200 in total (FTE years) locally, and 750 jobs per annum and 26,100 total (FTE years) in Scotland (direct, indirect and induced) (refer to Table 18.39 of the Offshore EIA Report, Volume 2, Chapter 18).

6.3.8 In conclusion, there will be a material positive benefit for the offshore wind sector, with significant beneficial impacts on employment generally but especially during the construction phase.

Investment (GVA)

6.3.9 During manufacturing, construction, and installation activities, the SIA sets out that the Proposed Development has the potential to generate £360 million (maximum concurrent GVA) GVA per annum and £450 million in total GVA, at the Scotland national level. This is equivalent to 80% of the 2019 offshore wind sector GVA in Scotland (refer to Table 18.45 and 18.46 of the Offshore EIA Report, Volume 2, Chapter 18).

6.3.10 For the local study areas (Invergordon, Aberdeen, Dundee and Leith), this impact is £90 million GVA per annum and £90 million in total GVA (refer to Table 18.45 of the Offshore EIA Report, Volume 2, Chapter 18).

6.3.11 During operation and maintenance activities, the Proposed Development has the potential to generate between £76 million GVA per annum and £2,600 million in total over the whole operation and maintenance period at the Scotland national level (refer to Table 18.51 in the Offshore SIA – Chapter 18). This is equivalent to 16.9% of the 2019 offshore wind sector GVA in Scotland (refer to Table 18.52 of the Offshore EIA Report, Volume 2, Chapter 18).

6.3.12 For the local study areas (Aberdeen, Montrose, Dundee, Methil, Burntisland, Rosyth, Leith and support harbours), this impact is £34 million GVA per annum and £1,200 million in total (refer to Table 18.51 of the Offshore EIA Report, Volume 2, Chapter 18).

Supply Chain Capacity, Capability & Skills Development

6.3.13 The socio-economics and tourism local study area for the Proposed Development (Invergordon, Aberdeen, Montrose, Dundee, Methil, Burntisland, Rosyth, Leith and support harbours east of Leith) has benefitted significantly and will continue to benefit from three of SSER's offshore wind farms: Seagreen 1 (under construction), Seagreen 1a (in development) both in the former Firth of Forth Zone; Beatrice (fully operation) in northeast Scotland.

6.3.14 SSER has an established presence in the Firth of Forth. Berwick Bank will benefit from Seagreen 1 (1,000 MW) within the former Firth of Forth Zone, the largest and deepest offshore wind farm in Scottish waters, developed by SSER in partnership with Total. SSER and Total have addressed the challenges of deploying offshore wind in deep waters and established a long-term supply chain and material employment prospects to the Scottish job market, including 400 Scottish construction jobs and 60 during operation and maintenance.

6.3.15 The SIA explains that the north Scotland local study area for Berwick Bank already benefits from SSER's substantial development of Beatrice Offshore Wind Farm (588 MW), Scotland's largest-ever private sector infrastructure investment at time of construction. This has contributed significant expenditure in Scotland including £10m on development and construction, £1.4bn on operational lifetime spend and has created 370 jobs. Of primary benefit to Berwick Bank is SSER's investment of £20m for the renovation of Wick Harbour, as well as the Open4Business portal where local suppliers can register for contractual opportunities.

6.3.16 By seeking to maximise the capacity at Berwick Bank, it brings forward the important opportunity and potential for supply chain investment in Scotland to meet Scottish policy by supporting an expanding domestic market in Scotland-based support services in readiness for both ScotWind and international project support.

- 6.3.17 Berwick Bank will support the continued development of the Scotland and the wider UK's offshore wind clusters, particularly those located near the development, through engagement with local business networks in order to increase supply chain participation. In addition to job generation and investment, Berwick Bank will also support the development of skills which the offshore wind industry needs to flourish. Building up to 4.1 GW of offshore wind capacity by 2030 in Scotland will support a significant number of skilled jobs.
- 6.3.18 The Applicant will develop an Outline Employment and Skills Plan which will include the plans to enhance the benefits available to the local and national economies. The Applicant will promote the opportunities for local economic benefit associated with Berwick Bank through promoting opportunities:
- > for the involvement of local companies in the construction and operation supply chain (this will also be addressed in detail at local, regional and national level in the Supply Chain Plan (SCP) which is a requirement of the CfD process); and
 - > for local residents to access employment opportunities associated with the construction and operation of the wind farm.

6.4 Community Benefit Fund

- 6.4.1 The Applicant is also committed to the creation of a Community Benefit Fund following the grant of consent for the Project. A Berwick Bank Community Benefit Fund would be established in partnership with local stakeholders to ensure that local communities help set the priorities for the fund, as well as decide on what gets funded. The details of the Community Benefit Fund would be established post the grant of consent. Ahead of establishing any formal Fund, the Project team are keen to support local initiatives where possible and have invited local stakeholders to discuss opportunities directly with the Project team. To date the Project has supported various local organisations and initiatives such as the North Berwick Fringe By The Sea Festival, the Scottish Seabird Centre and the National Merlin Rocket Yachting Championship, held in East Lothian. In addition to this the Project team are working alongside local education partners to explore a variety of Science, Technology, Engineering and Mathematics (STEM) benefits that the Project can bring to the East Lothian area. The Project team are members of the East Lothian Industry and Education Partnership and are also members of the Mid and East Lothian Chamber of Commerce.

6.5 Socio-Economic Conclusions

- 6.5.1 It is clear from the above that the Proposed Development will result in considerable employment, investment, skill development and supply chain related benefits – both during the construction and operational periods and at local and national levels.

6.6 Conclusions in relation to overall Project Benefits

- 6.6.1 Significant support for the Proposed Development can be drawn from understanding the extensive positive renewable energy generation, climate change mitigation and socio-economic effects that would arise from the Proposed Development. Support can be drawn from relevant legislation and policy including the MPS, wider national marine and energy policy and the Development Plans including NPF4. The benefits of the Proposed Development will considerably advance a number of UK and Scottish Government renewable energy, climate change, economic and marine policy objectives and statutory target obligations.
- 6.6.2 The predicted benefits should be afforded substantial weight in the determination of the application for Section 36 consent and associated marine licences.

7. Conclusions

7.1 Introduction

7.1.1 This Chapter provides the overall conclusions on the general accordance of the Proposed Development with the relevant legislative and policy considerations to which the decision maker must have regard in determining the Applications for Section 36 Consent and the associated Marine Licences. Attention is also drawn to substantial body of renewables and marine relative policy which have been identified as material to the determination and have a statutory footing.

7.2 The Electricity Act 1989

7.2.1 The Scottish Ministers are required by paragraph 3(2) of Schedule 9 to the 1989 Act to consider the desirability of the matters mentioned in paragraph 3(1)(a) and the extent to which the Applicant has fulfilled the duty imposed by paragraph 3(1)(b). The list in subparagraph (a) contains matters all of which are likely to be relevant to the grant of consent and have been addressed in the EIA Report.

7.2.2 The information that is contained within the individual topic sections of the EIA Report and in additional environmental information therefore enables Scottish Ministers to be satisfied in relation to Schedule 9. The EIA Report also shows that the detailed work undertaken in the formulation of the EIA has confirmed and provides confidence that the Project would be undertaken in an environmentally acceptable manner.

7.3 Energy & Climate Change Policy & Legislative Requirements

7.3.1 The urgent need for offshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – specifically within the Offshore Wind Policy Statement.

7.3.2 The declaration of a Climate Emergency needs to be viewed in the context in which it was declared and what followed from it as a result of the declaration. The declaration was a reflection both of the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions. It means action now and not next year or the year after that.

7.3.3 The drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. Scotland's 2030 interim emissions reduction target is highly challenging. The Project would be a major single step forward in ensuring that the target can be attained.

7.3.4 The climate emergency is not just a consideration, it is a factor of considerable importance. It adds significantly to the weight of positive support in the balance in this case. The need for the Project should be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual renewable projects which will move Scotland towards where it needs to be. The size and scale of Berwick Bank means that it moves Scotland significantly closer to that in a single step.

7.3.5 The Statement of Need also explains the important energy security and affordability benefits associated with developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries. The urgency for an electricity system which is self-reliant and not reliant on fossil fuels is enormous in order to

protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics. The Proposed Development would make a significant contribution towards the UK attaining these security of supply and socio-economic objectives.

7.4 Policy Assessment

7.4.1 From consideration of all of the predicted environmental effects of the Proposed Development and, where relevant, compensation measures proposed, residual significant environmental effects are considered to be very limited. When considered in the context of the relevant policy and legislative considerations, it is clear that the Proposed Development, on the whole, meets the relevant policy requirements which in summary are aimed at, increasing renewable energy capacity, whilst minimising effects on human health, minimising wider environmental harm and ensuring that conflicts with other users of the marine environment are kept to a minimum.

7.5 Overall Conclusions

- 7.5.1 There has been a significant degree of consultation and a carefully considered design and mitigation approach has been followed. Whilst there are some significant effects identified these are limited in the overall context and range of effects arising. Moreover, the most significant effects are compensated for via a well-developed and deliverable programme of measures.
- 7.5.2 Overall, it is considered that there is accordance with legislation and policy in terms of increasing renewable generation and capacity and minimising conflict with users of marine environment, human health and environment.
- 7.5.3 A worst-case scenario approach has been assessed and appropriate mitigation has been proposed and can be secured to address any residual effects. The MPS makes it clear that there is a balance to be struck between benefits and reported likely adverse effects.
- 7.5.4 It is considered that the overall policy appraisal presented in this submission demonstrates a compelling case that Berwick Bank would deliver significant benefits in the wider public interest. The Project has been designed and assessed in full accordance with relevant legislative requirements and the underlying aims and objectives of policy framework.
- 7.5.5 Berwick Bank as one of the largest offshore Wind Farms being proposed in the world, can substantially contribute to both the Scotland and the UK's legally binding climate change targets by helping to decarbonise energy supply, whilst also contributing to the essential tasks of ensuring security of supply and providing low-cost energy for consumers in line with the Scotland and UK Government's national policies.
- 7.5.6 Berwick Bank will also contribute materially to the economic and social landscape in Scotland and the UK as it can provide substantial employment opportunities and skills development, particularly in coastal communities, whilst also playing a major role in supporting Scotland and the UK's supply chains.
- 7.5.7 It must follow from the above that the benefits that would arise from the Project should be afforded substantial weight in the planning balance. The delivery of this renewable generating infrastructure will substantially assist in the delivery of the Net Zero policy imperative, by the critically important date of 2030.
- 7.5.8 Consideration of the application will involve striking a balance between the need for the Project, its benefits and the mitigation of and compensation for predicted environmental effects. The benefits of the proposed development significantly outweighed its adverse effects.
- 7.5.9 For the above reasons it is recommended that Section 36 consent and Marine Licenses should be granted.

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