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Mr Douglas Watson  
Lead Consents Manager  
Berwick Bank Wind Limited  
SSE Renewables  
2 Waterloo Street  
Glasgow  
G2 6AY

Date: 11 May 2021

Dear Mr Douglas,

**Habitat Regulations Appraisal Screening under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**

Thank you for the Habitat Regulations Appraisal (“HRA”) Screening Report received on 9 October 2020, in relation to the construction and operation of the proposed Berwick Bank Offshore Wind Farm, to be located in the outer Firth of Forth and Firth of Tay (“the Proposed Development”).

We have consulted on the HRA Screening Report with the Dee District Salmon Fishery Board (“DSFB”), Esk DSFB, Forth DSFB, Tay DSFB, Fisheries Management Scotland, Natural England (“NE”), NatureScot (operating name of Scottish Natural Heritage) (“NS”), the River Tweed Commission and the Royal Society for the Protection of Birds Scotland (“RSPB Scotland”). In addition, advice from Marine Scotland Science (“MSS”) on the HRA Screening Report was sought. Copies of the representations and MSS advice are attached (see Appendix 1). We advise you to fully review and address these, however highlight some key points below. Further discussion to agree the relevant sites, receptors and phases to be screened into the HRA must be documented via the ‘road map’ process you have proposed in relation to agreeing the scope of the Environmental Impact Assessment (“EIA”) Report. In addition, we advise that the HRA must fully align with the impact pathways identified for assessment in the scoping opinion adopted by the Scottish Ministers in relation to the Proposed Development, dated 9<sup>th</sup> March 2021 (“the Scoping Opinion”).

Diadromous fish

The proposal to screen out Special Areas of Conservation (“SAC”) outwith 100 kilometres of the proposed windfarm is unacceptable. The SACs identified and selected in the HRA Screening Report as being screened in are agreed, under exception of the Tweed Estuary

SAC, which is screened out. Further SACs may however require to be added and the final selection of rivers and Atlantic salmon populations to be considered in the HRA must be agreed via your 'road map' process which must include discussions with the relevant stakeholders.

With regards to the qualifying features to be considered, we advise that Atlantic salmon must be assessed within the HRA process and not just within the EIA. However with regards to impacts on other qualifying diadromous species such as river and sea lamprey, these are screened out from the HRA and should instead be considered through the EIA Report. In this regard we note that Atlantic salmon is not a qualifying interest of the Tweed Estuary SAC.

In relation to the impacts to be considered within the HRA, we advise that the representations by NS and advice from MSS must be fully considered and again recommend the use of the proposed road map process to agree the impact pathways to be taken forward.

### Marine Mammals

With regards to all three marine mammal species associated with the four European Sites located in Scottish waters and identified in the HRA Screening Report, we agree that direct effects from electromagnetic fields can be screened out together with operational noise effects. In addition, we advise that both vessel collision risk and accidental pollution can be screened out from further consideration. The in combination effects identified in the HRA Screening Report are agreed and screened in.

We advise that underwater noise from vessels and changes to prey availability should be screened in for all three marine mammal species associated with the four European Sites located in Scottish waters in respect of all phases (construction, operation and maintenance and decommissioning) of the Proposed Development.

In addition, we advise that consideration of the impacts from pre-construction activities including unexploded ordnance clearance, some geophysical activities and the in combination effects of these must be considered in the HRA.

For the avoidance of doubt, the Southern North Sea SAC is screened in and we highlight the updated advice of NE dated 4 February 2021 in this regard.

### Ornithological features

We refer to the representations made by NS, NE and RSPB Scotland together with the MSS advice which must be fully implemented. Where further discussion and agreement is required this must be completed via your 'road map' process. We note that NS provided updated advice with regards to the inclusion of the displacement impacts for gannet, dated 18 February 2021 and this is included in Appendix 1.

In addition to the sites and species identified in the HRA Screening Report, we advise that those identified by NE must also be considered in the HRA.

Benthic

We highlight the advice from MSS with regards to the Berwickshire and Northumberland Coast SAC and impacts considered.

If you require any further assistance or advice on the above, please do not hesitate to contact me.

Yours sincerely,

Emma Lees  
Marine Scotland - Licensing Operations Team