MachairWind Offshore Windfarm

Without Prejudice Derogation Case

ScottishPower Renewables | MachairWind Offshore Windfarm

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GLOSSARY OF ACRONYMS

Term	Definition
AA	Appropriate Assessment
AEoSI	Adverse effect on site integrity
BEIS	Department for Business, Energy and Industrial Strategy (now the Department for Energy Security and Net Zero)
CCC	Climate Change Committee
CCP	Climate Change Plan
CES	Crown Estate Scotland
CNP	Critical National Priority
cSAC	Candidate Special Area of Conservation
cSPA	Candidate Special Protection Area
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero *(formally BEIS/DECC)*
DTA	David Tyldesley Associates
EC	European Commission
ECC	Export Cable Corridor
EEC	European Economic Community
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EU	European Union
GCA	Global Centre on Adaptation
GHG	Greenhouse gas
GVA	Gross value added
GW	Gigawatts
HND	Holistic Network Design
HRA	Habitats Regulations Appraisal
IAC	Inter-array cables
INTOG	Innovation and Targeted Oil & Gas
IPCC	Intergovernmental Panel on Climate Change
IROPI	Imperative Reasons of Overriding Public Interest
km	Kilometres
LNG	Liquefied Natural Gas
LSE	Likely significant effect
MD-LOT	Marine Directorate Licensing and Operations Team

Term	Definition
MPA	Marine Protected Area
NPF4	National Planning Framework 4
NPP	Nature Positive Plan
NSN	National Site Network
OAA	Option Agreement Area
OnTDA	Onshore Transmission Development Area
OSP	Offshore Substation Platform
OWIC	Offshore Wind Industry Council
POA	Plan Option Area
pSAC	Potential Special Area of Conservation
pSPA	Potential Special Protection Area
RIAA	Report to Inform Appropriate Assessment
SAC	Special Areas of Conservation
SCDS	Supply Chain Development Statement
SEAP	Socio-Economic Action Plan
SMP	Sectoral Marine Plan
SMRF	Scottish Marine Recovery Fund
SNCB	Statutory Nature Conservation Bodies
SPA	Special Protection Areas
SPR	ScottishPower Renewables
UK	United Kingdom
WDA	Windfarm Development Area
WTG	Wind Turbine Generator

GLOSSARY OF TERMS

Term	Definition
Development Area	Application boundary for consenting purposes which, for the Project, consists of a Windfarm Development Area, Offshore Export Cable Corridor, and Onshore Transmission Development Area. Separate consent and marine licence applications will be submitted for each Development Area where applicable.
Environmental Impact Assessment (EIA)	The process of evaluating the likely significant environmental effects of a proposed development over and above the existing circumstances (or 'baseline').
Environmental Impact Assessment (EIA) Regulations	A collective term referring to The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
EIA Scoping Windfarm Development Area (WDA) Boundary	The 510 km^2 WDA boundary presented at the Project's EIA Scoping Stage.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive as transposed by the Habitats Regulations and comprise Special Areas of Conservation and Special Protection Areas. In accordance with Scottish Government and UK Government policy, candidate SACs, potential SPAs and Ramsar sites are also afforded equivalent protection for assessment purposes, despite not being formally designated European sites.
Greenhouse gas	A gas in the Earth's atmosphere that traps heat by absorbing and emitting infrared radiation, a process known as the greenhouse effect. Also known by the collective shorthand "carbon".
Gross Value Added (GVA)	Measure of the value of goods and services produced in an area, industry, or sector of an economy.
Habitats Regulations	A collective term used to describe the Conservation of Habitats and Species Regulations 2017 and The Conservation (Natural Habitats, &c.) Regulations 1994.
Holistic Network Design (HND) process	An integrated approach for connecting 23 GW of offshore wind (including from ScotWind projects) to Great Britain providing a recommended offshore and onshore design for a 2030 electricity network, that facilitates the Government's ambition for 50 GW of offshore wind by 2030. The recommended design in the HND has equally considered four objectives to make sure the most appropriate approach is taken forwards, including: cost to consumer, deliverability and operability, impact on environment; and impact on local communities.
Inter-array cables (IACs)	Armoured cable containing electrical and fibre optic cores which link the wind turbine generators to each other and to the offshore substation platform(s).
International Council for the Exploration of the Seas (ICES) statistical rectangles	The International Council for the Exploration of the Seas (ICES) standardise the division of sea areas to enable statistical analysis of data. Each ICES statistical rectangle is 30 min latitude by 1 degree longitude in size (approximately 30 x 30 nautical miles). A number of rectangles are amalgamated to create ICES statistical areas.
Landfall	The area from Mean Low Water Springs to a transition bay(s), where the offshore export cable(s) come ashore.
Lowest Astronomical Tide (LAT)	The lowest level that can be expected to occur under average meteorological conditions and under any combination of astronomical conditions.

Term	Definition
MachairWind Offshore Windfarm	An offshore windfarm capable of exporting around 2 GW of renewable energy to the National Electricity Transmission System. MachairWind Offshore Windfarm comprises three Development Areas: • The WDA – located on the west coast of Scotland to the northwest of Islay and west of Colonsay; • The Offshore Export Cable Corridor – a preliminary boundary extending from the WDA to mean high water springs at a landfall location near Girvan, South Ayrshire; and • The Onshore Transmission Development Area – a preliminary boundary which extends landward from mean low water springs and includes the land required for the landfall of the offshore export cable(s) and their route up to but not including the proposed high voltage direct current switching station which will be developed and constructed by Transmission Owner, ScottishPower Transmission. Separate consent and licence applications will be submitted for each Development Area.
Mean sea level	The average level of the sea taking account of all tidal effects but excluding surge events.
National Electricity Transmission System	The high-voltage electricity power transmission network serving Great Britain which receives electricity from generators (such as offshore windfarms) and transmits that electricity to anywhere on the National Electricity Transmission System to satisfy demand.
Offshore Export Cable Corridor infrastructure	The offshore transmission infrastructure located within the boundary of the Offshore Export Cable Corridor, namely the offshore export cable(s).
Offshore export cable	Armoured cable containing electrical cores between the offshore substation platform(s) and landfall. Offshore export cable(s) will include bundled fibre optic cables. The offshore export cable(s) are subject to Marine Licence applications under the Marine (Scotland) Act 2010. The portion of the offshore export cable(s) located within the WDA is assessed as part of this MachairWind WDA EIA and a marine licence application to construct, alter or improve this portion has been submitted alongside the WDA application. A separate marine licence application will be submitted for the portion of the offshore export cable(s) from the WDA boundary to mean high water Mean High Water Springs.
Offshore Export Cable Corridor (ECC)	The preliminary boundary extending from the WDA to mean high water springs near Girvan, South Ayrshire and within which the offshore export cable(s) will be located. A separate marine licence application will be submitted for the offshore export cable(s) located within the Offshore ECC.
Offshore Substation Platform (OSP)	An offshore platform with a fixed foundation located within the WDA which houses electrical equipment such as transformers, switchgear, protection and control systems, and enables the windfarm's renewable electricity to be collected via inter-array cables and exported to the National Electricity Transmission System via offshore export cable(s).
Offshore Substation Platform (OSP) link cables	Electrical cables which link OSPs (if more than one OSP is required). These cables will include fibre optic cores or bundled fibre optic cables. OSP link cables will be wholly located within the WDA.
Onshore Transmission Development Area (OnTDA)	The preliminary boundary which extends landward from mean low water springs and includes the land required for the landfall of the offshore export cable(s) and their route up to but not including the proposed high voltage direct current switching station which will be developed and constructed by Transmission Owner, ScottishPower Transmission. This Transmission Owner is responsible for consenting the high voltage direct current switching station. Onward connections

Term	Definition
	to the National Electricity Transmission System will be consented by National Grid Electricity Transmission and ScottishPower Transmission. Where relevant, these are considered as part of cumulative effects assessment in the EIA.
OnTDA infrastructure	The onshore transmission infrastructure, for which the Applicant is responsible, that is located primarily within the OnTDA, up to mean low water springs, and includes but is not limited to: landfall(s), onshore export cable(s), transition joint bays, telecom/SCADA infrastructure including vehicular access, joint bays, link boxes and temporary construction compounds. The OnTDA infrastructure will be subject to a planning application under the Town and Country Planning (Scotland) Act 1997.
Operational life	The operational life is the expected length of time from final commissioning of the WDA until the cessation of commercial operations. This is anticipated to be 35 years.
Option Agreement Area (OAA)	The seabed area awarded to ScottishPower Renewables in January 2022 through the ScotWind leasing round.
Plan Option	A spatial plan area proposed through the Sectoral Marine Plan for offshore wind energy (as adopted in 2020). As part of the ScotWind leasing round, offshore wind developers submitted bids for Plan Options which, following a successful bid, become OAAs.
Scottish Marine Area	The area of Scotland's territorial sea limit (up to 12 nautical miles from baseline) as defined in the Marine (Scotland) Act 2010.
ScotWind	A Crown Estate Scotland seabed leasing round which enabled developers to propose offshore wind projects and apply for seabed rights to plan and build windfarms in Scottish waters.
The Applicant	The legal entity submitting consent applications for the MachairWind Offshore Windfarm, namely MachairWind Limited.
The Project	MachairWind Offshore Windfarm including all its Development Areas and associated infrastructure.
Windfarm Development Area (WDA)	The application boundary within the OAA where consent will be sought for the proposed WDA infrastructure. The WDA infrastructure is subject to Section 36 consent and marine licence applications (generation and transmission) which are being applied for separately from the Offshore ECC infrastructure and OnTDA infrastructure.
WDA infrastructure	The offshore generation and transmission infrastructure located within the WDA including but not limited to: WTGs, WTG fixed foundations (and associated scour protection), OSP(s), OSP fixed foundations (and associated scour protection), IACs, OSP link and offshore export cable(s) and their associated external cable protection (insofar as these are located within the WDA) and fibre optic cables.
Wind Turbine Generator (WTG)	A wind turbine generator which converts wind energy into electrical energy. Each wind turbine generator is a complex system composed of a high number of components. Typically, the main components include the rotor assembly (composed of three blades and a hub); the nacelle (containing a generator, shaft and gearbox, power electronic converter and transformer); and the tower (containing lifting equipment and the switchgear).

1 INTRODUCTION

1. This document sets out MachairWind Limited's (hereafter "the Applicant") Without Prejudice Derogation Case under Phase Three of the Habitats Regulations Appraisal (HRA), in line with NatureScot's HRA Guidance (NatureScot, 2025). This is in relation to the Windfarm Development Area (WDA) infrastructure of the MachairWind Offshore Windfarm (hereafter "the Project").

2. This Without Prejudice Derogation Case specifically relates to the guillemot feature of the North Colonsay and Western Cliffs Special Protection Area (SPA) and provides the Scottish Ministers with a clear and proportionate justification for granting consent for the WDA infrastructure should they determine that an adverse effect on site integrity cannot be ruled out, and therefore that consideration of a derogation under the Habitats Regulations is required. The Without Prejudice Derogation Case sets out the imperative reasons of overriding public interest (IROPI) for the Project, the absence of feasible alternative solutions, and the package of compensatory measures designed to benefit the United Kingdom (UK) Marine Protected Area (MPA) network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, on the integrity of the European site or European offshore marine site (**Appendix 1 Without Prejudice Guillemot Compensation Plan**). It is provided without prejudice to the Applicant's position that the Project will not give rise to an adverse effect on site integrity (AEoSI).

1.1 PROJECT OVERVIEW

3. In April 2022, as part of the ScotWind leasing round, the Applicant entered into an Option to Lease Agreement with Crown Estate Scotland (CES) for the entire W1 Plan Option Area (POA). W1 is one of 15 POAs that the Scottish Government identified in its Sectoral Marine Plan (SMP) for Offshore Wind Energy (Scottish Government, 2020a) following comprehensive review, refinement and consultation. W1, herein referred to as the Option Agreement Area (OAA), is located off the west coast of Scotland, northwest of Islay and west of Colonsay (**Figure 1.1**).

4. As described in **Chapter 1 Introduction** of the WDA Environmental Impact Assessment (EIA) Report (EIAR), the Project has been divided into three Development Areas:

   - The WDA;
   - The Offshore Export Cable Corridor (ECC); and
   - The Onshore Transmission Development Area (OnTDA).

5. Following lengthy delays stemming from the National Electricity System Operator's 2022 Holistic Network Design (HND) process, the grid connection location for the Project was confirmed in August 2025 to be in the vicinity of Girvan, South Ayrshire. Consequently, separate consent / marine licence applications will be sought for the Offshore ECC and OnTDA (see **Chapter 1 Introduction** of the WDA EIAR). Combined effects between the WDA, the Offshore ECC and the OnTDA are considered within the MachairWind WDA Report to Inform Appropriate Assessment (RIAA) and EIAR to ensure a meaningful and proportionate whole assessment is undertaken commensurate with the level of detail available at the time of undertaking the assessment.

6. When operational, the WDA infrastructure is anticipated to have a capacity of around 2 Gigawatts (GW) generated by up to 144 Wind Turbine Generators (WTGs). This will have the potential to generate renewable electricity for up to two million UK homes, contributing to the UK's transition to Net Zero and the UK's energy security in line with Government policy.

7. The WDA is located within the Scottish Marine Area and covers an area of 448 km^2. The WDA infrastructure includes but is not limited to:

   - WTGs;

- WTG fixed foundations (and associated scour protection);
- Offshore Substation Platforms (OSPs);
- OSP fixed foundations (and associated scour protection); and
- Inter-Array Cables (IAC), OSP link cables and offshore export cable(s) (insofar as these are located in the WDA application boundary) and their associated external cable protection.

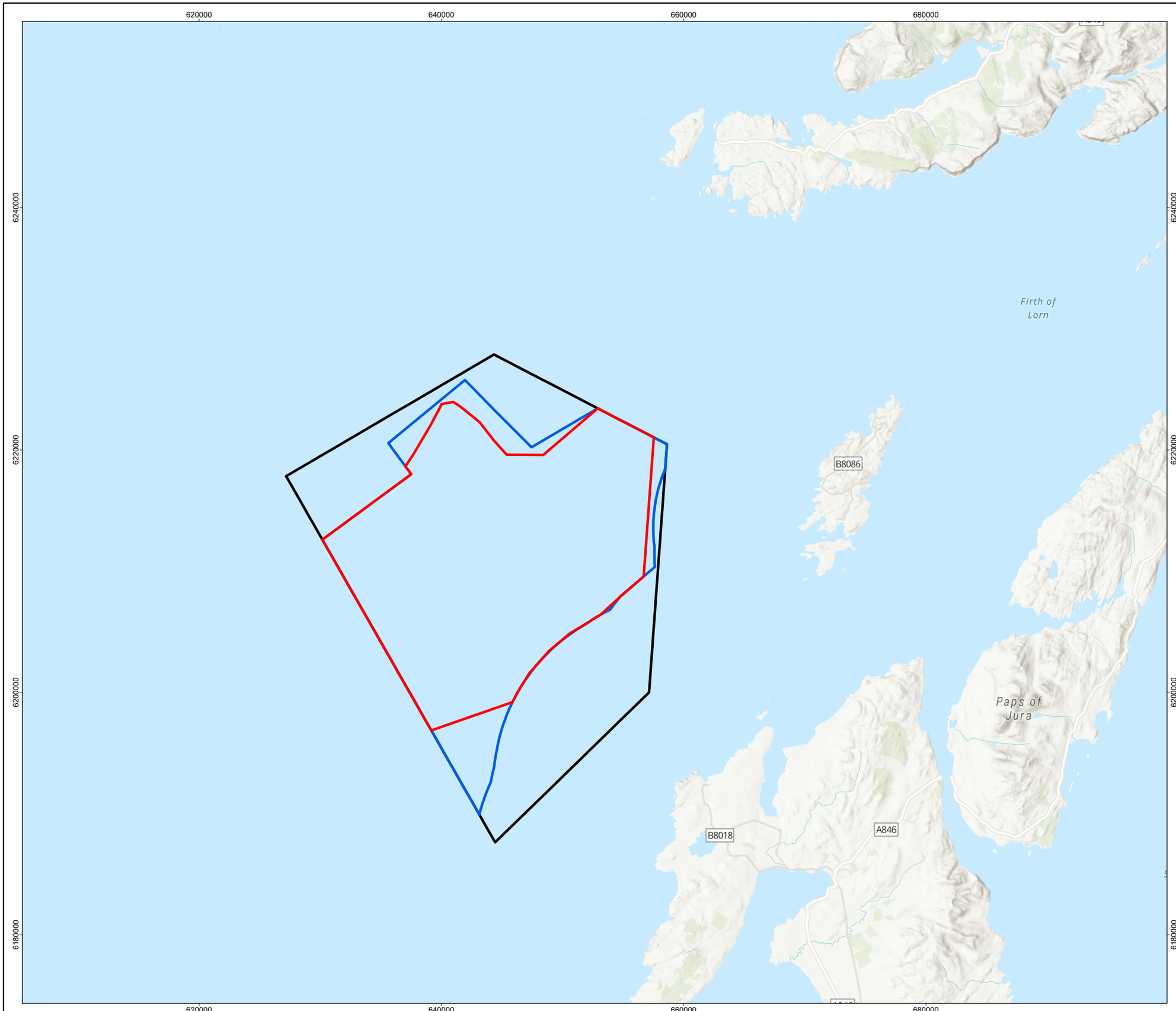
8. To meet the legislative requirements associated with EIA Regulations and Habitats Regulations, the Section 36 Consent and Marine Licence applications include both an EIAR (accompanied by a **Non-Technical Summary**) and a **RIAA**. **Chapter 2 Policy and Legislation** of the WDA EIAR provides a comprehensive overview of the relevant legislative and regulatory frameworks. Specific considerations related to the HRA process are described within the RIAA, with further detail provided in **Section 2** of this document.

9. Due to the nature of this derogation case, this report is intrinsically linked to and informed by several supporting documents. While not all details from these documents are reiterated within this derogation case, relevant references will be cited throughout. The key supporting documents from the WDA consent application pertinent to this case include:

- **RIAA**; and

The following EIAR chapters:

- **Chapter 2 Policy and Legislation**;
- **Chapter 3 Project Description**;
- **Chapter 4 Site Selection and Alternatives**;
- **Chapter 11 Offshore Ornithology**;
  - **Appendix 11.4 Displacement**;
  - **Appendix 11.6 Apportioning for HRA**; and
  - **Appendix 11.7 Population Viability Analysis**.
- **Chapter 18 Socio-economics**;
- **Chapter 19 Greenhouse Gas Assessment**; and
- **Chapter 20 Climate Change Risk Assessment**.



Option Agreement Area (754km²)

EIA Scoping Windfarm Development Area (510km²)

Windfarm Development Area (448km²)

N

0 4 8 12 Kilometres

REV	REV DATE	GIS CREATOR	GIS REVIEWER	TECHNICAL CHECKER	TECHNICAL APPROVER
2	21/11/2025	AB	GC	PM	CG

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DATUM	ETRS89
PROJECTION	UTM Zone 29N
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PROJECT TITLE	MachairWind
DRAWING TITLE	**Figure 1.1: Project Overview**

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1.2 HRA PROCESS TO DATE AND THE APPLICANT'S POSITION ON AEoSI

10. **Section 2.1.1.1** details the HRA Process. Phases One and Two are presented within the **WDA HRA Screening Report** and the **RIAA** respectively which are submitted together with the application.

11. The Applicant's RIAA concluded that no Adverse effect on site integrity (AEoSI) would occur as a result of the Project, either alone or in-combination with respect to the ornithological features of any SPA. On this basis, the Applicant submits that the consenting applications for the WDA infrastructure do not require a derogation under the Habitats Regulations. It is, however, possible that the Competent Authority may not reach the same conclusion in relation to the guillemot feature of the North Colonsay and Western Cliffs SPA. In this event, a derogation from the Habitats Regulations would need to be undertaken and compensation may be deemed necessary for the guillemot feature of the North Colonsay and Western Cliffs SPA, which has been identified for potential compensation planning on a without prejudice basis.

1.2.1 Structure of this Report

12. This report is structured following the guidance for the derogation provisions of the HRA process (set out in **Section 2.1.1**). The structure of this report is as follows:

- **Section 1**: Introduction – Providing background to the WDA, including where supporting information can be found;
- **Section 2**: Legal Framework and HRA Process – Setting out the legislation underpinning the HRA process, as well as the specific guidance for derogations in Scotland and the HRA Process undertaken for the WDA infrastructure;
- **Section 3**: Consultation – Providing an overview of consultation undertaken;
- **Section 4**: Assessment of Alternative Solutions – Demonstrating that there are no feasible alternative solutions to the WDA infrastructure;
- **Section 5**: IROPI – Identifying the relevant residual adverse effects of the WDA infrastructure and evidencing the public benefits of the Project which are sufficient to override the environmental harm which may be caused;
- **Section 6**: Compensatory Measures – Cross references to the Applicant's proposal for compensatory measure provision;
- **Section 7**: Derogation Case Conclusions – Summarising the Applicant's position relating to the derogation case, which is that the Scottish Ministers would have sufficient information before them to grant consent, notwithstanding a conclusion of AEoSI; and
- **References** – The full references for all literature/data used throughout the Derogation Case.

2 LEGAL FRAMEWORK AND HABITATS REGULATIONS APPRAISAL PROCESS

2.1 POLICY

2.1.1 The Habitats Regulations

13. In 1992, the European Union (EU) Directive 92/43/EEC, known as the 'Habitats Directive', was adopted to enable EU member states to meet obligations set out under the Bern Convention. The purpose of the Habitats Directive is to maintain or restore natural habitats and wild species listed in the Annexes (Annex I, II) to a Favourable Conservation Status. Protection to meet Favourable Conservation Status is given through designation of European sites (Special Areas of Conservation (SAC)).

14. In addition, the EU Directive 2009/147/EC, known as the 'Birds Directive', was implemented to provide a framework for conservation and management of wild birds in the EU. Annex I of the Birds Directive provides a list of rare, vulnerable, and migratory species, which are protected through the designation of SPAs.

15. These directives are transposed into Scottish law through various instruments, with those relevant to the WDA being the Conservation of Habitats and Species Regulations 2017 (which applies to applications for Section 36 Consent) and The Conservation (Natural Habitats, &c.) Regulations 1994 (which applies to applications for marine licences within territorial waters).

16. The Habitats Regulations continue to provide the statutory basis for HRA in Scotland following the UK's exit from the European Union. The Habitats Regulations require an HRA to be undertaken where a project could affect a designated site (SPAs, SACs, proposed or candidate SPAs (cSPAs) and SACs (cSACs) or Ramsar sites), either individually or in-combination with other plans or projects, in view of the site's conservation objectives.

17. The Habitats Regulations continue to uphold the fundamental processes for evaluating the effects of plans or projects on European sites, with only slight changes in terminology. The UK's protected site network is now designated as the National Site Network (NSN), previously part of Natura 2000.

2.1.1.1 The HRA Process

18. In Scotland, the assessment of potential impacts from plans or projects on designated sites under the Habitats Regulations is referred to as an HRA. This appraisal follows a recognised three-Phase process:

- **Phase 1**: Screening for likely significant effects (LSE) - The process of identifying relevant sites within the UK's NSN and if the proposed project has an LSE on qualifying features (alone and in-combination).
- **Phase 2**: Appropriate Assessment (AA) - The assessment of the risk of the project (alone or in-combination) causing an AEoSI for each feature screened in during Stage 1 in relation to conservation objectives.
- **Phase 3**: The Derogation Provisions - If Phase 2 concludes that AEoSI cannot be excluded, the WDA infrastructure can only proceed if the following strict legal tests are met[1]:
  - Assessment of alternatives;
  - IROPI; and,

[1] It should be noted that the WDA does not overlap, or adversely affect any designated priority habitats or species. Consequently, potential impacts related to priority habitats or species are not relevant to this assessment (see **WDA HRA Screening Report**).

- Compensatory measures.

19. If the assessment of alternatives and IROPI tests are met *and* compensatory measures can be secured that will benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, on the integrity of the European site or European offshore marine site to the satisfaction of the Competent Authority, then consent for the WDA infrastructure may be granted.

20. New Regulations regarding compensation requirements will come into force in May 2026 and will apply to the Project. However, these Regulations do not, in themselves, provide a mechanism for strategic compensation in Scotland. Ongoing reforms to the Habitats Regulations pertaining to strategic compensation are being progressed by both the Scottish Government and the UK Government. However, at the time of preparing the RIAA and this derogation case, these reforms have not yet been finalised or enacted and therefore, the Applicant has set out how compensation can be provided at a project-level.

21. Phases 1 – 3 are detailed further in **Sections 2.1.1.1.1** and **2.1.1.1.2**.

2.1.1.1.1 Phases 1 and 2: Screening and Appropriate Assessment

22. The initial two Phases of the HRA process in Scotland are intended to assess the potential for LSE of a proposal on the UK's NSN. The final assessment of these effects is carried out by the appropriate Competent Authority, which, in the case of Section 36 Consent and Marine Licence applications, is the Scottish Ministers. However, the Applicant is required to provide such information as the Scottish Ministers may reasonably require to undertake an AA.

23. It is stated within The Conservation of Habitats and Species Regulations 2017 (Regulation 63) that:

"*63 (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which -*

a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives".[2]

24. If the Phase 2 assessment enables the Competent Authority to determine, beyond reasonable scientific doubt, that no AEoSI will occur on any designated site, consent may be granted. However, if an AEoSI is identified, Phase 3 of the derogation process must be successfully completed before consent can be granted.

2.1.1.1.2 Phase 3: Derogation Provisions

25. Phase 3 is only undertaken where a derogation under the Habitats Regulations is required. It is important to note that, under the Habitats Regulations, the designated sites considered include SACs, cSACs, SPAs, and other sites within the UK's NSN. Proposed Special Area of Conservation (pSAC), proposed Special Protection Area (pSPA) and Ramsar sites are not, as a matter of law, afforded the same level of protection as European sites under the Habitats Regulations. However, Scottish Government policy (Scottish Government, 2025a) requires that they are afforded the same level of protection as European sites in development decisions.

[2] Similar provisions are set out in The Conservation (Natural Habitats, &c.) Regulations 1994.

26. Phase 3 of the HRA process entails the Assessment of Alternatives (detailed further in **Section 4**). Essentially this Phase requires the Applicant to consider if there are alternative solutions to the WDA infrastructure (in terms of location, scale/size, design, methods (e.g. construction), and timing).

27. If there are no suitable alternatives, then the HRA process entails the assessment of IROPI (detailed further in **Section 5**). Primarily this requires the Applicant to evidence that the project is:

- Essential for public interest reasons;
- Is in the public interest and benefits the public, not just private interests; and
- Is overriding and as such the public interest outweighs the harm, or risk of harm, to the integrity of the site(s) of the European Site Network being considered

28. Following the consideration of feasible alternatives and the conclusion that the Project must proceed for IROPI, the final stage requires the identification and securing of appropriate compensation measures. These measures are intended to benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, on the integrity of the European site or European offshore marine site, notwithstanding the residual adverse effects on site integrity. The measures must be secured in advance of the impact occurring, or otherwise provide clear assurance that any temporal loss is adequately addressed. Compensation proposals are therefore developed through consultation with relevant statutory authorities and are subject to detailed assessment to demonstrate that they are effective, enforceable, and capable of delivering the intended conservation outcome.

2.2 GUIDANCE

29. In accordance with The Conservation of Habitats and Species (Offshore Wind) (Miscellaneous Amendments) (Scotland) Regulations 2026, the Scottish Government is shortly expected to issue statutory guidance to support the implementation of new compensatory measure requirements but at the time of writing, this has not yet been published. Once the new guidance is published it will be reviewed by the Applicant and any necessary further steps will be carried out.

30. The following Scottish, UK and EU guidance documents address the HRA derogation provisions and are referred to in this submission, where applicable and appropriate.

31. Key Scottish Guidance includes:

- CMS Scotland (2021) – HRA Derogations for Offshore Wind Projects in Scotland – Legal Framework for Decisions;
- David Tyldesley Associates (DTA) (2021a: in draft). Policy guidance document on demonstrating the absence of Alternative Solutions and imperative reasons for overriding public interest under the Habitats Regulations for Marine Scotland;
- DTA (2021b: in draft) Framework to Evaluate Ornithological Compensatory Measures for Offshore Wind. Process Guidance Note for Developers. Advice to Marine Scotland;
- NatureScot (2022) European Site Casework Guidance: How to consider plans and projects affecting SACs and SPAs in Scotland. The essential quick guide;
- NatureScot (2025) Habitats Regulations Appraisal;
- Scottish Government (2018). Marine Scotland Consenting and Licensing Guidance: For Offshore Wind, Wave and Tidal Energy Applications;
- Scottish Government (2020b). Policy Paper “EU Exit: The Habitats Regulations in Scotland”; and
- Scottish Government (2024a) - Marine Licensing and consenting: Habitats Regulations Appraisal.

32. Key UK Guidance includes:

- Department for Environment, Food and Rural Affairs (Defra, 2012) – Habitats Directive: guidance on the application of article 6(4);
- Defra (2021a) – Policy paper 'Changes to the Habitats Regulations 2017;
- Defra (2021b) – Draft best practice guidance for developing compensatory measures in relation to MPAs;
- Defra (2024) - Consultation on policies to inform updated guidance for MPA assessments; and
- DTA (2021c) – The Habitats Regulations Assessment Handbook.

33. Key EU Guidance includes:

- European Commission (EC) (2018) – Managing Natura 2000 Sites (MN 2000): The provisions of Article 6 of the Habitats Directive 92/43/EEC;
- EC (2021a) – Guidance document on wind energy developments and EU nature legislation; and
- EC (2021b) – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC and Annex (the EC Methodological Guidance).

3 CONSULTATION

34. Stakeholder engagement is a vital component of the HRA process. As part of ongoing consultation, a range of topics related to ornithological receptors, including assessment methodology, survey techniques, guidance application, modelling approaches, data handling, and potential options for compensation were discussed and agreed upon with relevant stakeholders. These discussions informed the development of the Project and supported the delivery of robust conclusions.

35. The assessment methodology and approach adopted in both the **WDA HRA Screening Report** and the **RIAA** reflect agreements made with and advice received from Statutory Nature Conservation Bodies (SNCBs) and Marine Directorate Licensing and Operations Team (MD-LOT). The Applicant has also maintained engagement with SNCBs and other stakeholders to ensure transparency regarding the Project's progress. A full record of consultation on ornithological HRA matters is provided in the **RIAA Part 3 Ornithology**, while consultation relevant to ornithological EIA matters is detailed in **Chapter 11 Offshore Ornithology** of the WDA EIAR.

4 ASSESSMENT OF ALTERNATIVE SOLUTIONS

4.1 APPROACH

36. This section identifies and assesses whether there are any alternative solutions to the Project. Alternative solutions range from 'do nothing' to assessing alternative sites, designs, scales and methods of bringing forward the WDA infrastructure. There is no prescribed process within the Habitats Regulations for reviewing potential alternative solutions. Therefore, the methodology and approach to demonstrating the absence of alternative solutions is guided by the appropriate UK and European guidance, and from precedent set by previous offshore windfarm projects that have submitted derogation cases in both the UK and Scotland. The relevant guidance documents for the alternatives test are:

- Managing Natura 2000 Sites (MN2000) - The provisions of Article 6(3) of the 'Habitats' Directive 92/43/EEC (2000) published by the EC in 2000 but updated in November 2018 (European Commission (EC), 2018);
- EC Methodological Guidance - Assessment of plans and projects significantly affecting Natura 2000 sites (the Methodological Guidance), (EC, 2021b);
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (Article 6(4) Guidance) (EC, 2007);
- DTA (2021a, in draft) - Policy guidance document on demonstrating the absence of alternative solutions and imperative reasons for overriding public interest under the Habitats Regulations for Marine Scotland;
- NatureScot (2022) - European Site Casework Guidance: How to consider plans and projects affecting Special Areas of Conservation (SACs) and Special Protection Areas (SPAs);
- NatureScot (2024) – 'HRA';
- Defra (2012) 'Habitats Directive: guidance on the application of article 6(4);
- Defra (2023b) - Habitats Regulations Assessments: protecting a European site; and
- Defra (2021b) - Draft best practice guidance for developing compensatory measures in relation to MPAs.

37. The assessment of alternative solutions is supported by the following documents within the EIA:

- **Chapter 3 Project Description**; and
- **Chapter 4 Site Selection and Alternatives**.

38. Based on the guidance documents above, the assessment of alternatives is presented using the following process:

- **Step 1: Identification and characterisation of the Project's objectives** - This step is essential for guiding the evaluation of alternative solutions and includes understanding both environmental and technical goals. It also requires consideration of site-specific constraints, environmental sensitivities, and technical feasibility (**Section 4.2**);
- **Step 2: Consideration of the 'do nothing' scenario** – This step establishes a baseline for comparison. This step helps highlight the consequences of not proceeding with the Project (**Section 4.3**);
- **Step 3: Identification of any feasible alternative solutions** – This step involves identifying viable alternatives to the Project. This includes exploring a different project design, location, or technology that could meet the Project's objectives while minimising environmental impacts (**Section 4.4**); and
- **Step 4: Assess Feasible Alternative Solutions** – The final step involves assessing the potential impacts of each feasible alternative on European sites, in line with the Habitats Regulations. This includes evaluating whether alternatives can avoid or reduce adverse effects

on protected areas, considering factors such as impact magnitude, timing, mitigation options, whilst meeting the project objectives considering broader implications for project timelines, compliance, and long-term sustainability (**Section 4.5**).

39. Scottish Ministers have set out their considerations for alternative solutions in several Derogation Cases for consented Scottish offshore wind projects (Green Volt, Salamander, West of Orkney and Berwick Bank). These are:

- That they (the Scottish Ministers) do not consider alternative forms of renewable technologies or onshore windfarms to be "alternatives" to offshore wind;
- That identification of reasonable alternative solutions will consist of either a 'do nothing' approach, or consideration of an alternative project location, scale or design;
- That any alternative identified must be capable of meeting the identified policy objectives, be legally, technically and financially feasible, and have a lower impact on the designated sites;
- That they do not consider expediting the construction and operation of already consented windfarm projects as an alternative; and
- That consideration is given to the policy on alternatives contained in NPS EN-1, including the status of offshore wind as Critical National Priority (CNP) infrastructure (in particular, para 4.2.22 (Department for Energy Security and Net Zero (DESNZ), 2025a)).

4.2 STEP 1: THE OBJECTIVES

40. To determine whether an alternative solution is feasible, it must be capable of achieving the same objectives as the Project. Therefore, clearly defining the aims of the original development is a critical first step in the assessment process. These objectives help establish whether alternative approaches could deliver equivalent outcomes with reduced environmental impact. The core objectives that frame the search for alternatives must respond to and must be understood in the context of the relevant policies and the needs case that the Project serves, as set out in **Section 2** and **Section 4** of this Derogation Case. The core objectives for the Project are identified within **Table 4.1**.

41. Under the derogation provisions, a feasible alternative is one that meets the same goals while causing less harm to the UK's NSN than the original proposal.

42. This interpretation is supported by legal precedent, including the English High Court's ruling in Spurrier[3], which clarified that an "alternative solution" must be directed toward the same identified objectives or purposes. The court stated:

"*Even by itself, the noun 'alternative' carries the ordinary, Oxford English Dictionary meaning of 'a thing available in place of another', which begs the question what are the relevant objectives or purposes which an alternative would need to serve. However, article 6(4) does not refer simply to the absence of an 'alternative' but to an 'alternative solution', 'alternative' appearing as an adjective, which makes this meaning plain beyond any doubt. In our view, 'an alternative' must necessarily be directed at identified objectives or purposes; but it is beyond doubt that 'an alternative solution' must be so aimed*."

43. According to Defra (2012), alternative solutions must be limited to those that can achieve the same overall objective as the original proposal. This principle ensures that alternatives are genuinely comparable in purpose and scope.

"*For example, in considering alternative solutions to an offshore wind renewable energy development the competent authority need only consider alternative offshore wind renewable energy developments. Alternative forms of energy generation are not alternative solutions to this project as*

[3] R (Spurrier) v Secretary of State for Transport [2019] EWHC 1070 (Admin)

they are beyond the scope of its objective. Similarly, alternative solutions to a port development will be limited to other ways of delivering port capacity, and not other options for importing freight".

44. The Need for the Project is underpinned by several key policy themes, all of which align with Scottish and UK energy policy objectives:

- **Climate Change, Net Zero, and Decarbonisation**: Supporting national efforts to meet legally binding climate and net zero targets, contributing to the global fight against climate change;
- **Security of Supply**: Enhancing energy independence by reducing reliance on imported energy sources;
- **Affordability of Supply**: Delivering energy at the lowest possible cost to consumers; and
- **Socio-economic Benefits**: Promoting stable employment and stimulating local economic growth through increased investment.

45. This need is reflected in the Project objectives, which are presented in **Table 4.1**.

46. The themes outlined above are used to frame the Assessment of Alternatives (**Section 4**) and the IROPI (**Section 5**).

Table 4.1 The Project Objectives

No.	Project Objective	Underlying Basis
1	**Reduction of Greenhouse Gas Emissions** – To support the Scottish Government's world-leading targets to reduce greenhouse gas emissions and achieve net zero by 2045.	The net zero target is secured under The Climate Change (Scotland) Act 2009. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 introduced a carbon budget-based framework for the reduction of greenhouse gas emissions, which replaced the system of interim targets set out in the previous Climate Change (Scotland) Act 2009 (Scottish Parliament, 2024). Development of the Project and its estimated 2 GW operating capacity (which would generate enough power to supply up to 2 million homes) would make a substantial and crucial contribution to Scotland and the wider UK's decarbonisation and net zero targets through the estimated reduction in greenhouse gas emissions of 2,851,685 tonnes through displacement of non-renewable electricity. Due to the Project being one of the few applications within the Sectoral Marine Plan (SMP) process based on fixed-bottom foundation technology (already proven at commercial scale throughout the UK), the Project has fewer technological barriers to overcome prior to its operation when compared to other SMP windfarm applications based on floating substructure technology.
2	**Delivery of Offshore Wind** – To support the Scottish Government's ambition in development of offshore wind in Scottish waters.	Delivery of Offshore Wind in Scotland - to contribute to the Scottish Government's updated ambition of deploying up to 40 GW of new offshore wind capacity by 2040 (Scottish Government, 2026). Development of the Project and its estimated 2 GW operating capacity (which would generate enough power for up to 2 million homes) would make a substantial and crucial contribution to Scotland and the wider UK's targets for offshore wind capacity.
3	**Energy Security** – Secure Scottish and UK energy supply through increasing the share of energy produced domestically rather than importing from increasingly volatile international sources.	Reducing dependence on international energy sources such as natural gas will provide greater energy security for consumers in Scotland and wider UK, while also helping to improve the affordability of electricity supply by reducing exposure to volatile global fuel markets. This aligns the Project with the primary objectives of the UK Government's Clean Power 2030 Action Plan to achieve 43-50 GW of installed / consented offshore wind capacity in UK waters by 2030 (UK Government, 2024).

No.	Project Objective	Underlying Basis
4	**Nature Positive Development** – The Project is committed to ensuring negative effects on biodiversity are minimised and mitigated, where possible, and that the Project has an overall positive benefit on biodiversity.	Scottish Government Policy, including the Scottish Biodiversity Strategy to 2045 (Scottish Government, 2024a), SNMP and National Planning Framework 4 (NPF4) (Scottish Government, 2023a), emphasise the need to tackle the nature crisis through developments that contribute towards halting biodiversity loss and supporting biodiversity enhancement. The **Nature Positive Plan (NPP)** sets out how the Project as a whole has considered impacts on biodiversity and how it will seek to implement measures to quantify and restore affected habitats.
5	**Delivering Social and Economic Performance** – The Project is committed to maximising its net economic effect and contribution to community wealth building. This includes supporting relevant economic priorities, where feasible, of host communities in Argyll and Bute, and the wider West of Scotland region. The Applicant will undertake actions and make direct financial investments in stimulus activities to help build renewable energy skills and supply chain capabilities within the region and Scotland more broadly, which will have benefits beyond the Project.	Development of the Project would result in significant socio-economic benefits for Scotland, including the approximately £2.1 billion the Applicant has committed to spend within Scotland as part of the **Supply Chain Development Statement (SCDS)** process. The Project's **Socio-economic Action Plan (SEAP)** has been informed by engagement with local communities, businesses and other key stakeholders and draws on expert insights from the MachairWind Development Economic and Social Scenarios: Opportunities and Impacts report (BiGGAR Economics, 2024). Implementation of this objective would support national, regional and local economic goals with regards to the development of the renewable energy industry. This includes: • Scotland's National Strategy for Economic Transformation, which highlights the need to build out Scotland's offshore wind supply chain to maximise the economic benefits of the industry (Scottish Government, 2022); • The Highlands and Islands Regional Economic Partnership's goal to "*Maximise the economic and community benefits from renewable energy investments and drive the region's move to net zero and climate resilience/adaptation*" (Highlands and Islands Regional Economic Partnership, 2025); • The Argyll & Bute Local Area Plan 2, which states that *"The Council will seek to ensure that the renewable energy industry plays an important role in developing our local economy and will encourage initiatives that promote local procurement, recruitment and training opportunities associated with all proposed new renewable energy projects."* (Argyll and Bute Council, 2024); and • NPF4, Policy 11c, which states that "*Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities."*

No.	Project Objective	Underlying Basis
6	**Optimise Use of Available Site** – The Project will optimise the W1 ScotWind Plan Option Area to reduce conflict with other users whilst maximising generation capacity of available Scottish seabed.	The Project has reduced the WDA boundary by 40% relative to the original OAA, while ensuring the full 2 GW of operating capacity is possible to achieve within the WDA in line with the realistic development scenario for POA W1 defined within and assessed through both the adopted SMP (2020) and the Draft Updated SMP (2025).

4.3 STEP 2: DO NOTHING OPTION

47. The 'do-nothing' scenario assesses the potential impacts of not progressing the Project.

48. While the Defra (2021b) compensatory measures guidance advised that the "do nothing" option should be considered, it acknowledges this would rarely be a true alternative:

"*It is unlikely in most cases that the 'do nothing' option (i.e. no proposed activity) would be an acceptable alternative, as it would not deliver the same overall objective as 'the activity'. However, it is useful to provide a comparison for other alternatives and to act as a baseline against which public benefits can be assessed. Where it is most likely to be an option is where no or limited tangible public benefit can be demonstrated.*"

49. Both the UK and Scottish Governments have established statutory Net Zero targets, with the UK's 2050 target set under the UK Climate Change Act 2008 and Scotland's 2045 target set under the Climate Change (Scotland) Act 2009, requiring the UK to reach Net Zero emissions by 2050 and Scotland by 2045.

50. Building on the UK Government's Clean Growth Strategy (BEIS, 2017) and Offshore Wind Sector Deal (BEIS, 2020), the UK Government's Clean Power 2030 Action Plan (UK Government, 2024) recognises the decarbonisation of the power sector as fundamental to enabling emissions reductions across other sectors of the economy, particularly through the electrification of heat, transport and industry, while maintaining affordability and security of supply. The Action Plan is supported by a connections reform annex which identifies an offshore wind capacity range of 72 – 89GW of deployment required by 2035 to remain on track for a decarbonised power system and meet other policy objectives. This highlights a clear and unmet need for significant additional offshore wind generation to be delivered within this timeframe (UK Government, 2024). The Project directly contributes to meeting this unmet capacity requirement by providing timely, large-scale offshore wind generation and supporting the delivery of the UK's clean power objectives.

51. If the Project is not constructed, the opportunity to strengthen Scottish and UK energy security by increasing the supply of domestically produced electricity would be reduced. Scotland's offshore wind resources play an important role in supporting the UK energy system, and failure to deliver this project would prolong reliance on imported fossil fuels from increasingly volatile international markets. This would limit progress towards a more resilient and diversified energy mix, reduce capacity to respond to peak demand or supply disruptions, and undermine efforts to enhance long-term energy security.

52. Failure to construct the windfarm would also result in the loss of significant economic value, including the circa £2.1 billion of expenditure the Applicant has committed to spend within the Scottish supply chain as part of the **SCDS** process. If the Project is not constructed, the commitments set out in the **SEAP** would not be delivered. This would result in the loss of the estimated £2.4 billion Gross Value Added (GVA) to the UK economy, alongside local and regional benefits. The Do Nothing alternative would therefore fail to optimise socio-economic performance at the local, regional and national levels.

53. As a result of 'Do Nothing', the opportunity to contribute significantly to Scotland's and the UK's Net Zero and decarbonisation targets would be lost which would weaken short-term energy security. Given the critical importance of achieving climate goals, ensuring energy security, and maintaining affordability, all viable offshore wind projects must be considered. In the context of the climate emergency, inaction is not a sustainable option.

54. To support Scotland's statutory Net Zero Target, The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 introduced a system of five-year legally binding carbon budgets

covering every year from 2026 to 2045. The budgets are expressed as the average reduction in greenhouse gas emissions relative to 1990 levels over each five-year period:

- A 57% reduction between 2026- 2030
- A 69% reduction between 2031 – 2035
- A 80% reduction between 2036 – 2040; and
- A 95% reduction between 2041 – 2045.

55. These budgets set the maximum allowed tonnes of CO_2-equivalent for each period, with Ministers legally required to ensure each budget is met. The Climate Change Plan (CCP) 2026–2040 sets out the policies and proposals that will deliver emissions reductions within those limits. Covering the first three carbon budget periods (2026–2030, 2031–2035 and 2036–2040), the CCP explains how sector-specific actions in areas such as energy, transport, buildings, agriculture and land use will combine to keep emissions within each budget and maintain a credible pathway to net zero by 2045 (Scottish Government, 2025b).

56. In 2025, the Scottish Government accepted advice from the Climate Change Committee (CCC) on the setting of carbon budgets and published the Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025. These Regulations require an average reduction of 69% in greenhouse gas emissions from 1990 levels over the period to 2035. The CCC's advice highlights the critical role of renewable energy generation, noting that almost half of the emissions reductions in its Balanced Pathway are expected to result from electrification (CCC, unknown).

57. Scotland's Updated Offshore Wind Ambition, which sets a target of delivering up to 40 GW of offshore wind capacity by 2040, is a clear and distinct policy commitment of the Scottish Government. Achieving this ambition requires the urgent progression of all viable renewable energy projects currently within the development pipeline, reflecting the scale and pace of deployment necessary to meet national climate and energy objectives. Within this context, projects utilising fixed-bottom foundation technology are of particular strategic importance, as the number of suitable seabed locations for fixed-bottom development is limited and such projects are proven to deliver generation at scale. The timely delivery of these projects is therefore critical to meeting the 2040 ambition and maintaining a credible pathway towards Scotland's Net Zero target.

58. Not proceeding with the Project would result in the loss of approximately 2 GW of offshore wind generation capacity utilising fixed-bottom foundation technology, significantly undermining Scotland's ability to meet its Updated Offshore Wind Ambition of up to 40 GW of new deployment by 2040. The Updated Offshore Wind Ambition confirms that no further offshore wind leasing rounds are planned in the near term, meaning that delivery of the 2040 target is dependent on the timely implementation of the current project pipeline. As a result it is expected that all consented and proposed projects will be required, particularly the limited number of fixed-bottom developments which occupy a constrained and strategically important portion of Scotland's seabed. The loss or delay of any such project would materially reduce available generating capacity and place the full achievement of the 2040 ambition at risk, as the shortfall cannot reasonably be offset through alternative future leasing opportunities. In addition, the 'do nothing' scenario would significantly hinder Scotland and the UK's efforts to secure domestic production of electricity for consumers.

59. In addition to its contribution to offsetting carbon emissions, the WDA infrastructure has the potential to power the equivalent energy needs of up to 2 million homes[4] across the UK with clean, renewable and low cost electricity. To meet Scottish and UK renewable energy targets, renewable energy needs to be affordable. The Offshore Wind Policy Statement (Scottish Government, 2020c) highlights that:

[4] https://www.scottishpowerrenewables.com/offshore/machairwind

'Offshore wind is one of the lowest cost forms of electricity generation at scale, offering cheap, green electricity for consumers, with latest projects capable of generating power at below wholesale electricity prices.'

60. The Scottish Government's Draft Energy Strategy and Just Transition Plan (Scottish Government, 2023b) emphasises the rapid expansion of renewable electricity generation, including offshore wind, to deliver a fair, secure and affordable energy system, support long-term economic growth, and ensure a just transition for workers and communities as Scotland moves towards Net Zero. Failure to construct the Project would therefore constrain the delivery of affordable, secure and low-carbon electricity, prolong reliance on imported and volatile fossil fuels, and undermine progress towards the decarbonisation of the wider economy in line with this strategy.

61. If the Project does not go ahead, a large area (at least 448 km^2 area) of seabed in Scottish waters would remain unused. The W1 POA was identified as being a suitable location for the development of an offshore windfarm through the Scottish Government's SMP, and retained within the Draft Updated SMP, both subject to strategic level assessments. The W1 POA is also one of the few ScotWind POAs that is suitable for fixed-bottom foundation technology. Such foundation technology has been proven to be technically viable at scale in the UK and worldwide, with all major commercial offshore windfarms in UK waters (including East Anglia ONE, TWO and THREE which were developed by ScottishPower Renewables (SPR)) using such technology.

62. If the Project does not proceed, the **NPP** would not be implemented. This would avoid project related effects but would also forego the delivery of planned biodiversity enhancements informed by the most advanced environmental understanding within the WDA. In the absence of the Project, there would be no mechanism to develop these nature positive outcomes, resulting in a missed opportunity to deliver biodiversity enhancement alongside the Project's wider environmental benefits.

63. Therefore, the 'Do Nothing' option is discounted as an alternative solution to the Project as it would not meet any of the Project objectives (1-6), as summarised in **Table 4.2**.

Table 4.2 Assessment of the 'Do Nothing' Alternative Against the Project Objectives

Objective		Alternative – Do Nothing
1	Reduction of Greenhouse Gas Emissions	Loss of 2,851,685 tonnes CO_2e in avoided emissions, through displacement of non-renewable electricity, should the Project not be constructed, resulting in a high likelihood of Scotland's 2045 Net Zero target being missed and subsequent associated climate change impacts including on human/environmental health.
2	Delivery of Offshore Wind	Loss of up to 2 GW of Scottish offshore wind capacity, resulting in a high likelihood of the Scottish Government's 40 GW ambition for 2040 being missed.
3	Energy Security	Loss of up to 2 GW of generating capacity from the UK's energy supply should the Project not be constructed.
4	Nature Positive Development	Loss of funding and fulfilment of plans proposed in the **NPP**, included within this application, should the Project not be constructed.
5	Delivering Social and Economic Performance	Complete loss of the estimated £2.4 billion gross value added to the UK economy, and the loss of local, regional and national socio-economic benefits accruing from the **SEAP** and **SCDS** should the Project not be constructed.
6	Optimise Use of Available Site	Loss of development by the Applicant of a site previously identified by the Scottish Government as being suitable for the deployment of offshore wind.

4.4 STEP 3: IDENTIFY FEASIBLE ALTERNATIVE SOLUTIONS

64. In line with established guidance and precedents from previous offshore windfarm derogation cases, the scope for evaluating potential alternative solutions is defined as follows:

- Alternative WDA locations (**Section 4.4.1**), including:
  - Locations outside the UK;
  - Locations within the UK, excluding Scottish waters; and
  - Locations within Scottish waters.
- Alternative project designs (**Section 4.4.2**). Given that the AEoSI conclusion that may be reached by Scottish Ministers would result from displacement risks associated with WTG presence, the key project design parameters likely to influence impact pathways during the operational phase are considered to be:
  - The size of the WDA; and
  - The overall number of WTGs.

65. Each of these options is considered in turn below, in the context of the Project's objectives and with regards to their technical, financial and legal feasibility.

4.4.1 Alternative WDA Locations

4.4.1.1 Locations outside the UK

66. In the West of Orkney Offshore Wind Farm derogation case assessment (Scottish Government, 2025c), Scottish Ministers clarified that locations outside Scottish waters are not considered alternatives for projects within Scotland's jurisdiction:

"*The Scottish Ministers consider that offshore wind farm projects located either outside Scottish waters, i.e. within UK waters or in other countries, are not an alternative to the Project since this would not meet the identified objectives which are specific to Scottish waters with a view to achieving Scotland's offshore wind ambitions and net zero targets."*

67. Similarly, Scottish Ministers reached the same conclusion regarding locations outside the UK in the Berwick Bank Offshore Wind Farm derogation case assessment (Scottish Government, 2025d) in July 2025.

68. The Secretary of State noted in the HRA for the East Anglia ONE North Offshore Windfarm that areas outwith the leasing process are not legally available to the Applicant:

"*The site selection for all offshore wind proposals in the UK is controlled by The Crown Estate leasing process. Sites not within the areas identified by The Crown Estate leasing process or outside of that which the Applicant has secured (the southern East Anglia Zone) are not legally available and therefore do not represent alternative locations*."

69. Applying this principle to the WDA, it follows that locations outside Crown Estate Scotland's leasing process, including ScotWind, and outside the UK which are not legally available to the Applicant, do not constitute feasible alternative solutions.

70. Furthermore, any location outside the UK would fail to meet Objective 1 of the Project, as it would not contribute to Scotland's Net Zero targets. Similarly, because areas outwith the existing leasing rounds are not technically feasible, or presently available, for development, such locations would also fail to meet Objective 2, which aims to support the Scottish Government's ambition in development of offshore wind in Scottish waters. It would also fail to meet Objectives 3, 4 and 5, which relate to contributing to energy security and delivering social and economic performance. It would also fail to meet Objective 6, which is 'optimise the W1 ScotWind Plan Option Area'.

71. The 2026 Update to the Offshore Wind Policy Statement explicitly states that no further offshore wind leasing rounds are planned in the near term (Scottish Government, 2026). In the absence of any identified or scheduled future CES leasing opportunities, it would not be reasonable for the Project to defer progression in anticipation of alternative locations that are neither defined nor programmed. Such an approach would introduce significant delays to deployment, undermine timely contribution to Scotland's Net Zero trajectory, and fall outside the currently available and strategically assessed seabed required for delivering generation at scale.

72. Therefore, the 'Locations outside the UK' option is discounted as an alternative solution to the Project as it would not meet any of the Project objectives (1-6), as summarised in **Table 4.2**.

Table 4.3 Assessment of the 'Locations Outside the UK' Alternative Against the Project Objectives

Objective		Alternative – Locations Outside the UK
1	Reduction of Greenhouse Gas Emissions	Development outside Scottish waters would not contribute to Scotland's statutory net zero targets, as emissions reductions must be delivered within Scotland's jurisdiction to support Scottish Government objectives.
2	Delivery of Offshore Wind	Offshore wind projects outside Scottish waters fall outside Crown Estate Scotland's leasing processes (including ScotWind) and therefore do not support the Scottish Government's ambition for offshore wind development in Scottish waters.
3	Energy Security	Generation outside the UK would not directly strengthen Scottish or UK domestic energy supply, undermining the objective of reducing reliance on imported energy from volatile international markets.
4	Nature Positive Development	Locations outside the ScotWind POAs have not been subject to the same strategic assessment framework, meaning biodiversity impacts cannot be assessed or optimised in line with Scottish policy commitments.
5	Optimising Social and Economic Performance	Development outside the UK would not deliver local supply chain, skills, or community wealth building benefits to Argyll and Bute, the West of Scotland, or Scotland more broadly.
6	Optimise Use of Available Site	An external location would fail to optimise the W1 ScotWind POA, which is the legally available and strategically assessed seabed secured by the Applicant.

4.4.1.2 Locations Within the UK, Excluding Scottish Waters

73. As outlined above, locations outside the ScotWind and Innovation and Targeted Oil & Gas (INTOG) seabed leasing areas, which are not legally available to the Applicant, do not constitute feasible alternative solutions.

74. Locations in other devolved nations within the UK do not deliver on any of the Scottish-specific project objectives, targets or policy in relation to carbon emission reductions, renewable energy generation, offshore wind generation, climate change or national policy in respect of which the Project objectives seek to contribute to.

75. In line with EN-1 paragraph 4.2.34, the existence of alternative energy projects or locations elsewhere in the UK, outside Scottish waters, does not represent a reasonable alternative, as meeting energy security and decarbonisation objectives requires a significant number of deliverable projects across multiple locations, each maximising capacity. Displacing this project to another UK location would not deliver the same contribution to generation capacity within Scotland and would therefore fail to meet the policy objectives.

76. Any location outside Scottish waters would fail to meet Objective 1, as it would not contribute to Scotland's Net Zero targets. It would also be incompatible with Objectives 2 and 6, which focus on

supporting the Scottish Government's ambitions for offshore wind development within Scottish waters and optimising use of the W1 ScotWind Plan Option Area. Selecting a location elsewhere within the UK would additionally fail to meet Objective 5, resulting in the loss of socio-economic benefits for Scotland, including the approximately £2.1 billion the Applicant has committed to invest in the Scottish supply chain under the **SCDS** process. Furthermore, developing the Project outside Scottish waters could undermine investor confidence in Scotland's offshore wind sector and create uncertainty for future offshore wind applications.

77. Therefore, the 'Locations Within the UK, Excluding Scottish Waters' option is discounted as an alternative solution to the Project as it would not meet any of the Project objectives (1-6), as summarised in **Table 4.2**.

Table 4.4 Assessment of the 'Locations Within the UK, Excluding Scottish Waters' Alternative Against the Project Objectives

Objective		Alternative – Locations Within the UK, Excluding Scottish Waters
1	Reduction of Greenhouse Gas Emissions	Development outside Scottish waters would not contribute to Scotland's statutory net zero targets or Scottish climate change policy objectives.
2	Delivery of Offshore Wind	Locations outside the ScotWind and INTOG leasing areas do not support the Scottish Government's ambition for offshore wind development in Scottish waters and are not aligned with Scottish-specific policy priorities.
3	Energy Security	While contributing to UK-wide generation, relocating the Project outside Scotland would reduce Scotland's share of domestic generation and would not maximise Scotland's contribution to decarbonisation and energy security, contrary to EN-1 paragraph 4.2.34.
4	Nature Positive Development	Sites outside the Scottish leasing areas have not been assessed or selected through Scotland's strategic offshore wind planning framework, limiting the ability to ensure alignment with Scotland's nature-positive objectives.
5	Optimising Social and Economic Performance	Development outside Scotland would not deliver local supply chain, skills, or community wealth building benefits to Argyll and Bute, the West of Scotland, or Scotland more broadly.
6	Optimise Use of Available Site	An alternative location outside Scottish waters would fail to optimise the W1 ScotWind POA, which is the legally secured and strategically assessed seabed available to the Applicant.

4.4.1.3 Locations Within Scottish Waters

78. As noted in **Paragraph 68**, the Secretary of State noted in the HRA for the East Anglia ONE North Offshore Windfarm that areas outwith the leasing process are not legally available to the Applicant. Other locations within Scottish waters as an alternative to the WDA would also fail to meet Objective 1 (it would not contribute to Scotland's Net Zero targets) and Objective 6 (it would not optimise the use of the W1 ScotWind Plan Option Area). As described in **Chapter 4 Site Selection and Alternatives** of the WDA EIAR, the Applicant considered other ScotWind Plan Option Areas and concluded that they were not reasonable alternatives for the WDA because the W1 POA is one of the few ScotWind POAs that is suitable for fixed-bottom foundation technology. Such foundation technology has been proven to be technically viable at scale in the UK and worldwide, with all major commercial offshore windfarms in UK waters (including East Anglia ONE, TWO and THREE which were developed by SPR) using such technology. This is in comparison to the majority of other ScotWind POAs, which are located in deeper waters than the W1 POA and therefore depend on floating foundation technology, which has yet to be deployed at the same commercial scale as fixed-bottom technology.

79. As outlined by the need for the project / project objectives (**Table 4.1**), and the 'Do Nothing' scenario (**Section 4.3**), there is an urgent requirement to rapidly scale up offshore renewable energy generation in both UK and Scottish waters. Offshore wind is identified in national policy (NPS EN-1) as CNP infrastructure, reflecting its essential role in delivering energy security, meeting legally binding climate change targets and supporting the transition to a low-carbon economy. Decisions by Scottish Ministers have consistently recognised that CNP status is not subject to an upper limit on the number of projects to be consented, nor to an overall capacity cap, provided that individual proposals meet statutory and policy requirements. Furthermore, all of Scotland's current offshore wind project pipeline is likely to be required to achieve the 40GW by 2040 ambition, especially the limited available fixed-bottom projects which will make a particularly important contribution. Losing any potential capacity would undermine these efforts and is therefore not considered acceptable.

80. Therefore, the 'Locations Within Scottish Waters' option is discounted as an alternative solution to the Project as it would not meet any of the Project objectives (1-6), as summarised in **Table 4.2**.

Table 4.5 Assessment of the 'Locations Within Scottish Waters' Alternative Against the Project Objectives

Objective		Alternative – Locations Within Scottish Waters
1	Reduction of Greenhouse Gas Emissions	Displacing the Project from the W1 POA would risk the loss or delay of fixed-bottom offshore wind capacity that is required to meet Scotland's net zero and 40 GW by 2040 ambitions, undermining delivery of timely emissions reductions.
2	Delivery of Offshore Wind	Other ScotWind POAs were considered and discounted as reasonable alternatives because the W1 POA is one of the few areas suitable for fixed-bottom foundation technology, which is proven at commercial scale, unlike floating technology required in deeper waters.
3	Energy Security	Offshore wind is designated as CNP infrastructure under NPS EN-1, with no upper limit on consents or capacity; all viable projects in the current pipeline, particularly fixed-bottom projects like W1, are required to maintain security of supply and meet future demand.
4	Nature Positive Development	Moving the Project to another location within Scottish waters would introduce new environmental constraints and uncertainties, rather than building upon the W1 POA, which has been strategically assessed and selected through the ScotWind process.
5	Optimising Social and Economic Performance	Failure to progress a technically viable and deliverable fixed-bottom project at W1 could result in the loss of significant economic benefits associated with timely deployment, supply chain investment and long-term employment in Scotland.
6	Optimise Use of Available Site	Alternative locations within Scottish waters would not optimise the use of the W1 ScotWind POA, which is legally secured by the Applicant and represents a scarce and strategically important opportunity for fixed-bottom offshore wind development.

4.4.2 Alternative Project Designs

81. This section considers whether modifications to the design of the WDA infrastructure could represent feasible alternative solutions that meet the Project objectives while avoiding or materially reducing adverse effects on European sites. An alternative design solution must be technically, legally and financially feasible and capable of delivering the Project objectives.

82. Design changes have been considered where there is a potential to reduce displacement effects.

4.4.2.1 Size of Developable Area/Number of Wind Turbine Generators

83. The size of the Project has been driven by several key factors, initially through the SMP process where the W1 Plan Option Area was formally identified (and subsequently refined between draft and final SMP) (Scottish Government, 2020a). The W1 POA was defined and assessed in the SMP as having a realistic maximum development scenario of 2GW and this capacity was retained in the Draft Updated SMP (Scottish Government, 2020a; Scottish Government, 2025e). The Applicant elected to bid for the whole W1 POA to maximise the opportunity to develop a 2 GW project in line with the capacity identified in the SMP and to provide flexibility that could help avoid any key constraints identified during future site surveys and studies. Following the ScotWind award in January 2022, the Applicant undertook a further review of potential constraints within the OAA which resulted in an initial reduction of the OAA from 754 km², to the 510 km² EIA Scoping WDA boundary. Following project constraints workshops and public and stakeholder consultations pre-EIA, the Applicant undertook further refinements to the WDA and associated infrastructure presented at scoping. This included a refinement of the WDA to avoid water depths of >60m where fixed foundation installation was deemed not possible. This and other refinements (see **Chapter 4 Site Selection and Alternatives** of the WDA EIAR) resulted in a WDA reduction from 510 km² to 448 km², representing a reduction in total area of just over 12% from the EIA Scoping WDA boundary, and an approximate 40% reduction from the W1 POA.

84. The number of WTGs chosen for the Project ranges between 91 (24 MW) and 144 (15 MW). This range was selected to achieve the 2 GW capacity in order to achieve its energy generation objectives while minimising potential environmental impacts. The range of WTGs is based on the likely WTGs available at the time the Project enters construction. This ensures that the impact assessment is undertaken on a range of WTGs which could reasonably be expected to be deployed. The final selection of WTGs will be made once further surveys, technical development and engagement with the supply chain have been undertaken with the final decision being made post-consent.

85. The specified number of WTGs is considered optimal for maximising the Project's generation capacity. Reducing this number would compromise the Project's ability to meet its objectives (**Table 4.1**) and would result in a significant loss of renewable energy output. A reduction in WTG numbers would fail to meet Objectives 1, 2, 3 and 6.

86. Attempting to install the number of WTGs chosen for the Project within a smaller, more densely arranged area would lead to notable energy yield reductions due to increased wake effects between WTGs, which would diminish efficiency and limit the overall energy output of the Project. Additionally, a more compact layout would limit the ability to optimise design, avoid restricted build areas, and would restrict the spatial flexibility needed for effective environmental mitigation and safe navigation.

87. This approach is technically inefficient, would raise project costs, and does not offer any meaningful advantages in reducing ornithological impacts. As such, it does not represent a viable alternative to achieving Objective 4, which focuses on ensuring negative effects on biodiversity are minimised and mitigated, where possible, and that the Project has an overall positive benefit on biodiversity, or Objective 1 to reduce greenhouse gas emissions.

88. Therefore, the 'Alternative Project Design' option is discounted as an alternative solution to the Project as it would not meet any of the Project objectives (1-6), as summarised in **Table 4.2**.

Table 4.6 Assessment of the 'Alternative Project Design – Size of Developable Area/Number of WTGs' Alternative Against the Project Objectives

Objective		Alternative – Alternative Project Design – Size of Developable Area/Number of WTGs
1	Reduction of Greenhouse Gas Emissions	Reducing the developable area or the number of WTGs would result in a significant loss of renewable energy output, undermining the Project's ability to deliver the 2 GW capacity identified through the SMP and required to support Scotland's net zero targets.
2	Delivery of Offshore Wind	The W1 POA was strategically assessed as capable of delivering up to 2 GW, and the Project boundary has already been materially reduced (by ~40%) through iterative design and constraint-led refinements. Further reductions would prevent delivery of the capacity envisaged in national policy and the ScotWind process.
3	Energy Security	Offshore wind is CNP infrastructure, and any reduction in viable generation capacity would weaken Scotland's contribution to domestic energy generation and security of supply at a time when all available pipeline capacity is required.
4	Nature Positive Development	Compressing the Project into a smaller area would increase turbine density, leading to greater wake effects, reduced energy efficiency, and reduced flexibility to avoid sensitive areas or implement effective environmental mitigation, offering no meaningful biodiversity benefit.
5	Optimising Social and Economic Performance	A reduced-scale Project would diminish the economic benefits associated with a full 2 GW development, including supply chain investment, employment, and longer-term community wealth building in Scotland.
6	Optimise Use of Available Site	The current WDA represents an optimised balance between technical feasibility, environmental constraints and policy objectives; further reduction would fail to optimise the legally secured W1 ScotWind POA and would compromise the Project's core objectives.

4.5 STEP 4: ASSESS FEASIBLE ALTERNATIVE

89. Steps 1 – 3 outlined in **Section 4.2** – **4.4** above have not identified any feasible alternative solutions to the Project. Therefore, it is concluded that there are no feasible alternative solutions for the Project and no assessment for Step 4 is required.

4.6 SUMMARY

90. The evidence provided in **Section 4.2** – **4.4** clearly demonstrates that there are no feasible alternative solutions to the Project. A thorough and iterative design process has been undertaken, which has resulted in the final design presented within this Section 36 consent and Marine Licence application. A summary of the conclusions is as follows:

- Do nothing:
  - This option does not meet the need of the Project or align with its objectives and is therefore not considered a viable alternative solution.
- Alternative WDA locations:
  - Alternative WDA locations are not considered technically viable because they do not provide the essential combination of technical suitability and environmental compatibility required for a 2GW fixed-foundation offshore windfarm development. They would not support the Project's Objectives (namely contributing to supporting the Scottish Government's Net Zero targets (Objective 1), delivery of offshore wind in Scottish waters (Objective 2), optimising the use of the W1 POA (Objective 6) and delivering on the broader aims of the Project (Objectives 3, 4 and 5)) or the Need for the Project.

- Alternative project designs:
  - None of the alternative project designs are considered feasible alternatives because the design put forward in this application reflects the optimum design to balance environmental, economic and technical constraints. Alternative designs would either fail to achieve the Project's objectives, the Need for the Project, or are not considered technically or financially feasible.

5 IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST

5.1 APPROACH TO THE ASSESSMENT OF IROPI

5.1.1 Overview

91. This section presents a strong case for the WDA infrastructure to proceed under IROPI, given its significant environmental, social, and economic benefits that support global, UK, and Scottish climate targets. This justification aligns with Regulation 64 of the Conservation of Habitats and Species Regulations 2017 which allows projects to proceed where IROPI can be demonstrated:

'*64.—(1) If the competent authority is satisfied that, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to paragraph (2), may be of a social or economic nature), it may agree to the plan or project notwithstanding a negative assessment of the implications for the European site or the European offshore marine site (as the case may be).*

(2) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in paragraph (1) must be either—

(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or

(b) any other reasons which the competent authority, having due regard to the opinion of the appropriate authority, considers to be imperative reasons of overriding public interest.'[5]

92. The consideration of IROPI requires a balance between preserving the conservation objectives of European sites and the UK's NSN based on the predicted adverse effects from the WDA infrastructure, and the benefits provided by the Project. To approve the WDA infrastructure, the Competent Authority must be satisfied that its public benefits outweigh any remaining adverse effects on the UK's NSN. It should be noted that the WDA does not overlap, or adversely affect any designated priority habitats or species. Consequently, potential impacts to priority habitats or species are not relevant to this assessment.

93. The IROPI case is underpinned by a set of documents submitted alongside the consent / marine licence application for the Project. Taken together, these materials illustrate that advancing the Project aligns with the wider public interest by balancing environmental responsibilities, including the fight against climate change, with substantial socio-economic gains and enhanced energy security. The principal supporting documents include:

- **Planning Statement**;
- **Chapter 18 Socio-economics**;
- **Chapter 19 Greenhouse Gas Assessment**;
- **WDA HRA Screening Report**; and
- **RIAA**.

[5] Similar provisions are set out in The Conservation (Natural Habitats, &c.) Regulations 1994.

5.1.2 Content and Structure

94. The key principles defining IROPI include (DTA, 2021a):

- **Step 1 - Imperative Reasons** – demonstrating how the plan or project is 'required' and that it is important that the plan or project proceeds (detailed in **Section 5.2**);
- **Step 2 - Public Interest** – illustrating the public benefit served by the plan or project in addition to the private interest (detailed **in Section 5.3**);
- **Step 3 – Overriding** – weighing the public interest against the potential impacts of the Project to ensure that they must demonstrably outweigh the potential harm to the site (detailed in **Section 5.4**); and
- **Step 4 – Long-term interest** – establishing the long-term nature of the plan or projects benefits (detailed in **Section 5.5**).

5.2 IROPI CASE: STEP 1 – Imperative Reasons

95. In line with relevant Defra guidance (2012), the Imperative Reasons that justify the WDA infrastructure are considered under the following headings:

- Human health, public safety and beneficial consequences of primary importance to the environment (**Section 5.2.1**); and
- Economic and social benefits (**Section 5.2.2**).

5.2.1 Human Health, Public Safety and Beneficial Consequences of Primary Importance to the Environment

5.2.1.1 Human Health

96. The current level of installed and consented projects across the UK and Scotland are not sufficient on their own to meet key climate objectives, primarily Scotland's Net Zero goal for 2045 and associated statutory carbon budgets. In 2025, the Scottish Government accepted advice from the Climate Change Committee (CCC) on the setting of carbon budgets and published the Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025. These regulations require an average reduction of 69% in greenhouse gas emissions from 1990 levels over the period to 2035. The CCC's advice highlights the critical role of renewable energy generation, noting that almost half of the emissions reductions in its Balanced Pathway are expected to result from electrification (CCC, undated).

97. The Draft CCP (Scottish Government, 2025b) states that:

"The policy actions set out can also protect people and communities from the health harms associated with fossil fuels and, coupled with effective adaptation, prevent many of the anticipated health impacts of climate change. Health benefits from cleaner air, warmer homes, healthier food, health-promoting natural and built environments, high quality public services and fair work in a thriving economy can be immediate. The CCP will support delivery of Scotland's prevention-focused Population Health Framework, wider public service reform agenda and the ambitions of the Scottish Government to build a fairer, greener and healthier Scotland."

98. Meeting these targets requires urgent action and the rapid deployment of additional renewable energy capacity. All of Scotland's current pipeline is likely to be required to achieve and maximise the national benefits of the Scottish Government's Updated Offshore Wind Ambition of deploying up to 40 GW of new deployment by 2040, especially the limited available fixed-bottom developments including this Project which can make a particularly important and early contribution. Losing any potential capacity would undermine these efforts and is therefore not considered acceptable.

99. The Project would play a vital role in addressing this shortfall. By delivering around 2 GW of clean, renewable energy, it will make a direct and meaningful contribution to national and international

climate commitments and is essential to achieving the offshore wind capacity required across Scotland by 2045.

5.2.1.2 Public Safety

100. Energy security is a critical concern for both the UK and Scotland, playing a vital role in safeguarding public health and safety, while also supporting economic growth and commercial development. Scotland significantly contributes to the UK's energy system, particularly through electricity generated from its surrounding waters, which supplies energy to the national grid. Although Scotland is pursuing ambitious decarbonisation targets, it remains important to address energy security within the wider UK context ensuring adequate capacity to meet peak demand and respond to unexpected events such as outages or plant closures.

101. Recent global events, including the COVID-19 pandemic and Russia's invasion of Ukraine, have led to volatility and sharp increases in the cost of imported gas and coal, rising by over 200% and 100% respectively in 2021. Although prices began to ease in 2023, they remained significantly above levels experienced prior to the Russian invasion of Ukraine (Bolton, 2025). This, alongside the recent Iran War, and the de-facto closing of the Strait of Hormuz, demonstrates the significance of the UK's reliance on imported hydrocarbons. Although, prior to the Iran War, UK gas prices have fallen back to their lowest level seen since the war in Ukraine, prices remain significantly higher than pre-pandemic and pre-Ukraine war averages and the market remains sensitive to geopolitical events, Liquefied Natural Gas (LNG) flows (as demonstrated by the recent Iran War) and weather-driven demand (Simpson, 2025).

102. Ensuring energy security requires a diverse mix of energy sources, meaning if one source becomes unavailable, others can compensate to maintain supply. Given the UK's current dependence on fossil fuels, expanding alternative energy sources, particularly renewable electricity, is essential to diversifying the energy mix. With abundant natural resources, existing infrastructure, and the capacity for large-scale deployment, Scotland and the wider UK are well-positioned to rely primarily on solar and wind power to meet Net Zero targets.

103. Decarbonisation of the UK energy supply chain and increasing electricity demand could result in a significant deficit in UK electricity supply compared with demand and, therefore, there is a clear public benefit inherent in the creation of new electricity supply capacity, which will be provided by the Project. With offshore wind already established in Scotland, increasing the amount of offshore wind is considered to be a logical step in reducing Scotland's reliance on imported sources, not only for tackling climate change and achieving decarbonisation, but also for enhancing political stability and reducing reliance on foreign energy supplies.

104. The Draft Energy Strategy and Just Transition Plan (Scottish Government, 2023b) states:

"*The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition. The current uncertainty in our energy sector, with global market volatility and high energy prices, is impacting Scotland's people, communities and businesses. This energy crisis has demonstrated how vulnerable our energy system is to international price shocks, as well as laying bare the need for structural reform of our energy system to ensure affordability for consumers. … It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas, and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities*."

105. The Draft CCP (Scottish Government, 2025b) states that:

"*Scotland's changing climate also poses growing risks to households and businesses through physical damage to homes or assets, health and safety risks to employees and customers, disruption to supply chains, reduced access to finance or insurance coverage and increased risks to employee health and safety. As such, action on climate mitigation now is essential – not just to prevent the worst impacts of climate change, but also to ensure Scotland can take advantage of the opportunities of the transition. The Scottish Government is committed to ensuring a fair distribution of the costs of these actions, in fulfilment of its Just Transition responsibilities*."

106. The Update to the Offshore Wind Policy Statement (Scottish Government, 2025e) outlined that one of the key strategic benefits of plans to increase Scotland's offshore wind ambition to 40GW of new deployment between 2025 and 2040 is:

"***Energy security**: Reducing reliance on volatile fossil fuel markets and strengthening UK energy independence which will protect businesses and families from increased energy bills."*

107. The UK Government's Clean Power 2030 Action Plan (DESNZ, 2025c) emphasises: *"In an era of heightened geopolitical risk, switching fossil fuelled generation for homegrown clean energy from renewables and other clean technologies offers us a security that fossil fuels simply cannot provide."*

108. These statements highlight the urgent need for UK-based, renewable electricity sources that are not subject to the volatility of global fossil fuel markets. Expanding domestic renewable capacity will help shield consumers from unpredictable price spikes, improve supply stability, and enhance national energy resilience. It is considered that there is an IROPI in favour of the Project in the interests of public safety, as it is essential to maintaining energy security, safeguarding the continuity of electricity supply, and reducing risks to society associated with climate change and energy supply disruption.

5.2.1.3 Beneficial Consequences of Primary Importance to the Environment

109. The sixth Assessment Report (AR6) of the Intergovernmental Panel on Climate Change (IPCC) report concludes that without immediate, rapid and large-scale reductions in greenhouse gas (GHG), the ability to limit global warming to 1.5°C, or even 2°C, will be beyond reach (IPCC, 2023). The UNEP Copenhagen Climate Centre, in its 2023 Emissions Gap Report, estimates that under current national policies and pledges, the world is on track for a global temperature rise of approximately 2.5 – 2.9°C by the end of the century (UNEP Copenhagen Climate Centre, 2023). Rising global temperatures are expected to increase the frequency and severity of extreme weather events such as floods, droughts, wildfires, and heatwaves. These events threaten food security, water availability, and public health, particularly in vulnerable communities (Global Centre on Adaptation (GCA), 2025).

110. Exceeding the 1.5°C global warming threshold, as identified by the IPCC, would result in widespread ecological damage. This includes significant impacts on terrestrial species and habitats, soil health, natural carbon stores (which, if destabilised, could release additional GHG and accelerate climate change), as well as agricultural and forestry productivity. Marine environments are also at risk, with rising temperatures and changing ocean conditions threatening marine species, habitats, fisheries, and seabird populations. The Scottish Seabird Vulnerability Report (Scottish Government, 2024b) highlights these growing threats in detail, noting:

'Climate change as a major driver of global biodiversity loss (IPBES, 2019) and poses a significant threat to seabirds. While there has been considerable research on its impacts, the effects of climate change are complex and often indirect and operate at the ecosystem level making them hard to distinguish from other pressures (Burton et al., 2023, Johnston et al. 2021, Mitchell et al. 2020)'.

111. As above, the Draft Energy Strategy and Just Transition Plan sets out the overarching ambition for Scotland's energy system to support a Just Transition to Net Zero by 2045 (Scottish Government,

2023b). While the strategy was published in draft form and subject to consultation, subsequent policy development has significantly strengthened and clarified the Government's commitment to offshore wind deployment. Early estimates within the draft strategy identified at least 27.6 GW of offshore wind capacity associated with the ScotWind leasing round; however, this position has since evolved through updated marine planning and sector-specific policy. In particular, the updated Offshore Wind Policy Statement (Scottish Government, 2026) confirms a national ambition to deliver up to 40 GW of offshore wind capacity by 2040, reflecting both the expanded development pipeline and the critical role of offshore wind in meeting Scotland's climate change, energy security and economic objectives. This updated ambition represents the definitive policy position and underscores the importance of consenting and delivering projects currently progressing through the development pipeline to achieve Scotland's long-term targets.

112. The need for the WDA infrastructure goes beyond addressing national energy demand – it is integral to meeting legally binding climate commitments. In addition to fulfilling domestic legal obligations, the WDA infrastructure supports international climate goals, including the Paris Agreement's objective to limit global warming to well below 2°C. By displacing fossil fuel-based energy and reducing carbon emissions, the WDA infrastructure contributes to achieving the aims of both national legislation and global climate action, reinforcing its strategic role in the transition to a low-carbon future.

113. The Project would play a vital role in addressing the impacts of climate change by facilitating the transition to renewable energy. By reducing reliance on fossil fuels, it supports sustained reductions in GHG emissions, aligning with Scotland's Net Zero target (Scottish Government, 2020c; IPCC, 2022). This transition not only contributes to global climate mitigation efforts but also enhances the resilience of marine ecosystems. By reducing environmental pressures, it supports the long-term health and stability of vulnerable marine species and habitats, including seabirds.

114. The Project has submitted a **NPP** with its consent application, which sets out the approach for identifying, assessing, and delivering biodiversity enhancement opportunities within the WDA. The purpose of the NPP is to ensure that biodiversity considerations and nature-positive opportunities are integrated into decision-making at the earliest possible stage. By focusing initially on the WDA, where environmental understanding is most advanced, the Project can begin shaping enhancement principles, ecological priorities, and mechanisms for delivery that will be expanded and refined across the full project footprint.

115. NPS EN-1 confirms that energy security and the decarbonisation of the power sector to address climate change are matters of overriding public importance (DESNZ, 2025a). Paragraph 4.2.34 identifies these objectives as being capable of constituting IROPI for the purposes of the Habitats Regulations (DESNZ, 2025a).

116. As such, the Project is expected to deliver meaningful benefits for both climate action and the conservation of Scotland's marine biodiversity. It is considered that there is IROPI in the form of beneficial consequences of primary importance to the environment alone.

5.2.2 Economic and Social Benefits

117. According to the Wind Industry Skills Intelligence Report 2025 by RenewableUK and the Offshore Wind Industry Council (OWIC), the UK offshore wind sector currently supports nearly 40,000 jobs, which has increased from 32,000 in 2023 (RenewableUK & OWIC, 2025). This number is projected to rise to between 74,000 and 95,000 jobs by 2030, depending on deployment scenarios and supply chain growth. Many of these jobs would be located in coastal and rural communities, bringing long-term economic benefits and skilled employment opportunities to areas that have historically faced economic challenges (RenewableUK & OWIC, 2025). Scotland continues to play a leading role in the offshore wind sector, with around 30% of the UK's offshore wind workforce based there

(RenewableUK & OWIC, 2025). The study anticipates significant growth, projecting £155 billion (€181 billion) of private investment in new offshore wind projects over the period 2022–2030 (RenewableUK & OWIC, 2025).

118. The Project presents a significant opportunity to support Scotland's economy and coastal communities, reinforcing its leadership in the UK offshore wind sector. By driving investment and stimulating economic activity (see **Chapter 18 Socio-economics** of the WDA EIAR for further detail), the Project is expected to deliver long-term benefits to local economies. While socio-economic benefits are not a primary factor in the derogation case for the Project, it is still an important factor to consider within the overall balance of the Project.

119. The Project would provide a valuable contribution to employment. During the development and construction phase alone (of the WDA infrastructure), it is estimated a peak of around 3,400 jobs in Scotland and 11,463 jobs across the UK (including Scotland) would contribute more than £803 million GVA in Scotland, and £2,435 million GVA in the UK (including Scotland) (see **Chapter 18 Socio-economics** of the WDA EIAR). During the O&M phase it is expected that the Project (WDA infrastructure) could support 390 jobs in Scotland and 740 jobs across the UK (including Scotland). These jobs encompass a broad supply chain, including direct construction roles and indirect positions in supporting industries. The operational beneficial impacts are expected to take place across the 35-year lifetime of the Project. Furthermore, it is estimated that at its peak, the 'whole Project' could provide 4,750 jobs in Scotland and 14,490 jobs across the UK and contribute more than £1,105 million GVA in Scotland, and £3,064 million GVA in the UK (including Scotland). During the O&M phase of the whole Project, the project could support 400 jobs in Scotland and 760 jobs across the UK (including Scotland). These are primarily indirect jobs generated through ongoing maintenance contracts, supply chain activities, and local service demands, rather than direct operational employees of the Project.

120. The Project offers socio-economic benefits that extend beyond coastal communities, with the potential to drive growth at both regional and national levels. The Project has prepared a **SEAP** and **SCDS** as supporting documents to the EIAR to demonstrate how the Project will secure tangible socio-economic benefits by maximising jobs, skills, investment and supply-chain opportunities, and by ensuring these benefits are delivered to communities and industries at local, regional and national levels.

121. The development of the Project is expected to make a substantial contribution to both Scotland and the wider UK economy through significant investment in the renewable energy supply chain. The Project would be able to provide significant electricity generation capacity within Scotland and the UK to support commitments for offshore wind generation and maximise generation capacity at low cost to the consumer.

5.3 IROPI CASE: STEP 2 – Public Interest

122. The identification and development of offshore wind sites, including those within the SMP for Offshore Wind Energy POAs such as the WDA, is a key component of national policy. The SMP provides the strategic spatial framework for offshore wind development in Scottish waters and was adopted by Scottish Ministers following consideration of strategic-level assessments, including a plan-level HRA. In adopting the Plan, Ministers confirmed that potential environmental effects, including impacts on European sites, had been robustly assessed and could be appropriately managed, such that POAs are considered suitable in principle for offshore wind development, subject to project-specific assessment at the consenting stage.

123. A primary public benefit of the Project lies in its contribution to climate change mitigation. As detailed in **Chapter 19 Greenhouse Gas Assessment** of the WDA EIAR, approximately 2,851,685 tonnes

CO2e would be avoided with the Project in operation. As outlined in **Section 5.2.1**, climate change poses a significant global threat. By displacing GHG emissions associated with fossil fuel energy production, the Project supports Scotland's and the UK's decarbonisation goals. Additionally, enhancing energy security is a critical public benefit, ensuring a more stable and reliable energy supply while helping to reduce energy costs.

124. In the absence of the Project, the likelihood of meeting the urgent need to address climate change would be reduced, and several legislative and policy commitments at both Scottish and UK levels would be at risk. These policies are designed to deliver public benefits, and the contribution of the Project to achieving them represents a clear and tangible public good.

125. In summary, the Project offers multiple public benefits: it supports climate change mitigation, advances the decarbonisation of the energy system, strengthens energy security, improves affordability, and helps meet national energy policy targets. This clearly demonstrates a clear public need for the Project to proceed.

5.4 IROPI CASE: STEP 3 – Long-Term Interest

126. The nature of offshore windfarm developments, combined with the urgent need for decarbonisation and climate action, means that the IROPI outlined above are inherently long-term in scope. For instance, the Project has an expected operational life of 35 years, ensuring that the renewable energy it generates will continue to support emissions reductions well beyond Scotland's 2045 Net Zero target.

127. Achieving Scotland's ambition to deliver up to 40 GW of offshore wind capacity by 2040 depends on the timely consenting and deployment of projects within the current development pipeline, as these projects represent the only viable means of delivering generation at the scale and pace required. Given the long lead-in times for consenting, grid connection, supply chain mobilisation and construction, deferring decisions on projects currently progressing through the planning and regulatory process would materially undermine Scotland's ability to meet its medium- and long-term renewable energy, climate change and energy security objectives. While the 2045 Net Zero ambition remains two decades away, it represents a permanent shift in energy systems, one that eliminates reliance on imported energy sources, and delivers sustained environmental protection.

128. Energy security is also a long-term national priority. With demand for electricity continuing to rise, it is not sufficient to meet current needs alone. Future energy systems must be resilient and capable of supporting projected growth, while ensuring independence from foreign energy sources. This long-term approach is essential to safeguarding Scotland's and the UK's energy future.

129. In addition, the economic benefits of the Project will extend well beyond its construction and operational phases. Investment in local supply chains will generate lasting impacts for Scotland, including job creation, infrastructure development, and skills training. These benefits will support future offshore wind initiatives and attract further investment to the region. The resulting growth in employment and infrastructure is also expected to encourage the retention of local people of working-age populations (particularly young people) in rural areas and population movement to the western areas of Scotland.

5.5 IROPI CASE: STEP 4 – Overriding

130. As detailed throughout **Section 5.2**– **5.4**, the benefits delivered by the Project are imperative, of public interest and are long-term in nature. If the Competent Authority were to reach a conclusion of AEoSI on the guillemot feature of North Colonsay and Western Cliffs SPA, the Applicant considers these benefits to override that conclusion. Although the identified impacts relate to designated sites

and protected species, it is considered that these effects can be appropriately compensated, as outlined in **Section 6**.

131. The public interest served by the Project is of the highest urgency, rooted in both national and international policy frameworks and directly linked to the global welfare of human populations. The most pressing benefit is the mitigation of climate change through the decarbonisation of Scotland's energy supply, which contributes significantly to reducing GHG emissions. Equally critical is the enhancement of energy security and the reduction of energy costs, improving affordability and stability of supply. These outcomes are directly associated with public health, safety, and environmental protection.

132. In addition, the Project supports broader public interests by delivering substantial economic, social, and community benefits. It also plays a key role in advancing a Just Transition away from fossil fuels in Scotland. Taken together, these factors provide a compelling case for the Project to be considered as overriding under the Habitats Regulations. The combined justifications clearly meet the criteria for IROPI, resulting in a strong and unequivocal driver in favour of the WDA infrastructure being granted consent.

133. Furthermore, relevant guidance (DTA, 2021a) indicates that offshore wind developments are highly likely to meet the threshold for overriding impacts on the UK's NSN areas:

"*Given the urgency of the climate change crisis, and having demonstrated the absence of alternative solutions, Scottish Ministers anticipate that it is highly unlikely that the public interest served by delivery of offshore wind proposals will not override the conservation interests*"

134. This guidance aligns with the decisions made with respect to other offshore wind projects throughout the UK and Scotland.

135. The Applicant considers that under the tests described in the Habitats Regulations, the need for the Project overrides the identified potential AEoSI. The Applicant does note however that this determination ultimately rests with the Scottish Ministers.

5.6 SUMMARY

136. The environmental and social benefits to Scotland and the UK from increasing the generation of low carbon energy are clear, with the Project providing an important contribution. Drawing on robust evidence and aligned with Scottish energy policy, the Applicant considers the Project to be vital in serving the public interest. It will play a central role in advancing energy transition objectives, addressing climate change, and driving regional economic growth within the green economy.

137. The Project contributes to the UK's legally binding climate change targets by helping to decarbonise the UK's energy supply, whilst contributing to the essential tasks of ensuring security of supply and providing low-cost energy for consumers, in line with the UK Government's national policies.

145. The Applicant considers the evidence provided within this report to conclusively demonstrate the importance of the Project and that there are IROPI for the Project to proceed.

6 COMPENSATORY MEASURES

138. Although the Applicant has concluded that the Project will not give rise to any AEoSI, this document nonetheless demonstrates, on a without prejudice basis, that no Alternative Solutions exist and that there are IROPI for the Project to proceed. **Appendix 1 Without Prejudice Guillemot Compensation Plan** of this document therefore provides Scottish Ministers with evidence that appropriate compensatory measures can be secured to benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects, or predicted adverse effects, on the integrity of the European site or European offshore marine site.

139. A range of compensation measures have been considered by the Applicant, beginning with an initial longlist of measures which have been scored with the result being that the following compensation measures are considered as feasible to address the potential impacts and satisfy relevant requirements:

- Mammalian predator management;
- Reducing anthropogenic disturbance at colonies; and
- Conservation management measure funding.

140. The Applicant considers that the compensation measures outlined above may also be effectively delivered at a strategic level, rather than at a project level, either through the Scottish Marine Recovery Fund (SMRF), once established, or through collaboration with other developers. The Applicant would therefore seek to implement one (or more) of the compensation measures outlined above strategically if it was determined that it was appropriate to be implemented. The Applicant's preferred approach is to engage in strategic or coordinated mechanisms that offer the potential to deliver enhanced ecological outcomes and improved cost efficiency, while avoiding unnecessary duplication of effort. In the absence of such mechanisms being available at this time, the Applicant is also progressing project-led proposals.

7 DEROGATION CASE CONCLUSIONS

141. The evidence presented in this report clearly demonstrates that there are no alternative solutions (**Section 4**) which could deliver the Project objectives (**Table 4.1**).

142. In addition, there is a clear case for IROPI, underpinned by international and national policy and legislation, as outlined in **Section 5**.

145. **Appendix 1 Without Prejudice Guillemot Compensation Plan** of this document describes the proposed compensatory measures which would be deliverable and could be secured for guillemot.

143. If the Scottish Ministers determine that AEoSI cannot be excluded for the Project, a derogation therefore can, and should, be undertaken to allow the Project to be consented.

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