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17 October 2023

Dear Rebecca,

### **Berwick Bank Offshore Wind Development [additional information]**

This letter is in response to the additional information provided to Marine Directorate by SSE - Renewables to support their case for the proposed Berwick Bank Offshore development. Having carefully reviewed the additional information the Scottish Seabird Centre continues to **maintain its objection to the proposed development** at this site and at the scale proposed by the developer.

The reasons are largely as set out in our initial letter of the 31 March 2023 in that the measures in the derogation case are flawed and the level of uncertainty around both the impacts and the effectiveness of the derogation case are so great that the precautionary principle must be fully applied. Approval would:

- contravene Regulation 48 (5) of the Conservation of (Natural Habitats, &c.) Regulations 1994 as the proposed development is at a scale that will adversely affect the integrity of several Special Protection Areas (SPAs); and
- under Regulation 49 (1-2) we believe that insufficient evidence has been presented to demonstrate that there are no alternative solutions to the plan or project and therefore the overriding public interest tests cannot be applied.

In terms of some of the additional information supplied our position is as follows:

- **Constraining ScotWind potential:** The applicant has brushed aside the challenge to adequately demonstrate that other sites within the ScotWind leasing areas are unsuitable for developments which would achieve, directly or in combination, the same or more energy output but with less environmental harm. We believe that if this development is consented it will severely constrain the potential for development from other offshore sites which could be consented within timescales that would still allow the Scottish Government to meet its renewable commitments.
- **Sandeel fishery closures:** The Scottish Government's proposal to close sandeel fisheries is welcomed, however, we believe there is insufficient certainty around the relationship between the closure and benefits to different seabird species to use this as a strategic compensation measure for offshore wind developments. Marine Directorate's own report: 'Sandeel fishing consultation: review of scientific evidence' (2023) sets out these uncertainties well. It states

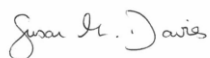
that “Establishing a relationship between industrial sandeel fisheries and seabird demography is extremely challenging ... confidence in results can be low. And that “due to differences in seabird life-history, ecology and diet, the dependency on and vulnerability to changes in sandeel biomass and availability varies among species.”

- **Highly Pathogenic Avian Influenza (HPAI):** The modelling around the development proposal fails to take account of the significant impact that highly pathogenic avian flu has had, and continues to have, on our seabird populations around the coast of Scotland and more widely. We have, in partnership with the University of Edinburgh’s School of Geosciences and the UK Centre for Ecology & Hydrology, recently completed an assessment of the Bass Rock Northern gannet colony. This – in confidence until after 25/10/23 - reveals that the size of the Northern gannet population has decreased from 75,000 sites to around 55,000 sites (25-30% decline) following the 2022 HPAI outbreak. There remains a significant level of uncertainty around how the colony demographics have changed, the level of resistance which has been built up to HPAI and whether further waves of the disease may impact surviving birds in future years. This level of uncertainty has not been built into the developers modelling. Other species, such as black-legged kittiwakes, were also affected more in the latter part of 2023 and it is too early to predict the colony and/or population level impact of the disease on species such as these which are already listed by IUCN as being vulnerable.
- **Sula Sgeir gannet cull:** the applicant also proposes a, without prejudice, new compensation measure to reduce the gannet cull at Sula Sgeir. This appears to be based on limited tracking evidence of gannet movements between the East and West coast colonies. These connections are insufficient to use changes at Sula Sgeir as a basis for compensation for the Bass Rock Northern gannet colony (or other east coast sites) which would be directly impacted if the development goes ahead. We also question whether the licensing processes in place would be sufficient to bring about the change – through negotiation – or whether a change in the law would be required.

We fully recognise that Scotland’s seas are a great source of renewable energy and that offshore developments are an important strand of the Scottish Government’s commitment to meeting the legally binding target of ‘net zero’ by 2045. We maintain however, especially in the face of a nature crises, that the locations chosen for and the design and scale of offshore developments, must not significantly damage the marine environment and its wildlife. If Scottish Ministers are minded to consent this development we would request that this should only be after consideration of the issues through a Public Local Inquiry.

The applicant did not proactively share or discuss any of its additional information with us following our initial objection. We remain willing to have meaningful conversations with the developer, NatureScot and environmental NGOs, to see if there are ways of reducing the scale of impact of this proposal to a level that would cause less harm.

Your sincerely,



Susan Davies,  
CEO