




**Cambois Connection – Marine Scheme
Environmental Statement – Volume 3
Appendix 3.2: MD-LOT Scoping Opinion**

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marinescotland



Scottish Government
Riaghaltas na h-Alba
gov.scot

E: MS.MarineRenewables@gov.scot

Marine Scotland - Licensing Operations Team Scoping Opinion

**Scoping Opinion adopted by the Scottish Ministers
under:**

**Schedule 4 of The Marine Works (Environmental Impact
Assessment) Regulations 2007**

Berwick Bank Wind Farm Limited

**Berwick Bank Offshore Wind Farm Cambois Cable
Connection**

23 February 2023

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1. Introduction

1.1 Background

- 1.1.1 On 7 November 2022, the Scottish Ministers received a scoping report (“the Scoping Report”) from Berwick Bank Wind Farm Limited (“the Applicant”) as part of its request for a scoping opinion relating to the Berwick Bank Offshore Wind Farm Cambois cable connection (“the Proposed Works”). In accordance with Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (“the 2007 MW Regulations”) the Scottish Ministers considered the content of the Scoping Report to be sufficient.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2007 MW Regulations (“the Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Scotland in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2007 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date conclusion on the significant effects on the environment from the Proposed Works. This conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit further information in connection with any EIA Report submitted with an application for a marine licence under the Marine and Coastal Access Act 2009 (“the 2009 Act”). In the event that the Applicant does not submit an application for a marine licence under the 2009 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

2. The Proposed Works

2.1 Introduction

2.1.1 This section provides a summary of the description of the Proposed Works provided by the Applicant in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Works in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

2.2 Description of the Proposed Works

2.2.1 The Proposed Works will comprise the installation of four export cables approximately 170 kilometres ("km") in length installed in separate trenches alongside each other from within the Berwick Bank wind farm array area, located approximately 39.2km east of the East Lothian coastline in the outer Firth of Forth, where they will connect into Offshore Converter Station Platforms ('OCSP') along a route with a north-south alignment to a proposed landfall location near Cambois, Northumberland, England. The Proposed Works will occur in both Scottish and English waters, however, for the purposes of this Scoping Opinion the Scottish Ministers will only be considering the extent of the Proposed Works occurring in Scottish waters which will be entirely within the Scottish offshore region (beyond 12 Nautical Miles of the coast).

2.2.2 The offshore export cable installation process will involve a number of pre-installation geophysical, benthic, geotechnical, archaeological and unexploded ordnance ("UXO") surveys. Seabed preparation clearance activities will follow along the export cable route, which will include the removal of boulders where required. The techniques to be employed will range from a subsea plough, a pre-lay grapnel run, a grab technique, or other comparable techniques. Pre-sweep methods may also be required with the use of a mass-flow excavator ("MFE") or similar technique. Investigative and disposal techniques will be utilised in the event that potential UXOs are encountered along the export cable corridor.

2.2.3 The maximum parameter of offshore export cables to be installed is two monopile systems comprising up to four cables. The Applicant's preferred installation method is by way of burial techniques, using either an MFE, jet trencher, mechanical trencher or cable plough. The timing of the cable lay and burial campaigns will occur either simultaneously, separately by way of a pre-cut trench followed by a cable lay and backfilling process, or separately by way of cable lay followed by burial. The Applicant proposes to use additional cable protection techniques, such as rock placement, concrete mattresses, sand-

rock-grout bags and cable physical protection, in the event that seabed conditions do not permit the deployment of burial methods.

2.3 Onshore/Planning/English Works

- 2.3.1 The Scottish Ministers are aware the Applicant has sought separate Scoping Opinions from the Marine Management Organisation in respect of works in English waters and from Northumberland County Council for the associated onshore transmission works. It is essential that the EIA Reports concerning works in English waters and onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works. The EIA Report for the Proposed Works must either be submitted as a combined EIA Report with the works in English waters, or must consider the cumulative impacts with the works in English waters. For any combined EIA Report, it must be made clear which elements of the EIA Report apply to works in Scottish waters and which apply to English waters.

2.4 The Scottish Ministers' Comments

Description of the Proposed Works

- 2.4.1 The Scottish Ministers note that the scoping boundary and project design of the Proposed Works lacks sufficient detail at this stage. The Scoping Report outlines two preferred options encompassing a broad corridor in respect of the export cable route and references the scoping boundary overlap with the Berwick Bank wind farm array area in relation to the cables connecting into two OCSP within the site. The Scottish Ministers advise that the EIA Report must include a full and detailed description of the final option chosen in respect of the cable route corridor and location of the two connecting OCSPs. The EIA Report should describe the main reasons for selecting the chosen cable route over the alternatives considered, providing a clear robust justification for the option taken. In considering alternative cable routes the Scottish Ministers advise the Applicant to engage with stakeholders including the Scottish Fishermen's Federation ("SFF"), and expect the Applicant to detail how stakeholder knowledge has been used as part of their consideration of alternatives. The extent of the Proposed Works occurring in Scottish Waters should also be clarified in the EIA Report in alignment with NatureScot advice. In addition, the Scottish Ministers advise that a map indicating the proposed cable corridor route should include International Council for the Exploration of the Sea ("ICES") statistical rectangles as a means to inform the EIA Report.

- 2.4.2 The Scoping Report identifies that seabed preparation will be necessary prior to cable installation. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely location for deposit. The Applicant may also be required to submit pre-dredge sample analysis, this should include supporting characterisation of the new or existing deposit sites. Any seabed levelling or removal of substances from on or under the seabed (including dredging and ‘grapnel runs’) will require consideration in the EIA Report and may require a marine licence. The Scoping Report also identifies that boulders will be removed from the site of the Proposed Works. The EIA Report must provide the anticipated estimate of boulders to be cleared (including how much uncertainty may be associated with the figures presented). Clear narrative must be provided within the EIA Report to show how this has been estimated prior to further geophysical and geotechnical surveys being undertaken. The Scottish Ministers further direct the Applicant to the Scottish Fishermen’s Federation (“SFF”) representation in this regard.
- 2.4.3 Section 3.4 of the Scoping Report also includes reference to pre-installation surveys and site investigations including geophysical surveys, unexploded ordnance (“UXO”) surveys and UXO clearance at sections 3.4.1 and 3.4.2. The Scottish Ministers note the Applicant’s intention to scope out activities relating to UXO from the EIA Report. However, the Scottish Ministers advise that the EIA Report must describe and assess the environmental effects, including in-combination effects, of the range of surveys which may be required and in particular those which will emit significant underwater noise, as highlighted in the NatureScot representation and referenced at sections 5.5.5, 5.6.5 and 5.7.4 of this Scoping Opinion. The EIA Report must therefore include consideration of the options which will be assessed in relation to UXO clearance, the differences amongst them and an assessment of the environmental effects of these options. In this regard, the Scottish Ministers advise that the EIA Report must include a worst-case scenario of high order detonation in terms of impact and mitigation, unless there is robust supporting evidence that can be presented to show consistent performance of the preferred low order or deflagration method. As per the NatureScot representation, impacts will require consideration in the EIA Report, both in terms of assessment under European Protected Species licensing as well as effects to designated sites with marine mammal and potential diadromous fish features.
- 2.4.4 As regards cable installation, the Scottish Ministers consider that the EIA Report must clearly detail the number and size of export cables to be installed and whether they are to be bundled into a single trench or laid separately. The EIA Report must provide an estimate of the anticipated likelihood of suitable burial along that route and must also be clear on the range of burial depths

that have been considered as part of the assessment. Clear narrative must be provided within the EIA Report to show how this has been estimated prior to the further geophysical and geotechnical surveys being undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report must explain how this measure will mitigate the effects, what measures are proposed for inclusion and the effectiveness and degree of confidence that can be placed on such measure. It is recommended that such plans are included alongside the EIA Report. The Scottish Ministers direct the Applicant to the representation from NatureScot as regards reducing the footprint of the cable corridor through burial methods.

- 2.4.5 Section 3.4.3.1 of the Scoping Report states that, while it is expected that the cables will be buried along the majority of the route, if burial is not possible then additional cable protection methods will be adopted. Section 3.4.3.2 of the Scoping Report states that expected cable protection measures include concrete mattresses, rock placement, polyurethane/cast iron shells or sand/rock/grout bags. Where there is any potential for cable protection to be used to protect the cables, this must be assessed in the EIA Report including details on materials, quantities and location (including how much uncertainty may be associated with the figures presented). The EIA Report should describe the main reasons for selecting the chosen cable protection over the alternatives considered, providing a clear robust justification for the options taken. The Scottish Ministers direct the Applicant to the representations from NatureScot and the SFF as regards the need to provide detail on the volume, location and impact of cable protection methods to be utilised.
- 2.4.6 Section 3.5 of the Scoping Report details that operation and maintenance activities will be considered within the EIA Report. The Scottish Ministers advise that the EIA Report must provide a full description and consideration of the nature and scope of these activities, including the types of activity, their frequency, and how activities will be carried out for the Proposed Works. This should include consideration for the potential overlapping of activities with those required for the Berwick Bank Offshore Wind Farm. Such proposed activities may require to be permitted by a marine licence issued for the Proposed Works, unless an exemption applies.¹
- 2.4.7 Table 4-6 of the Scoping Report discusses each receptor that is to be scoped out of the EIA Report and provides justification for why the Applicant believes this is appropriate. This approach meets the requirements of a scoping report, however, the Scottish Ministers note that the receptors scoped out of the EIA Report in Table 4-6 are not subsequently discussed further in their own

¹ [The Marine Licensing \(Exempted Activities\) \(Scottish Offshore Region\) Order 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

chapters. The Scottish Ministers have deemed this approach sufficient for the scoping report to go to consultation, however, if further detail on the receptors to be scoped out of the EIA Report is requested by consulted stakeholders, then the Applicant must consider this in the EIA Report.

- 2.4.8 Section 3.6 of the Scoping Report states that the EIA Report will consider the potential for decommissioning of the Proposed Works to impact to the offshore environment. Any uncertainty on the impacts upon receptors from activities during decommissioning should be clearly explained, along with the implications for the assessment of significant effects.
- 2.4.9 The Scottish Ministers further direct the Applicant to the NatureScot representation on the need to understand potential impacts holistically at a wider ecosystem scale, rather than just as discrete individual receptor assessments. The Scottish Ministers therefore advise that potential impacts should be given consideration across key trophic levels, particularly in relation to the availability of prey species. Detailed advice on assessment of across trophic levels is provided in the receptor chapters in section 5 of the Scoping Opinion.
- 2.4.10 In relation to the approach to cumulative impacts discussed at section 4.7 of the Scoping Report, the Scottish Ministers advise that the EIA Report should consider the cumulative effect of key impacts such as habitat disturbance and/or loss in relation to the Firth of Forth Banks Complex nature conservation Marine Protected Area (“ncMPA”) and other developments that overlap with this ncMPA. In addition to those projects detailed in Table 4-5, the Seagreen Alpha and Bravo offshore wind farms and Seagreen 1A export cable should be included and other neighbouring developments in the Firth and Tay area should be considered, particularly those which overlap with the Firth of Forth Banks Complex ncMPA. Further comment is provided in each of the receptor chapters in section 5 of the Scoping Opinion.
- 2.4.11 The Scottish Ministers acknowledge the Applicant’s intention to carry out a detailed Habitat Regulations Appraisal (“HRA”) screening following submission of the Scoping Report. The Scottish Ministers recommend that the Applicant submits a HRA screening report at the earliest opportunity and prior to the submission of the EIA Report.
- 2.4.12 Regulatory approvals will be required for licensable activities including all construction activities, whether as part of the original construction or any subsequent alteration or improvement, any deposit on, or removal from on or under, the seabed of substances, any dredging and deposit, and any use of explosive substances. Any reference to the ‘Proposed Works’ in this Scoping Opinion should be taken, as appropriate, to include all activities in connection

with the construction, alteration, improvement (including 'change-outs' of components) and decommissioning of the 'Proposed Works for which a regulatory approval will be needed. The Applicant should give consideration to all activities related to the Proposed Works which require regulatory approval and ensure that these are applied for as appropriate.

Design Envelope

- 2.4.13 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant will apply a worst case scenario, as set out in section 3.2 of the Scoping Report.
- 2.4.14 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the application/s for the marine licence/s and the accompanying EIA Report.
- 2.4.15 The Scottish Ministers will determine the application/s based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. The CMS will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.
- 2.4.16 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

- 2.4.17 The EIA Regulations require that the EIA Report include 'a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the

proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'. The Scottish Ministers acknowledge section 1.4 of the Applicant's Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further. The Scottish Ministers advise however that these considerations must include how decommissioning has been taken into account within the design options. The Scottish Ministers advise that this must be based on the presumption of as close to full removal as possible of all infrastructure and assets and should consider the methods and processes of doing so. The Scottish Ministers also highlight the representation of the UK Chamber of Shipping in this regard.

- 2.4.18 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Applicant's EIA Report, separate to the comments on the specific receptor topics discussed in sections 5.2 to 5.9 of this Scoping Opinion.

3.2 EIA Scope

3.2.1 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA report.

3.3 Mitigation and Monitoring

3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Applicant includes sections in the Scoping Report on 'designed in measures' which summarise the mitigation and monitoring commitments in relation to each receptor. Many of the commitments are to management or mitigation plans, however limited detail is provided regarding the content of these plans. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.

- 3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

3.4 Risks of Major Accidents and/or Disasters

- 3.4.1 The Scottish Ministers note the Applicant's intention to scope out risks of major accidents and/ or disasters from the EIA Report on the basis that the Proposed Works are unlikely to cause a major accident or disaster. The Scottish Ministers have reviewed the recent Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in EIA: A Primer' and consider that assessment of the risks of major accidents and/or disasters will be adequately covered under the receptor chapters of Shipping and Navigation and Commercial Fisheries. As such, a specific chapter on risks of major accidents and/or disasters is not required to be included in the EIA Report.

3.5 Climate and Greenhouse Gases

- 3.5.1 The Scoping Report proposes at section 4.9 and Table 4-6 that the impact of climate change effects of the Proposed Works will be scoped out of the EIA Report and there will be no standalone topic or chapter on climate. The Scottish Ministers are however mindful that Greenhouse Gas ("GHG") emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions And Evaluating Their Significance" ("IEMA GHG Guidance"), which states that "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant." The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment ("LCA") approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works. The Scottish Ministers note representation from East Lothian Council which considers the need for the Applicant to assess the impact on climate change resulting from the Proposed Works in this regard. The Scottish Ministers further direct the Applicant to NatureScot

representation in relation to the recommendation to consider the carbon cost of the Proposed Works and to what extent this will be offset by the production of green energy.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2007 MW Regulations, initiated a 28 day consultation process, which commenced on 22 November 2022. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- *Angus Council*
- Arbroath Community Council
- *British Telecom*
- Broughty Ferry Community Council
- Carnoustie Community Council
- *Civil Aviation Authority*
- Crown Estate Scotland
- *Dee District Salmon Fishery Board*
- *Dundee City Council*
- **East Lothian Council**
- Esk District Salmon Fishery Board
- Eyemouth Fishery Office
- *Fife Council*
- Fintry Community Council
- Fisheries Management Scotland
- Forth District Salmon Fishery Board
- *Forth Ports*
- Health and Safety Executive
- **Historic Environment Scotland (“HES”)**
- Inshore Fishery Group
- Joint Radio Company
- Letham and District Community Council
- Long Distance Advisory Council
- Mainstream Renewable Power Limited
- Marine Safety Forum
- Marine Scotland Compliance
- **Maritime and Coastguard Agency (“MCA”)**
- **Ministry of Defence (“MOD”)**
- Monifieth Community Council
- Monikie and Newbigging Community Council
- Murroes and Wellbank Community Council
- **National Air Traffic Services**

- National Trust for Scotland
- **NatureScot**
- North and East Coast Regional Inshore Fishery Group
- North Sea Advisory Council
- North Sea Fishermen's Organisation
- **Northern Lighthouse Board ("NLB")**
- Oil and Gas UK
- Orkney Sustainable Fisheries
- Outer Hebrides
- Pelagic Advisory Council
- Prestonpans Community Council
- Red Rock Power Limited
- **River Tweed Commission ("RTC")**
- *Royal Society for the Protection of Birds Scotland*
- **Royal Yachting Association Scotland ("RYA Scotland")**
- **Scottish and Southern Electricity Networks Transmission ("SSEN Transmission")**
- *Scottish Borders Council*
- Scottish Canoe Association
- Scottish Creel Fishermen's Federation
- **Scottish Environment Protection Agency ("SEPA")**
- **Scottish Fishermen's Federation ("SFF")**
- Scottish Fishermen's Organisation
- Scottish Government Planning
- Scottish Surfing Federation
- Scottish Wildlife Trust
- Seagreen Wind Energy Limited
- Shetland Shellfish Management Organisation
- *Sports Scotland*
- Surfers Against Sewage
- Tay District Salmon Fishery Board
- Tealing Community Council
- The Fish Producer's Organisation
- The Fisheries Liaison with Offshore Wind and Wet Renewables Group
- Tranent and Elphinstone Community Council
- Transport Scotland Ports and Harbours
- **UK Chamber of Shipping ("UK CoS")**
- Visit Scotland
- West Barns Community Council
- West Coast Regional Inshore Fishery Group
- Whale and Dolphin Conservation

- 4.1.2 Specific advice was sought from Marine Scotland Science (“MSS”), the Marine Scotland – Marine Analytical Unit and Transport Scotland (“TS”).

4.2 Representations received

- 4.2.1 From the list above a total of 26 representations were received. Advice was also provided by MSS and TS. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.
- 4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the 2007 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MSS and TS must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

5.2 Offshore Physical Environment and Seabed Conditions

5.2.1 The Scottish Ministers are content with the study area and baseline data sources described by the Applicant in the Scoping Report regarding the offshore physical environment and seabed conditions.

5.2.2 In Table 6-2 of the Scoping Report the Applicant summarises the potential impacts to be scoped in and out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers broadly agree with the Applicant's proposal however advise that NatureScot's representation regarding increases in suspended sediment, impact to designated features, physical process changes from scour protection and introduction of scour must be fully implemented by the Applicant in the EIA Report.

5.2.3 In relation to the approach to EIA proposed by the Applicant, the Scottish Ministers advise that the assessment must consider all three areas within the Firth of Forth Banks Complex ncMPA with respect to the geodiversity features both alone and in combination and direct the Applicant to the NatureScot representation on this topic which should be fully addressed in the EIA Report, including the provision of more detailed information, maps and figures to aid assessment.

5.2.4 With regard to mitigation outlined by the Applicant at section 6.6 of the Scoping Report, the Scottish Ministers agree with the NatureScot representation that for the impact pathways scoped in the full range of mitigation techniques and published guidance should be considered and discussed in the EIA Report.

5.2.5 In relation to cumulative effects detailed at section 6.8, the Scottish Ministers draw attention to NatureScot representation advising that habitat disturbance and/or loss from the Berwick Bank wind farm, in combination with neighbouring wind farms in the Forth and Tay area, and in particular with regard to those which overlap with the Firth of Forth Banks Complex ncMPA, should be explicitly included within the cumulative impact assessment. The Scottish Ministers consider that the Seagreen Alpha and Bravo wind farm and the

Seagreen 1A export cable corridor should be included in Table 4-5 in this regard. The Scottish Ministers further draw the Applicant's attention to NatureScot's recommendation to include tables in their CIA analysis of the Proposed Works which should cover the three areas of the ncMPA composite site as well as the site as a whole.

- 5.2.6 The Scottish Ministers are in agreement that transboundary impacts on physical processes can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.3 Water and Sediment Quality

- 5.3.1 The Scottish Ministers are content with the study area and baseline data sources described by the Applicant at section 7.3, 7.4 and 7.5 and of the Scoping Report regarding the water and sediment quality.

- 5.3.2 In Table 7-2 of the Scoping Report the Applicant summarises the potential impacts to be scoped out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers are in agreement with this approach.

- 5.3.3 With regard to the cumulative impacts on water and sediment quality considered by the Applicant at section 7.8, the Scottish Ministers are in agreement that this can be scoped out of the EIA Report.

- 5.3.4 The Scottish Ministers agree with the Applicant that transboundary impacts on water and sediment quality can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.4 Benthic Subtidal and Intertidal Ecology

- 5.4.1 The Applicant sets out the study area and baseline data sources used regarding benthic subtidal and intertidal ecology receptors at section 8.3, 8.4 and 8.5 of the Scoping Report. The Scottish Ministers are broadly content with the proposed baseline data sources but advise that the additional data sets identified by NatureScot must be used in the assessment in the EIA Report. The NatureScot representation in respect of the designated features of the baseline environment detailed at section 8.5.2 of the Scoping Report must be implemented and considered in full in the EIA Report. The Scottish Ministers further highlight the NatureScot advice on priority marine features which should be considered in the EIA Report.

- 5.4.2 Table 8-1 of the Scoping Report outlines the potential impacts to be scoped in and out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers agree with the impacts to be scoped in, however, would draw the Applicant's attention to representation from NatureScot in respect of

the additional impact pathways to be considered in the EIA Report and need to scope in the potential impact on temporary loss or disturbance for all designated features of protected sites during the construction and decommissioning stages of the Proposed Works. The Scottish Ministers are in agreement that this should be fully considered in the EIA Report.

- 5.4.3 The Scottish Ministers further advise that the potential of the Proposed Works to introduce and spread invasive non-native species should be scoped in to the EIA Report in line with NatureScot representation due to the increased movement of vessels and opportunities for hard structures to colonise.
- 5.4.4 The Scottish Ministers disagree with the Applicant's proposal to scope out electromagnetic field ("EMF") and thermal load effects on this receptor, which is a view supported by NatureScot and the SFF. Impacts from EMF from subsea electromagnetic cabling on benthic receptors should be scoped into the EIA Report for operation and maintenance stages of the Proposed Works.
- 5.4.5 As regards changes in prey species availability across all stages of the Proposed Works, the Scottish Ministers advise that further consideration is required in the EIA Report. This view is in line with NatureScot representation, which must be fully addressed by the Applicant.
- 5.4.6 With regard to the approach to assessment, the Scottish Ministers advise that all three areas of the Firth of Forth Complex ncMPA must be assessed with respect to the offshore subtidal sands and gravels feature, both alone and in-combination and direct the Applicant to the NatureScot representation for further detailed advice on the maps and level of detail that should be provided within the EIA Report.
- 5.4.7 As regards mitigation, the Scottish Ministers agree with the NatureScot representation that the full range of mitigation techniques and published guidance should be considered and discussed in the EIA Report for impact pathways which have been scoped in. The Scottish Ministers further highlight NatureScot advice in respect of including a decommissioning programme within the suite of mitigation measures outlined by the Applicant at section 8.6.
- 5.4.8 With regard to the cumulative impacts on benthic subtidal and intertidal receptors considered by the Applicant at section 8.8, the Scottish Ministers advise that the assessment must consider cumulative impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables, especially in relation to impacts to the ncMPA. The Scottish Ministers direct the Applicant to the NatureScot representation for further advice on the presentation of information which should be implemented within the EIA Report.

- 5.4.9 The Scottish Ministers agree with the Applicant that transboundary impacts on benthic subtidal and intertidal ecology can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.5 Fish and Shellfish Ecology

- 5.5.1 The Applicant sets out the study area and baseline data sources used for fish and shellfish ecology at sections 9.3 and 9.4 of the Scoping Report. The Scottish Ministers are broadly content with this approach, however, recommend that the additional datasets and studies highlighted by NatureScot and the RTC are, used to inform the EIA Report.
- 5.5.2 Concerning the baseline characterisation at section 9.5 of the Scoping Report, NatureScot recommends that the EIA Report include the abundance of species as opposed to their monetary value which is a view supported by the Scottish Ministers. The Applicant is also directed to NatureScot representation as regards the omission of the Firth of Forth Banks Complex ncMPA from the list of protected sites. Potential impacts to the designated features of the ncMPA must be assessed in the EIA Report, as detailed in paragraph 5.5.8 below. The Scottish Ministers further direct the Applicant to the NatureScot representation regarding the contextual information on priority marine features and recommendation on the inclusion of the presence/ absence of sandeel which must be fully considered in the EIA Report.
- 5.5.3 The Applicant is further directed to representation from the RTC as regards the baseline characterisation and environment to be assessed in the EIA Report. The Scottish Ministers advise that the Applicant address comments on the migratory timings of Atlantic salmon, Sea trout and European eel as highlighted by the RTC.
- 5.5.4 Table 9-3 provides a summary of the potential impacts to be scoped in and out of the EIA Report in respect of this receptor. The Scottish Ministers advise that pre-construction seabed preparation works should be included within the assessment of temporary and long term habitat loss/disturbance throughout all phases of the Proposed Works in line with NatureScot representation.
- 5.5.5 In addition, the impact of underwater noise on this receptor should be scoped into the EIA Report for pre-construction activities such as UXO clearance and geophysical activities which emit significant underwater noise, including impacts to diadromous fish features of designated sites. The Applicant is further advised to take implement the NatureScot representation in terms of the need to include further evidence within the EIA Report in relation to the

impact pathway of underwater noise on fish species during construction and decommissioning. This view is further supported by the SFF representation.

- 5.5.6 The Scottish Ministers advise that the impact pathway of thermal emissions from operational cables should be considered alongside the assessment of EMF and therefore be scoped in to the EIA Report. This corresponds with NatureScot and SFF representation.
- 5.5.7 Given the colonisation of hard structures has been scoped in to the benthic subtidal and intertidal ecology receptor, the Scottish Ministers recommend that the Applicant scope this impact into the fish and shellfish ecology receptor in line with NatureScot advice.
- 5.5.8 With regards to the assessment approach, the Scottish Ministers advise that the NatureScot representation on the need to consider ocean quahog aggregations both alone and in-combination as part of the assessment on all three areas comprising the Firth of Forth Bank Complex ncMPA must be fully addressed in the EIA Report. The Scottish Ministers re-emphasise NatureScot comments on the need to include more detailed maps within the EIA Report showing the Proposed Works in relation to neighbouring wind farms and the ncMPA in addition to maps detailing the location of protected features within the MPA itself. The Scottish Ministers are in agreement with this approach.
- 5.5.9 In terms of mitigation measures outlined at section 9.6 of the Scoping Report, the Scottish Ministers advise that where significant impact pathways have been identified, the full range of mitigation techniques and published guidance is considered and discussed in the EIA Report.
- 5.5.10 With regard to the cumulative impacts on fish and shellfish ecology considered by the Applicant at section 9.8, the Scottish Ministers advise that the assessment must consider cumulative impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables, especially in relation to impacts to the ncMPA. The Scottish Ministers direct the Applicant to the NatureScot representation for further advice on the presentation of information which should be implemented within the EIA Report.
- 5.5.11 The Scottish Ministers agree with the Applicant that transboundary impacts on fish and shellfish ecology can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.6 Offshore and Intertidal Ornithology

- 5.6.1 As regards the study area set out in section 10.3 of the Scoping Report, the Scottish Ministers advise that the NatureScot representation pertaining to

connectivity across Special Protection Area (“SPA”) colonies and the use of foraging ranges be implemented in full in the EIA Report. The Applicant is further advised to review their proposed list of designated sites and consider whether the Fowlsheugh SPA is within the connectivity range in line with NatureScot comments.

- 5.6.2 The Scottish Ministers broadly agree with the Applicant’s proposed data sources at section 10.4 of the Scoping Report, however, highlight the additional data sets set out in the NatureScot representation, including tracking data from Forth and Tay regional advisory group studies and relevant information from the Berwick Bank offshore wind farm aerial surveys. The Scottish Ministers advise that, where available, these should be used to inform assessment in the EIA Report.
- 5.6.3 With regards to the baseline environment at section 10.5 and consideration of designated sites at Table 10-1 of the Scoping Report, the Scottish Ministers direct the Applicant to comments from the NatureScot representation in respect of the assessment of SPA qualifying features and the consideration of additional sources when assessing impact pathways on seabird sensitivity and advise that these must be fully addressed.
- 5.6.4 In Table 10-2 of the Scoping Report the Applicant summarises the potential impacts to offshore and intertidal ornithology during the different phases of the Proposed Works. The Scottish Ministers are broadly in agreement with this approach, however, advise that the NatureScot representation in relation to scoping of impacts, specifically disturbance and displacement during the operation and maintenance stage of the Proposed Works should be implemented in full by the Applicant, including a qualitative assessment on vessel movements
- 5.6.5 The Scottish Ministers further recommend that the Applicant consider collision with lighted vessels as a potential impact pathway and advise that indirect impacts of noise on prey species, particularly from pre-construction activities that can emit significant underwater noise such as UXO clearance and geophysical activities, should be scoped in to the EIA Report. This view is supported by the NatureScot representation.
- 5.6.6 The Scottish Ministers note the Applicant’s proposed approach to assessment at section 10.9 of the EIA Scoping Report and confirm agreement with the methods proposed in respect of this receptor.
- 5.6.7 In line with NatureScot recommendations, the Scottish Ministers advise that where impact pathways have been identified the full range of mitigation techniques and publication guidance should be considered in the EIA Report.

5.6.8 With regard to the cumulative impacts on offshore and intertidal ornithology considered by the Applicant at section 10.8, the Scottish Ministers advise that the cumulative assessment should focus on impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables, and not constrained to those within a 20km buffer. The upcoming Cumulative Effects Framework should be used if available at the time of assessment. The Scottish Ministers also note the representation raised by the RSPB in respect of the potential cumulative impacts of the Proposed Works on ornithology.

5.6.9 The Scottish Ministers welcome the Applicant's proposal at Table 16-1 to scope in transboundary impacts on this receptor as regards disturbance during construction and decommissioning stages of the Proposed Works and disturbance to prey species and habitats.

5.7 Marine Mammals and Other Megafauna

5.7.1 The Scottish Ministers are broadly content with the study area as defined in section 11.3 of the Scoping Report. The Scottish Ministers agree with the Management Units identified for cetaceans along with the SCANS blocks proposed to be used for regional context. The Scottish Ministers advise however, that for quantitative impact assessment, that the UK portion of the Management Units is used as the reference population, rather than the whole Management Unit population. With regard to seals the Scottish Ministers would highlight that the relevant Management Unit is the East of Scotland Management Unit and highlight the NatureScot representation in this regard.

5.7.2 The Scottish Ministers are content with the data sources to inform the marine mammal baseline listed at section 11.4 of the Scoping Report; however, advise that there may be some additional cetacean data from citizen programmes and direct the Applicant further to the NatureScot representation in this regard.

5.7.3 In relation to baseline environment detailed at section 11.5.1 of the Scoping Report, the Scottish Ministers advise that in relation bottlenose dolphins there is no SCANS estimate for block O. In relation to seals, the Scottish Ministers are content that the designated seal haul-out sites do not require to be considered further within the EIA Report due to their distance from the Proposed Works. The Scottish Ministers would highlight the NatureScot representation regarding the inconsistencies noted within section 11.5.1.7 of the Scoping Report for reference.

5.7.4 Within Table 11-1 of the Scoping Report the Applicant details the potential impacts on marine mammals during the different phases of the Proposed

Works which it proposes to scope in and scope out for further assessment within the EIA Report. The Scottish Ministers broadly agree with the potential impacts to be scoped into the EIA for further assessment; however advise that the Applicant must also fully consider within the EIA Report any pre-construction activities that can emit significant underwater noise such as UXO clearance and geophysical activities. Furthermore, the Scottish Ministers disagree that indirect impacts of construction noise on prey species can be scoped out of the EIA. As per section 5.5.5 of the Scoping Opinion, the Applicant must consider any pre-construction activities on fish species and present further evidence within the EIA Report to support the conclusion of no impact pathway for underwater noise on fish species (including from machinery noise). This is a view supported by the NatureScot representation.

- 5.7.5 With regard to UXO clearance, the Scottish Ministers advise that an assessment considering the risk of encountering potential UXOs is presented within the EIA Report and modelling is then provided to illustrate the impact ranges and options presented for mitigation. The Scottish Ministers highlight the NatureScot representation in this regard relating to similar assessments previously undertaken.
- 5.7.6 With regard to the cumulative impacts on marine mammals and other megafauna considered by the Applicant at section 11.8, the Scottish Ministers advise that the cumulative assessment should focus on impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables. The upcoming Cumulative Effects Framework should be used if available at the time of assessment. The Scottish Ministers further agree that transboundary impacts must be considered further within the EIA Report.
- 5.7.7 With regards to mitigation and monitoring, the Scottish Ministers would advise that where impact pathways have been identified, the Applicant must fully consider and detail a full range of mitigation techniques and published guidance within the EIA Report. The Scottish Ministers refer the Applicant to the guidance provided in section 3.3 of this Scoping Opinion regarding the necessary detail required.

5.8 Commercial Fisheries

- 5.8.1 In relation to the policy and guidance documents listed at section 12.2 of the Scoping Report, the Scottish Ministers would highlight the SFF representation in this regard and advise that the Applicant must ensure that all relevant up to date policy documents and guidance are used for further assessment within the EIA Report.

- 5.8.2 With regards to available information proposed by the Applicant to be used to inform the commercial fisheries baseline assessment, the Scottish Ministers advise that in order for a full assessment to be undertaken, the Applicant must detail the exact number of offshore export cables required within the EIA Report. In addition, the Scottish Ministers advise that the Applicant must provide a map indicating the Proposed Works which includes ICES rectangles and furthermore, the proportion of the Proposed Works that lies within the Farnes Deep fishing restricted area in order for this to be assessed appropriately. The Scottish Ministers refer the Applicant further to section 2.4 of this Scoping Opinion for further detail regarding this.
- 5.8.3 In relation to the key data sources detailed at section 12.4 of the Scoping Report, the Scottish Ministers highlight the NLB and SFF representations on the limitations of AIS and VMS data and advise that this is taken into consideration in the EIA Report.
- 5.8.4 Within Table 12-1 of the Scoping Report the Applicant details the potential effects on commercial fisheries during the different phases of the Proposed Works which they propose to scope in for assessment within the EIA Report. The Scottish Ministers agree with the potential effects detailed and scoped in by the Applicant. In addition, the Scottish Ministers agree with the scoping in of cumulative and transboundary impacts. In addition to those projects detailed in Table 4-5 of the Scoping Report, the Scottish Ministers advise that cumulative impacts with neighbouring (consented) wind farms in the Forth and Tay area must be assessed, including all associated export cables.
- 5.8.5 The Scottish Ministers advise that a fisheries displacement assessment must be carried out to assess any permanent or temporary impacts on commercial fishing from the Proposed Works. This assessment within the EIA Report must include consideration of over trawl surveys in trialling the safe fishing over the Proposed Works and the Scottish Ministers highlight the MSS advice in this regard. The Scottish Ministers advise that the Applicant must adopt a clear position on whether they will be content for fishing to continue over the Proposed Works. This position must be adopted prior to the fisheries displacement assessment so the implications from this can be included in the assessment.
- 5.8.6 The Scottish Ministers advise that in identifying appropriate mitigation measures, the Applicant must consider the different types of fishing that take place within the Proposed Works and engage with the wider fishing industry to seek broad agreement on measures proposed. The Scottish Ministers advise that when detailing the mitigation measures the Applicant must clearly state commitments and explain any caveats to these commitments, such as EIA significance, so that stakeholders can easily understand the actual

commitment(s) made. In addition, the Scottish Ministers emphasise the importance of engaging with the fishing industry throughout the application process.

5.9 Shipping and Navigation

- 5.9.1 With regards to the proposed study area, the Scottish Ministers are content with the defined 10nm buffer area surrounding the Proposed Works. This is a view supported by the UK CoS representation and MCA representation.
- 5.9.2 The Scottish Ministers are broadly content with the data sources identified at section 13.4 of the Scoping Report to inform the shipping and navigation baseline. The Scottish Ministers would advise however that there is no reference to up to date AIS data and advise the Applicant that this must be used as a key data source for the purposes of the EIA Report. In relation to the baseline environment detailed at section 13.5 of the Scoping Report, the Scottish Ministers advise that the ports of Leith and Rosyth are also associated with a large quantity of shipping impacted by the Proposed Works and must be considered further within the EIA Report. In addition, the Scottish Ministers note a number of additional well-used anchorages centred off Cockenzie and Kirkcaldy which must be considered further and direct the Applicant further to the NLB representation in this regard.
- 5.9.3 Within Table 13-1 of the Scoping Report the Applicant details the potential impacts to be scoped in and scoped out for further assessment within the EIA Report. The Scottish Ministers are broadly in agreement with the potential impacts to be scoped in and scoped out however, disagree with the scoping out of potential anchor interactions with subsea cables. The Scottish Ministers note that whilst the preferred method of installation of the Proposed Works is burial with protection where required, there may still be instances of potential interactions based on the proposed cable burial depth and advise that this must be scoped into the EIA Report for further assessment, including a burial protection index study and, subject to traffic volumes, an anchor penetration study. This is a view supported by the UK CoS representation and MCA representation. Furthermore, the Scottish Ministers disagree with the scoping out of collision between project vessels and infrastructure and third-party activities and operations (including vessel interaction with subsea cables) during the construction and decommissioning phases. The Scottish Ministers advise that this must be scoped into the EIA Report for further assessment based on the justification that has been provided in Table 13-1. This is a view supported by the MCA representation. Additionally, for the avoidance of doubt, the Applicant must ensure that each of the possible impacts on navigational issues, including routing and effects on shipping, outlined in the MCA representation are addressed within the EIA Report.

- 5.9.4 In relation to the proposed designed in mitigation measures, the Scottish Ministers highlight the representation from the MCA in this regard relating to the consideration of appropriate mitigation which must be fully addressed by the Applicant and the completion of a SAR checklist in consultation with the MCA.
- 5.9.5 The Scottish Ministers agree with the scoping in of cumulative impacts for further assessment within the EIA Report, as per the MCA and UK CoS representations. With regard to transboundary impacts, the Scottish Ministers are content that these can be scoped out further for further assessment within the EIA Report.
- 5.9.6 In relation to the proposed EIA methodology, the Scottish Ministers would draw particular attention to the MCA representation and advise that the points raised by the MCA must be considered fully within the EIA Report. In particular, the Scottish Ministers refer the Applicant to the reference to MGN-543 and note that this has now been superseded by MGN-654.

5.10 Marine Archaeology and Cultural Heritage

- 5.10.1 The Scottish Ministers are content with regard to the study area and baseline information described by the Applicant at section 14.3 and 14.5 within the Scoping Report. At section 14.5.3 of the Scoping Report the Applicant has recognised the need to take account for the potential for historic unexploded ordnance and minefields to be present within the study area. The Scottish Ministers advise that consideration must also be given within the EIA Report to the potential presence of unexploded munitions as a result of more recent MOD activities. This view is supported by the MOD representation.
- 5.10.2 Within Table 14-3 of the Scoping Report, the Applicant details the potential impacts to be scoped in and scoped out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers are content with what has been identified to be scoped in and scoped out. The Scottish Ministers advise that given the relatively limited number of known marine historic environment assets within the study area of the Proposed Works and the commitment to pre-construction assessment, the proposal to undertake desk based assessments of existing data sources is sufficient for the purposes of the EIA Report. This view is supported by the HES representation.
- 5.10.3 With regards to the designed in measures the Scottish Ministers advise that the EIA Report must give an indication as to the size/scale of any potential implementation of exclusion zones to ensure these are of appropriate size with respect to mitigating the risk of undertaking a desk based assessment only for

the purposes of the EIA Report. The Scottish Ministers refer the Applicant further to the HES representation in this regard and furthermore, to the representation regarding the approach to be taken for the proposed Protocol for Archaeological Discoveries and Written Scheme of Investigation.

5.11 Other Sea Users

- 5.11.1 With regards to the proposed study area, the Applicant has identified that the Proposed Works pass through the MOD Danger Area complex D513 – Druidge Bay. The Scottish Ministers highlight the MOD representation in this regard and advise that in conjunction with the Practise and Exercise Area (“PEXA”) data that has been used to inform the baseline assessment of the study area, the Applicant must also make use of the information contained in the UK Air Information Publication, to identify the airspace designations for prohibited restricted Danger Areas that the study area overlaps. In addition, the Scottish Ministers advise that any future iterations of Figure 15-1 that may be contained within the EIA Report must define the relevant PEXA data. In relation to section 15.5.2.3, the Scottish Ministers highlight the NLB representation that AIS is a poor tool for assessing recreational vessel density and advise that this is taken into consideration in the EIA Report.
- 5.11.2 Within Table 15-1 of the Scoping Report the Applicant details the potential impacts to be scoped in to the EIA Report during the different phases of the Proposed Works. The Scottish Ministers agree with the impacts identified to be scoped in. The Scottish Ministers further agree with the potential impacts to be scoped out for further assessment within the EIA Report during the different phases of the Proposed Works. These views are supported by the RYA Scotland representation, Sportscotland representation and MOD representation.
- 5.11.3 With regards to the designed in measures described at section 15.6 of the Scoping Report, the Scottish Ministers are content that these provide a suitable means for managing and mitigating the potential effects of the Proposed Works; however advise that navigational warnings be expanded to include notification to the MOD operator of the Danger Areas that the Proposed Works may affect, as supported by the MOD representation. The Scottish Ministers would also highlight the representation from SSEN Transmission recommending engagement should the potential for the Proposed Works to cross the proposed SSEN Transmission Eastern Green Link 2 project.

6. Application and EIA Report

6.1 General

- 6.1.1 The EIA Report must be in accordance with the 2007 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 12. In accordance with the 2007 MW EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under the Conservation of Offshore Marine Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the 2007 MW EIA Regulations.
- 6.1.3 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

Signed

Rebecca Bamlett
23 February 2023
Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Representations & Advice

Please refer to separate document provided alongside the Scoping Opinion

Appendix II: Gap Analysis

Please refer to separate document provided alongside the Scoping Opinion

Angus Council

From: [Stephanie G Porter](#)
To: [MS Marine Renewables](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 OUR REF: 22/00552/PREAPP
Date: 30 November 2022 11:50:34
Attachments: [image001.png](#)

Dear Sir/Madam

REQUEST FOR SCOPING OPINION FOR PROPOSED MARINE LICENCE FOR THE BERWICK BANK OFFSHORE WIND FARM CAMBOIS CABLE CONNECTION REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

I refer to the consultation request received by this Authority on 22 November 2022 relating to the above scoping opinion request made to Scottish Ministers. I can confirm that having reviewed the Scoping Report, Angus Council has no comments or requirements to add at this stage.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

Covid: As restrictions ease, the emphasis will continue to be on personal responsibility, good practice and informed judgement. [Get the latest information on Coronavirus in Scotland.](#)

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British Telecom

From: radionetworkprotection@bt.com
To: [MS Marine Renewables](#)
Subject: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 WID12032
Date: 24 November 2022 12:02:56
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

OUR REF; WID12032

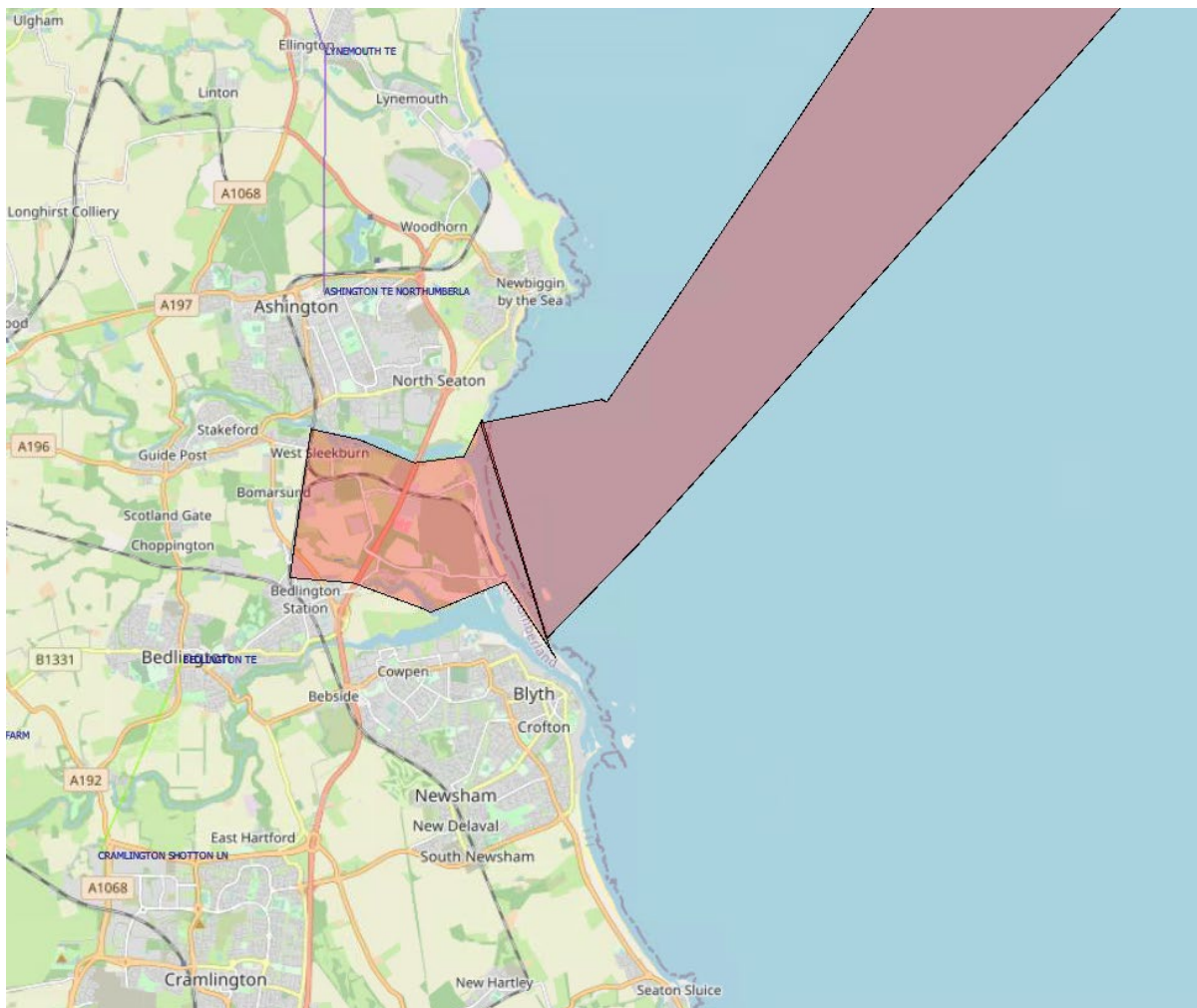
Good afternoon Emma

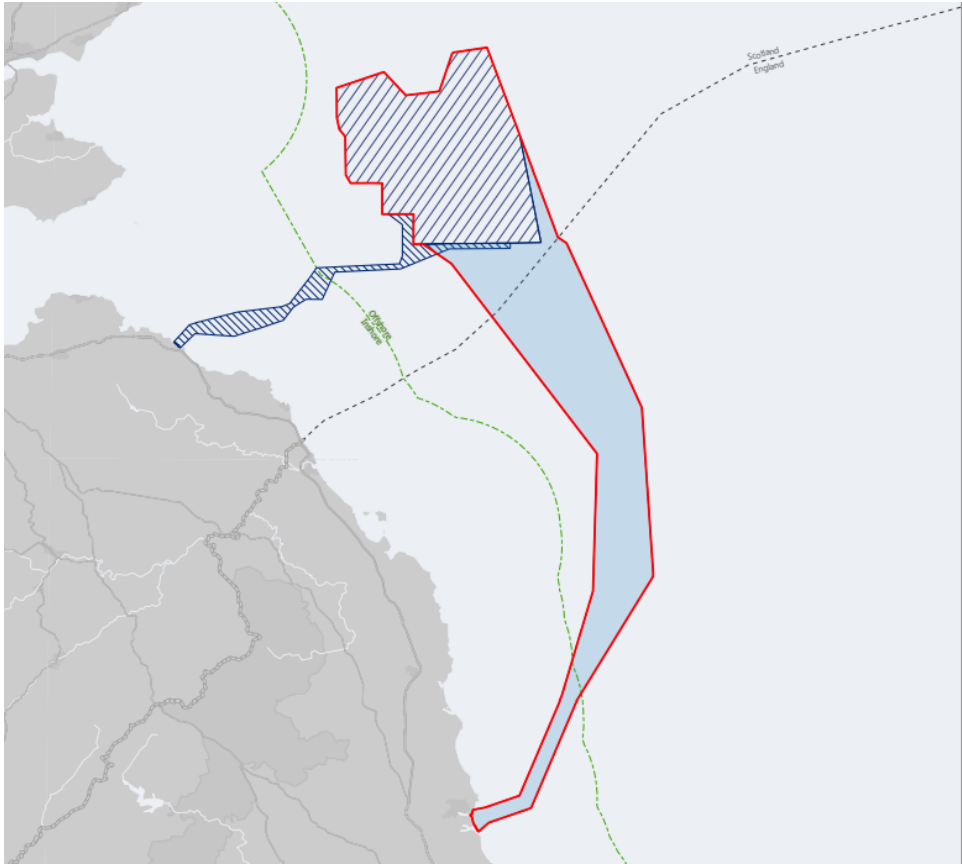
Thank you for your email dated 22/11/2022.

We have studied the proposed Off-shore Cambois connection and proposed onshore development just north of Blyth, with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network.

Kind Regards
Chris





Civil Aviation Authority

From: [Andy Wells](#)
To: [MS Marine Renewables](#)
Subject: RE: [External] RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 - Nil response
Date: 21 December 2022 14:56:36
Attachments: [image001.png](#)
[image002.png](#)

Dear Emma,

Thank you for the follow-up. To confirm, the Civil Aviation Authority has no comments to make on the Scoping Opinion.

Apologies for the delayed response.

Kind regards

Andy

Andy Wells

Manager Rulemaking and Safety Publications
Safety and Business Delivery
Civil Aviation Authority

Tel: 0330 138 3166

Follow us on Twitter: [@UK_CAA](#)

Please consider the environment. Think before printing this email.



Dee District Salmon Fishery Board

From: [Jamie Urquhart](#)
To: [MS Marine Renewables](#)
Cc: [Edwin Third](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 - Nil response
Date: 22 December 2022 11:21:05
Attachments: [image001.png](#)

Dear Emma

Thank you for your email and apologies for not confirming that this was the case we will not be submitting a response to this consultation please record this as a Nil Return as indicated.

Best regards Jamie

Jamie Urquhart
Fisheries Protection Manager

Dee District Salmon Fishery Board
River Office
Mill of Dinnet
Aboyne, Aberdeenshire
AB34 5LA

Office: 01339 880411

Web: www.riverdee.org

Dunbar Community Council

From: [Jacqueline Bell](#)
To: [MS Marine Renewables](#)
Subject: Re: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 - Nil response
Date: 21 December 2022 12:08:50
Attachments: [image002.png](#)

that is correct
Jacquie Bell
Dunbar Community Council

On Wed, 21 Dec 2022 at 12:06, <MS.MarineRenewables@gov.scot> wrote:

Dear Sir/Madam,

I refer further to the consultation below and note that MS-LOT has not received a response from you. MS-LOT is therefore assuming a 'nil return'.

Kind regards,

Emma

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

General Email: MS.MarineRenewables@gov.scot

Website: <https://www.gov.scot/policies/marine-and-fisheries-licensing/>



Dundee City Council

From: [Alistair Hilton](#)
To: [MS Marine Renewables](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022
Date: 23 November 2022 09:03:49
Attachments: [image001.png](#)

Thank you for your email. I can advise that Dundee City Council has no comment on the proposals.



Alistair Hilton

Principal Planning Officer (Planning & Economic Development) at City Development

E alistair.hilton@dundeecity.gov.uk

P [01382 433760](tel:01382433760)

W www.dundeecity.gov.uk

A [Dundee House, 50 North Lindsay Street, DUNDEE, DD1 1QE](#)

East Lothian Council

From: [Squires, Jean](#)
To: [MS Marine Renewables](#)
Subject: FW: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 - Nil response
Date: 21 December 2022 15:54:19
Attachments: [image001.png](#)

Dear Marine Scotland,

I apologise for the delay in our response.

From the material supplied it appears that the Cambois link is intended to serve the Berwick Bank Offshore Windfarm project by exporting electricity to the national grid. The Scoping Report notes at 1.3.2 that 'it is important to note that whilst linked to the Cambois Connection the Berwick Bank Wind Farm is subject to separate consenting'. Nonetheless, the EIA regime requires consideration of the project as a whole. Connection to the grid is an essential part of a windfarm and is therefore considered to be integral to the project.

EIA is expected to examine reasonable alternatives. In this case, there may be different ways that the electricity could be exported from this windfarm, and this is likely to have different environmental impacts. The Council would therefore expect to see somewhere in the EIA of the Berwick Bank project overall a comparison of the reasonable alternatives for export of electricity considered and their environmental impacts, and the reasons for the final choice made. In particular, would it be possible to export all of the electricity from this project via the Cambois link?

As this is a marine project, most of the impacts are felt offshore and will not affect interests in East Lothian. The Council values its biodiversity, including the marine mammals and birdlife that visit and are visible from our shores. We support any comments NatureScot may have in this regard. There are also some fishing interests in East Lothian however others will comment on this. Climate change will affect everyone. There does not appear to be any assessment proposed of the impact on climate change of the project itself, either directly from use of materials and methods of construction, or indirectly, although supporting Scottish and UK climate change targets is given as one of the reasons for the project. An assessment of the projects effect on climate change should therefore be included.

J Squires
Pp Keith Dingwall
Planning Service Manager
John Muir House
Haddington

Fife Council



Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Planning Services

Scott Simpson

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/03950/CON

Date 16th January 2023

Dear Sir/Madam

Application No: 22/03950/CON
Proposal: Request for Scoping Opinion on proposed Marine Licence for the Berwick Bank Off-Shore Wind Farm Cambois Cable Connection
Regulation 13 and Schedule 14 of the Marine Works (Environmental Impact Assessment) Regulations 2007
Response required by 20 December 2022
Address: Scottish Government Consultation Fife

Thank you for your consultation letter dated 22nd November 2022. Apologies that you did not receive a response before the deadline of 20th December 2022.

Having reviewed the information provided, I can confirm that Fife Council has no comments to make on the proposal.

Yours sincerely

Scott Simpson
Planner, Major Business and Customer Service

Planning Services
Fife House, North Street, Glenrothes, KY7 5LT



Forth Ports

From: [Carol Forman](#)
To: [MS Marine Renewables](#)
Cc: [Pamela Smyth](#); [Emma McAsian](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022
Date: 25 November 2022 10:58:26
Attachments: [image001.png](#)

Thanks Emma. Forth Ports have no comment on this.

Separately, please could you add my details as a contact for Forth Ports as I am dealing with these while Sandra Robson is on secondment.

Kind regards.
Carol

Carol Forman | In-house Paralegal | LSS Accredited Paralegal | Forth Ports Limited
Head Office | 1 Prince of Wales Dock | Edinburgh | EH6 7DX
T: 0131 555 8721 | M: 07858 368 260 | <https://forthports.co.uk>

Historic Environment Scotland



By email to:

MS.MarineRenewables@gov.scot

Marine Scotland (Marine Renewables)
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300044396

13 January 2023

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Berwick Bank Offshore Wind Farm to Blyth (In England), Cambois Cable Connection -
Marine Licence
Scoping Report

Thank you for your consultation which we received on 23 November 2022 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs). In this case, our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

We understand that the proposed development comprises an additional offshore cable route from the wind farm area to an onshore grid connection at Cambois in Northumberland, England.

Scope of assessment

Marine assets

We are content with the principle of the additional cable route within the area shown on Figures 1-1 and 1-2 of the scoping report.

We are content that the potential for direct/indirect loss of known/unknown heritage assets from the marine and intertidal environments, and the potential for loss or damage to submerged prehistoric landscapes are scoped in. We agree with the scoping in of potential cumulative impacts



We are content for potential setting impacts from vessels engaged in installation/decommissioning and for the potential for setting impacts during operation/maintenance to be scoped out. We are also content for potential transboundary impacts to be scoped out of further assessment.

Given the relatively limited number of known marine historic environment assets within the study area in Scottish territorial waters we are content with the proposal to undertake a desk-based assessment (DBA) only for the EIA and follow up with pre-construction surveys, particularly given the designed-in mitigation proposals.

We note that the Designed in Measures at Section 14.6 of the Scoping Report, states that the use of 'micro-routing' and the 'implementation of archaeological exclusion zones if applicable' will be included. No indication is given of the size/scale of exclusion zones that are proposed. However, provided these zones are of an appropriate size, we are content with that this approach will mitigate the risk of the DBA only EIA approach within Scottish territorial waters.

Terrestrial assets

We can confirm that the proposed additional cable route is not likely to have any additional significant effects on the setting of terrestrial designated assets within our remit given the limited area within Scottish territorial waters and that the landfall is within England.

Scoping Report

We are content with the study area identified in the Scoping Report for marine historic environment assets. We are content that the baseline assessment provided identifies the known marine historic environment assets within the development area and in the surrounding study area. We are content with the baseline data identified at this stage and have no recommendations for additional baseline data to be included.

We are content with the limited information provided at this stage on the proposed methodology for assessment of impacts on the historic environment within our remit. We note that a desk-based assessment only is proposed but that the applicant has committed to undertaking more detailed pre-commencement surveys and archaeological review and assessment prior to construction. While we would normally recommend that these surveys are undertaken prior to consent, in this case, as the area within our remit is limited and appropriate mitigation is being proposed we are content with the proposed methodology.

We are satisfied that the methodology to be used for the proposed Technical Report and Written Scheme of Investigation (WSI) will be appropriate if it follows the same approach as used for the main Berwick Bank Wind Farm assessment.



Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes.

Practical guidance and information about the EIA process can also be found in the [EIA Handbook \(2018\)](#). Technical advice is available on our Technical Conservation website at <https://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements who can be contacted by phone on 0131 668 8730 or by email on Victoria.Clements@hes.scot.

Yours faithfully

Historic Environment Scotland

Maritime Coastguard Agency



Maritime &
Coastguard
Agency

Vinu John
Maritime and Coastguard Agency
UK Technical Services – Navigation
105 Commercial Road
Southampton
SO15 1EG
www.gov.uk/mca

Emma Lees
Marine Planning and Policy
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

20 December 2022

Dear Ms Emma Lees

Application for Scoping Opinion for Proposed Marine Licence for The Berwick Bank Offshore Wind Farm Cambois Cable Connection under Regulation 13 And Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007

The MCA has reviewed the scoping report provided by SSE renewables for the Berwick Bank Offshore Windfarm- Cambois Cable Connection as detailed in your e-mail on the 22nd of November 2022 and would like to comment as follows:

The Environmental Impact Report should supply detail on the possible impact on navigational issues for both commercial and recreational craft, specifically:

- Collision Risk
- Navigational Safety
- Visual intrusion and noise
- Risk Management and Emergency response
- Marking and lighting of site during construction and information to mariners
- Effect on small craft navigational and communication equipment
- The risk to drifting recreational craft in adverse weather or tidal conditions

The development area carries a significant amount of traffic with a number of important commercial shipping routes to/from UK ports.

We note that the applicant has referred to MGN-543 within section 13.9 of the scoping report and we would like to point out that this document is now superseded by **MGN-654**. A Navigational Risk Assessment should be submitted in accordance with MGN 654. This should be accompanied by a detailed MGN 654 Checklist which can be found at: <https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping>

Attention needs to be paid to routing, particularly in heavy weather routing so that vessels can continue to make safe passage without large-scale deviations. The likely cumulative and in combination effects on shipping should be considered which will be an important issue to assess during the construction phase of this project. It should consider the proximity to other windfarm developments, other infrastructure, and the impact on safe navigable sea room.

We note that a desk-based AIS vessel traffic study is undertaken to the standard of MGN 654 to capture vessels navigating in the study area. We understand that this is in addition to existing data and data collected for the generation assets (Berwick Bank OWF) site specific marine vessel traffic surveys and will be carried out to inform the NRA and EIA for the Cambois Cable connection.

Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. If cable protection measures are required e.g. rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.

As HVDC cables are being considered a study should be undertaken to establish the electromagnetic deviation, affecting ship compasses and other navigating systems, of the high voltage cable route to the satisfaction of the MCA. The MCA would be willing to accept a three-degree deviation for 95% of the cable route and for the remaining 5% of the cable route no more than five degrees should be attained. On receipt of the study, the MCA reserves the right to request a deviation survey of the cable route post installation.

Particular consideration will need to be given to the implications of the location of any booster station, if installed on SAR resources and Emergency Response Co-operation Plans (ERCoP). The report must recognise the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)). A SAR checklist will also need to be completed in consultation with MCA, as per MGN 654 Annex 5 SAR requirements.

MGN 654 Annex 4 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Failure to report the survey or conduct it to Order 1a might invalidate the Navigational Risk Assessment if it was deemed not fit for purpose. On the understanding that the Shipping and Navigation aspects are undertaken in accordance with MGN 654 and its annexes, along with a completed MGN checklist, MCA is likely to be content with the approach.

With regards to the specific questions in **section 13.10**

- Do you agree with the study area defined for the shipping and navigation assessment?
Yes, we agree with the study area defined for the shipping and navigation assessment.
- Do you agree that all available information and data sources have been identified to inform the baseline? Are there any other information and data sources that should be considered?
We are content with the data sources identified to inform the baseline.
- Do you agree with the scoping decisions of potential impacts?
Although we are content with the scoped in impacts. We also feel *Collision between Project vessels and infrastructure and third-party activities and operations (including vessel interaction with subsea cables)* should be Scoped In during the construction and Decommissioning phase. As the justification in **Table 13-1** itself says clearly *the presence of project related vessels during the*

construction and decommissioning phases of the Marine Scheme has the potential to increase the risk of collision with third party vessels.

We also believe *Potential anchor interactions with subsea cables* should be scoped in as the majority of the cable route is within anchoring depth and there will always be a risk of anchor interaction, and this should be assessed within the EIA.

- Do you agree with the scoping in of potential cumulative impacts?

Yes, likely cumulative and in combination effects on shipping should be considered which will be an important issue to assess during the construction phase of this project.

- Do you agree with the scoping out of potential transboundary impacts?

We believe there is less transboundary impacts on shipping and navigation receptors that arise as a result of construction, operation and maintenance and decommissioning activities.

- Do you agree with the proposed approach to EIA methodology?

Yes, as long as they are compliant with the above-mentioned statements and MGN-654 guidance.

- Do you agree with the stakeholder and consultees identified as part of the proposed EIA methodology?

Yes, we are content with the stakeholders and consultees identified as part of the proposed EIA methodology.

Yours sincerely.

Vinu John
Navigation Policy Advisor
UK Technical Services Navigation

Ministry of Defence

From: [Wilson, Jon Mr \(DIO Estates-SnrSafegdMgr3\)](#)
To: [MS Marine Renewables](#)
Cc: [DIO-Safeguarding-Offshore \(MULTIUSER\)](#)
Subject: 20221221: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Scoping Opinion -MOD Response
Date: 21 December 2022 18:14:03
Attachments: [image001.png](#)

Dear Emma,

REQUEST FOR SCOPING OPINION FOR PROPOSED MARINE LICENCE FOR THE BERWICK BANK OFFSHORE WIND FARM CAMBOIS CABLE CONNECTION

REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

DIO Ref. DIO 10057107

I write to confirm the safeguarding position of the Ministry of Defence (MOD) with respect to the above request for a scoping opinion made by Berwick Bank Wind Limited in relation to the scheme they have outlined for the proposed installation of offshore export cables and associated infrastructure in the marine environment to provide a connection between the onshore National Grid and the proposed Berwick Bank offshore wind farm.

The marine scoping area identified in this submission extends from the location of the proposed Berwick Bank offshore wind farm located in the outer Firth of Forth to a landfall location at Cambois, Northumberland via which the export cables will connect with the onshore grid via a separate onshore electricity infra-structure development scheme.

In the Marine Archaeology and Cultural Heritage section of the submission, the applicant has recognised the need to take account of protected military wrecks and war graves. In addition, the potential for historic unexploded ordnance and minefields to be present in the study area is identified. However, it may also be appropriate for the applicant to take into account the potential presence of unexploded munitions as a result of more recent defence activities. It is noted that marine works to address potential unexploded ordnance will be the subject of a separate marine license submission.

The marine scoping area identified for the proposed cable connection development does extend over a number of safeguarded defence assets and interests.

The applicant has recognised the need to take MOD operations into account in their scoping assessment. Military and defence activities are identified as a relevant receptor in the Other Sea Users section of the scoping report submitted (ref. 15.5.4). The applicant has appropriately identified the diverse nature of defence activities that may be conducted in the marine environment. The applicant has made use of Practise and Exercise Area (PEXA) data published by the UK Hydrographic Office to inform their baseline assessment of the study area. This a relevant key data source. The applicant has accurately identified the Navy Exercise Area (X5642) that the study area extends over. In addition, it has been identified that the study area passes through the MOD Danger Area complex D513 - Druridge Bay. In conjunction with PEXA data, it would be

appropriate for the applicant to also make use of information contained in the UK Air Information Publication (AIP) to identify the airspace designations for prohibited, restricted and Danger Areas that the study area overlaps. Figure 15-1 which depicts other sea users assets relevant to the study area does not define PEXA data. It would be beneficial for this to be included in further submissions.

The study area identified in the submission does coincide with certain defence maritime navigational interests. When more details of the proposed cable route and installation methodologies are provided the MOD will be able to advise if this will have any adverse effects upon these defence interests and identify measures that may be necessary to safeguard them.

A number of 'designed in measures' are identified at section 15.6 of the report to mitigate potential impacts to other sea users. It is noted that this includes the timely issuance of relevant Notice to Mariners (NtM) notifications along with other navigational warnings. It would be appropriate for this latter category to include notification to the MOD operator of the Danger Areas that the development scheme may affect.

At section 15.7 of the scoping report, the applicant has completed a scoping appraisal of the potential impacts identified to other sea users. In this the applicant has identified the potential for the works to install and decommission the cable connection to cause temporary obstruction to other infrastructure or activities including defence. The MOD endorses the identification of this as a topic that needs to be scoped in and considers that the applicant has identified appropriate means of assessing this. In relation to the operation and maintenance of the proposed development, the potential for these activities to cause obstruction or disturbance to other sea users has been scoped out. The MOD recognises this as an appropriate appraisal of potential impacts associated with the operational phase of the development outlined.

I trust this makes clear the safeguarding position of the MOD in relation to this scoping request. Should you require clarification on any of the points raised, please do not hesitate to contact me.

Yours sincerely,

Jon Wilson | Senior Safeguarding Manager
Defence Infrastructure Organisation
Estates| Safeguarding
DIO Head Office | St George's House | DMS Whittington| Lichfield | Staffordshire |
WS14 9PY
Mobile: 07816 440141
MODNET: jon.wilson106@mod.gov.uk

NATS

From: [NATS Safeguarding](#)
To: [MS Marine Renewables](#)
Cc: [NATS Safeguarding](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022
Date: 23 November 2022 10:24:55
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

The proposed development has been examined from a technical safeguarding aspect and the second cable route does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully

NATS

NATS Safeguarding

D: 01489 444687

E: natssafeguarding@nats.co.uk

NATS Internal

NatureScot



NatureScot NàdarAlba

Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Emma Lees
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

19 December 2022

Our ref: CNS REN OSWF Berwick
Bank – Pre-application

Dear Emma,

BERWICK BANK – CAMBOIS CONNECTION – ADDITIONAL EXPORT CABLE

NatureScot SCOPING ADVICE

Thank you for consulting NatureScot on the Scoping Report submitted by Berwick Bank Wind Limited. We provide our advice on the natural heritage interests to be addressed within the Environmental Impact Assessment Report (EIAR) below for the proposed Cambois Cable Connection. This additional export cable would be located from within the proposed Berwick Bank offshore wind farm array area, located 39.2km east of the East Lothian coastline, to a proposed landfall location near Blyth, Northumberland in England. Our advice relates only to the Scottish elements of the proposed works, which is entirely within offshore waters.

The proposal, which includes a project design envelope approach, comprises:

- An export cable approximately 170km in length, comprising two monopole systems of up to four cables installed in separate trenches alongside each other.

Background

The proposed Cambois Connection is linked to the proposed Berwick Bank offshore wind farm, the application for which is currently undergoing consultation. The array area for the Berwick Bank wind farm and the existing planned connection to Branxton, East Lothian, are wholly within Scottish waters. The scoping boundary for the proposed Cambois Connection overlaps with the Berwick Bank wind farm array area, as part of the Cambois Connection will connect into the Offshore Converter Station Platforms (OCSPs) located within the Berwick Bank wind farm array area.

Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh EH12 7AT
Taigh Silvan, 3mh Làr an Ear, 231 Rathad Chros Thoirphin, Dùn Èideann EH12 7AT

0131 316 2600 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage

Policy context

NatureScot works in support of the Scottish Government's vision for an energy sector that delivers secure, affordable and clean energy for Scotland¹. We provide advice in the spirit of Scotland's National Marine Plan², which balances the promotion of the sustainable development of offshore wind, whilst protecting our biodiversity and taking account of seascapes, landscapes and visual impacts.

Working within the context of a climate emergency and a biodiversity crisis, we wish to provide advice that is enabling and secures the right development in the right place with most benefit for climate change reduction, and takes account of and lessens impacts in respect of the biodiversity crisis.

Content of the Scoping Report

We have reviewed the Scoping Report provided (A-100742-S01-A-REPT-001 Rev A02) and find the project design envelope to lack detail, i.e. limited information on the extent of export cable within Scottish waters or estimated extent of cable protection required. The cable installation methodology is still to be determined, but is expected to be achieved through mass flow excavation, jet trenching, mechanical trenching or cable ploughs. It is proposed that up to four cables will be installed in separate trenches – if technically feasible we would encourage further consideration as to whether more than one cable can be buried together to reduce the footprint of the cable corridor and associated impacts. Whilst it is expected that the offshore export cables will be buried along the majority of the corridor, additional cable protection may be required. The cable protection may include rock placement, concrete mattresses, sand/rock/grout bags or cable physical protection (likely polyurethane or cast-iron) – no details are provided on predicted amounts or locations.

Assessment Approach

The EIAR should consider the impact of all phases of the proposed development on the receiving environment, including effects from pre-construction activities and decommissioning as well as the construction and operation phases.

We advise on the need to consider pre-construction activities that can emit significant underwater noise e.g. UXO clearance and some geophysical activities. Impacts will require both assessment under EPS licensing as well as effects to designated sites with marine mammal and potential diadromous fish (Atlantic salmon) features. These impacts should be considered within the EIAR rather than post-consent.

Increasingly, there is a need to understand potential impacts holistically at a wider ecosystem scale rather than via the standard set of discrete individual receptor assessments. We therefore support the inclusion of potential impacts across key trophic levels, particularly in relation to the availability of prey species. This will enable a better understanding of the consequences (positive

¹ Scottish Government Energy Strategy 2017: <https://www.gov.scot/Publications/2017/12/5661/3>

² <https://www.gov.scot/Publications/2015/03/6517>

or negative) of any potential changes in prey distribution and abundance from the development of the wind farm on seabird and marine mammal (and other top predator) interests and what influence this may have on population level impacts.

The EIAR should also consider the carbon cost of the additional export cable (including supply chain) and to what extent this is offset through the production of green energy.

Cumulative impacts

The EIAR should consider the cumulative effect of key impacts such as habitat disturbance and/or loss in relation to the Firth of Forth Banks Complex ncMPA and other developments that overlap with this ncMPA. In Table 4-5, the Seagreen Alpha & Bravo wind farm and Seagreen 1A export cable are omitted from the long list of projects to be considered in the Cumulative Impact Assessment. We advise that both Seagreen developments are included, given that they also overlap with the Firth of Forth Banks Complex ncMPA. Other neighbouring developments in the Firth and Tay area should also be considered.

Habitats Regulations Appraisal (HRA)

An HRA Screening Report has not been provided alongside the Scoping Report, this is due in February 2023. We provide advice within our technical appendices (as discussed below) to assist development in the consideration of both a long and short list for further assessment of sites / features under HRA.

Natural heritage interests to be considered

We refer you to our advice as detailed below within receptor-specific technical appendices for key natural heritage interests to be considered in the EIAR.

Regarding seascape, landscape and visual impact assessment (SLVIA), we agree with the conclusion in Table 4-6 that there is no potential for significant impacts across the various phases of the Cambois Connection. We are therefore content for SLVIA to be scoped out of the EIAR.

- Advice on ornithological interests is provided in **Appendix A**.
- Advice on marine mammal interests is provided in **Appendix B**.
- Advice on benthic interests is provided in **Appendix C**.
- Advice on fish and shellfish interests is provided in **Appendix D**.
- Advice on physical processes is provided in **Appendix E**.

This advice incorporates advice received from JNCC with respect to impacts in Scottish waters, in particular:

- Firth of Forth Banks Complex Nature Conservation Marine Protected Area (ncMPA)

Further information and advice

NatureScot can provide further advice on natural heritage interests, at appropriate stages, as work is undertaken by the applicant in support of their formal submission. We are happy to discuss

further any aspect of our advice prior to and after the issue of a formal Scoping Opinion. Please contact myself, Caitlin Cunningham or Karen Taylor in the first instance for any further advice.

Yours sincerely,

Caitlin Cunningham

Marine Sustainability Adviser

caitlin.cunningham@nature.scot

01738 458531

Silvan House, 3rd Floor East, 231 Corstorphine Road, Edinburgh EH12 7AT
Taigh Silvan, 3mh Làr an Ear, 231 Rathad Chros Thoirphin, Dùn Èideann EH12 7AT

0131 316 2600 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

NatureScot ADVICE FOR BERWICK BANK CAMBOIS CONNECTION

APPENDIX A – ORNITHOLOGICAL INTERESTS

Ornithological interests are considered in section 10 (page 63-71) of the Cambois Connection Scoping Report. We have responded to the scoping questions raised within our advice below.

Study area

The approach to the selection of sites and features as defined in section 10.3 is not as expected. For SPA connectivity in the breeding season, we recommend (for the long list) using foraging ranges as published in Woodward *et al.* (2019)³ to derive connectivity with SPA colonies and with additional colonies that may be used by seabirds foraging within the SPA. The mean-maximum range +1SD should be used. Where such a value exceeds the maximum range recorded, then the maximum figure should be used.

Although the 100km search area approach may reach the same conclusions, we advise the importance of a standard approach as outlined above to help ensure no sites and features are missed. We also highlight that Fowlsheugh SPA is missing from the list of designated sites and advise this is reviewed to ensure it is beyond the SPA connectivity range.

Baseline

We have reviewed the data sources in section 10.4. We advise that more recent tracking data collected for FTRAG-O studies may be available that do not appear in the BirdLife database. Instead, individual projects may need to be approached (e.g. RSPB for Bass Rock Gannet, UKCEH for Forth Islands). Otherwise, we are content with the proposed list of data sources.

In section 10.5, we note the general statement that the study area is '*too deep to provide suitable foraging habitat*' for terns. Although terns are not benthic feeders, this statement ignores that they surface feed over deep water. We advise the Arctic Tern foraging range is 40.5km, which is presumably beyond the proposed Cambois Connection range. Therefore, this should be the reason given for not considering this species further.

In table 10-1, the following qualifying features are omitted from the Forth Islands SPA:

- Shag,
- Razorbill,
- Lesser Black-backed Gull,
- Herring Gull,
- Kittiwake and
- seabird assemblage.

³ Woodward, I., Thaxter, C.B., Owen, E., and Cook, A.S.C.P. (2019) Desk-based revision of seabird foraging ranges used for HRA screening. BTO research report number 724.

We anticipate that the main focus of the ornithological assessment will cover impacts to SPA qualifying interests including migratory species and don't envisage that any significant effects normally considered under EIA wouldn't already be reflected within the Habitats Regulations Appraisal (HRA) SPA assessment.

There is still a need to complete the long list process despite the wealth of preceding ornithological assessment already undertaken in the Forth and Tay area, even though we are aware this gives a good indication of the likely key species to be considered. The forthcoming LSE Screening Report will therefore be an important step to evidence this process and agree key species and SPA colonies/interests to be taken forward to the EIAR and HRA.

Seabird sensitivity

Sensitivity assessments for judging plausible impact pathways for entry onto the long list should consider Furness & Wade (2012)⁴, Furness *et al.* (2013)⁵ and Wade *et al.* (2016)⁶.

Key impact pathways to consider

We broadly agree with table 10-2 of the Scoping Report that summarises the impacts proposed to be scoped in and out of the assessment. However, we advise there are elements that require further consideration as outlined below.

Although for seabird species the assessment will use desk-based sources, there will be at least some of the area in Scottish waters that is covered by the aerial survey that has been underway for the Berwick Bank project. The Cambois Connection should consider if any of this information is helpful in determining usage of the habitat within the cable corridor.

Disturbance and displacement

We note that disturbance and displacement is scoped out during the O&M phase. However, we advise that more detail is required on the likely maintenance and repair activities, including frequency and duration, before this can be scoped out.

We highlight that important information to be presented in the EIAR relate to size, number and operating speed of vessels, as well as the period over which activity will take place within a localised vicinity. A qualitative assessment based on vessel movements and areas occupied by activity should be undertaken.

Collision with vessels

We also highlight collision with lighted vessels as a potential impact pathway, though such impacts are likely to be minor.

⁴ <https://www2.gov.scot/resource/0038/00389902.pdf>

⁵ Furness, R.W., Wade, H.M. and Masden, E.A. (2013) Assessing Vulnerability of Marine Bird Populations to Offshore Wind Farms. *Journal of Environmental Management*, 119, 56-66

⁶ Wade, H.M., Masden, E.A., Jackson, A.C. and Furness, R.W. (2016) Incorporating data uncertainty when estimating potential vulnerability of Scottish seabirds to marine renewable energy developments. *Marine Policy*, 70: 108-113

Prey species

We welcome the inclusion of disturbance from the Cambois Connection on the prey species and habitats of prey species in relation to seabirds. However, as outlined in our advice below in Appendix D, pre-construction activities that can emit significant underwater noise e.g. UXO clearance and some geophysical activities, on fish species should be considered further. Additionally, we advise further evidence is presented in the EIAR to support the conclusion of no impact pathway for underwater noise on fish species (including from machinery noise) before this can be scoped out.

Therefore, we advise that indirect impacts of noise on prey species is scoped in for seabirds at this stage.

Approach to impact assessment

Overall, we are content with the approach outlined in section 10.9 of the Scoping Report for impact assessment.

Cumulative impacts

Cumulative impacts need to be considered for all features for which a Likely Significant Effect has been identified with respect to the Cambois Connection. These should not be constrained to those within a 20km buffer. The cumulative assessment should therefore focus on the Cambois Connection in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, including all associated export cables.

We also highlight the upcoming Cumulative Effects Framework commissioned by Marine Scotland, which is nearing completion and anticipated to be ready for use in assessments by spring 2023.

Mitigation and monitoring

Where significant impact pathways have been identified, we advise that the full range of mitigation techniques and published guidance is considered and discussed in the EIAR.

Transboundary impacts

We are content with Table 16-1, which scopes in disturbance from construction/decommissioning and disturbance to prey species/habitat for transboundary impacts.

NatureScot ADVICE FOR BERWICK BANK CAMBOIS CONNECTION

APPENDIX B – MARINE MAMMAL INTERESTS

Marine mammal interests are considered in section 11 (page 72-81) of the Cambois Connection Scoping Report. We have responded to the scoping questions raised within our advice below.

Study area

We broadly agree with the study area as defined in section 11.3.

We are content with the Management Units identified for cetaceans, along with the SCANS blocks to be used for regional context. For quantitative impact assessment, we recommend the use of the UK portion of the MU as the reference population, rather than the whole MU population.

For seals, the relevant Management Unit is the East Scotland MU. We are unclear on what is meant by the Fast Castle SMU and Farne Islands SMU.

Baseline

Section 11.4 lists the key data sources used to inform the marine mammal baseline. We are content with the data sources listed. However, we advise that there may be some additional cetacean data from citizen programmes, including Citizen Fins⁷ and ORCA ferry surveys⁸. These could give additional information on species recorded in the wider area, particularly for the inshore portion of the cable corridor, noting this is outside Scottish waters.

The baseline environment is discussed in section 11.5 and we have noted some inaccuracies within this chapter.

Firstly, in section 11.5.1.4 for bottlenose dolphin, there is no SCANS estimate for block O. However, we note that the estimate for block R is correct.

In section 11.5.1.7 which discusses seals, we first highlight that Fast Castle⁹ seal haul outs designated Under Section 117 of the Marine (Scotland) Act 2010 lies a long way north of Farne Islands, rather than '*north of the Farne Islands*' as stated. The offence of harassment (intentional and reckless) relates to seals present on the actual haul-out (i.e. on land), where they are most vulnerable, rather than to the sites themselves in the absence of seals or to the neighbouring sea areas. Protection is afforded all year round. Secondly, St Abbs to Fast Castle is a SSSI, not an SAC, and seals are not a notified feature. Lastly, we highlight that these are not terrestrial sites, but rather intertidal/coastal. Despite these inconsistencies, we agree that the designated seal haul-out sites do not need to be considered in the EIAR due to their distance from the cable corridor.

⁷ <https://citizenfins.wp.st-andrews.ac.uk/>

⁸ <https://www.orcaweb.org.uk/>

⁹ www.gov.scot/policies/marine-environment/seal-haul-out-sites/

Key impact pathways to consider

Table 11-1 of the Scoping Report summarises the impacts proposed to be scoped into the assessment.

Disturbance due to the physical presence of vessels

We are content for this impact pathway to be scoped out. We have reached this conclusion based on the works likely to require only a small number of vessels operating at a time, with the vessel(s) moving slowly. Thus, we consider the physical presence of vessels unlikely to create a significant impact for marine mammal species.

Risk of injury resulting from collision with vessels

Similar to the above impact pathway, we are content for this to be scoped out. We have reached this conclusion based on the works likely to require only a small number of vessels operating at a time, with the vessel(s) moving slowly. Thus, we consider the risk of collision unlikely.

Underwater noise

We advise on the need to consider pre-construction activities that can emit significant underwater noise e.g. UXO clearance and some geophysical activities. Impacts will require both assessment under EPS licensing as well as effects to designated sites with marine mammal features. These impacts should be considered within the EIAR rather than post-consent.

Prey species

We welcome the inclusion of disturbance and habitat change from the Cambois Connection on the prey species in relation to marine mammals. However, as outlined in our advice below in Appendix D, we advise on the need to consider pre-construction activities that can emit significant underwater noise e.g. UXO clearance and some geophysical activities, on fish species. Additionally, we advise further evidence is presented in the EIAR to support the conclusion of no impact pathway for underwater noise on fish species (including from machinery noise) before this can be scoped out.

Therefore, we disagree that indirect impacts of noise on prey species can be scoped out at this stage for marine mammals.

Approach to underwater noise modelling

We anticipate modelling will be necessary for any UXO clearance. We advise that an assessment considering the risk of encountering potential UXOs is presented. We have previously seen desk-based studies using the Ordtek mine map¹⁰ for similar assessments. We advise modelling is then provided to illustrate impact ranges, and options presented for mitigation.

¹⁰ <https://ordtek.com/mine-map/>

Cumulative impacts

Cumulative assessment should focus on the Cambois Connection in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables.

We also highlight the upcoming Cumulative Effects Framework commissioned by Marine Scotland, which is nearing completion and anticipated to be ready for use in assessments by spring 2023.

Mitigation and monitoring

Where impact pathways have been identified, we advise that the full range of mitigation techniques and published guidance is considered and discussed in the EIAR.

Transboundary impacts

We agree that transboundary impacts should be assessed further within the EIAR, as per section 11.8.

NatureScot ADVICE FOR BERWICK BANK CAMBOIS CONNECTION

APPENDIX C – BENTHIC INTERESTS

Benthic interests are considered in section 8 (page 43-52) of the Cambois Connection Scoping Report. We have responded to the scoping questions raised within our advice below.

Study area

We are content with the proposed development study area as defined in section 8.3 and figure 8-1, which comprises the Berwick Bank development site and Cambois Connection cable corridor.

Baseline

Section 8.4 captures key desktop datasets and reports, however it should also include and consider features' sensitivity to proposed activities using the FEAST – Feature Activity Sensitivity Tool¹¹ as well as the information published in the Site Information Centres, especially the information in the Supplementary Advice on the Conservation Objectives (SACO), for the Firth of Forth Banks Complex ncMPA¹². We welcome the input from site-specific benthic surveys to help inform baseline characterisation.

Section 8.5.2 incorrectly identifies the features that the Firth of Forth Banks Complex ncMPA is designated for. The Firth of Forth Banks Complex ncMPA is designated for ocean quahog aggregations, offshore subtidal sands and gravels, shelf banks and mounds, and quaternary geology and geomorphology, including moraines representative of the Wee Bankie key geodiversity area. For clarification, edible crab and brittlestars are not designated features for this site. We expect the EIAR to make a clear assessment against all designated features of the Firth of Forth Banks Complex ncMPA, including ocean quahog. We understand that this may be a qualitative assessment.

Section 8.5.2 should be titled '*Designated Sites and protected features*', since it is not only species that are protected within the sites, but also habitats. Furthermore, section 8.5.2 states that '*Ocean Quahog are noted as a feature of conservation importance within these designated sites however, there is insufficient data available to assess the potential impacts of the Marine Scheme on these aggregations.*' There is at least enough information and evidence available to gauge the impact on this protected feature.

Priority Marine Features (PMFs)

We support the inclusion of Priority Marine Features (PMFs)¹³ and Annex I habitats, such as biogenic reefs (including *Sabellaria* reefs). However, in section 8.5.3, there appears to be confusion around PMFs. We advise that PMFs are present in both inshore and offshore waters, and that they are important outside of MPAs as well as within.

¹¹ <https://www.marine.scotland.gov.uk/FEAST/>

¹² <https://jncc.gov.uk/our-work/firth-of-forth-banks-complex-mpa/>

¹³ <https://www.nature.scot/professional-advice/protected-areas-and-species/priority-marine-features-scotlands-seas>

Blue carbon

We welcome the inclusion of the blue carbon assessment in section 8.5.4 and we are content that the potential for significant effects to blue carbon storage have been scoped out for further assessment.

Key impact pathways to consider

We are broadly content with the potential impacts scoped in and out as per Table 8-1 of the Scoping Report. However, we advise there are elements that require further consideration as outlined below.

Temporary loss or disturbance

This potential impact should be assessed for all designated features of the sites where an impact pathway has been identified, as opposed to only Annex I habitats as stated in Table 8-1.

Colonisation of hard structures

We welcome the inclusion of colonisation of hard structures to allow consideration of the potential changes in localised biodiversity. However, the introduction and spread of marine invasive non-native species (INNS) has been scoped out of Table 8-1. We disagree with this and expect the introduction and spread of INNS to be scoped in and considered under the colonisation of hard structures.

EMF

We disagree with Table 8-1 and advise that impacts from EMF (and thermal load) should be scoped in for benthic receptors, due to existing high uncertainty about potential impacts. Benthic species directly on the seabed or in the seabed may come into close proximity to the cables and therefore localised impacts may occur, including attraction, repulsion or physical damage. We advise that this impact needs to be considered, even if only qualitatively.

Prey species

Table 8-1 doesn't capture changes in prey availability as a result of habitat loss or disturbance. More consideration is required in the EIAR to ensure that impacts to key prey species and their habitats from the wind farm are considered across all development phases for the Cambois Connection. Consideration should be given alone and in combination with the proposed Berwick Bank wind farm and other wind farms in the Forth and Tay area, particularly given the importance of this area for a number of prey species¹⁴. We recognise most EIARs concentrate on receptor specific impacts; however we need to understand the impacts at the ecosystem scale. Consideration across key trophic levels will enable better understanding of the consequences (positive or negative) of any potential changes in prey distribution and abundance as a result of

¹⁴ <http://data.jncc.gov.uk/data/4d478592-6a82-4a75-97ad-de7057da9e8a/FFBC-3-ApplicationMPASelectionGuidelines-v5.0.pdf>

impacts to benthic habitats and how this may influence population levels of marine mammals and other top predators.

Approach to impact assessment

Firth of Forth Banks Complex ncMPA

Firth of Forth Banks Complex ncMPA is a composite site and the boundaries of each of the three areas reflect the presence and extent of the important features contained within them. All three areas within the ncMPA need to be considered with respect to the offshore subtidal sands and gravels feature, both alone and in-combination, as part of the assessment on the site. The EIAR should therefore include detailed information and figures on the potential impact to the three areas, as well as the overall MPA. We recommend a separate, more detailed map is presented for overlap of the Cambois Connection (without the Berwick Bank array) with the Firth of Forth Banks Complex ncMPA. Additional detailed maps should also be included in the EIAR, showing the Firth of Forth Banks Complex ncMPA, particularly in relation to the Cambois Connection, Berwick Bank wind farm, Seagreen Alpha & Bravo wind farm and Seagreen 1A export cable. We also advise that further maps should be included which show the location of protected features within the MPA – please see JNCC mapper¹⁵ for further information.

Cumulative impacts

As discussed above, the EIAR must consider the cumulative effect of key impacts such as habitat disturbance/loss from Berwick Bank wind farm in combination with the neighbouring wind farms in the Forth and Tay area, especially in relation to impacts across the Firth of Forth Banks Complex ncMPA as discussed above. It would be beneficial for the analysis to contain tables, or another format, to enable accurate assessment of the impact of the project alone and in combination with the neighbouring offshore wind projects, and any other relevant marine activities, which will occur in the Firth of Forth Banks Complex ncMPA. This will need to cover the three areas of the ncMPA, as well as overall for this composite site.

Mitigation and monitoring

Where impact pathways have been identified and are scoped in, we advise that the full range of mitigation techniques and published guidance is considered and discussed in the EIAR.

We advise that the list of designed-in measures in section 8.6 should also include a Decommissioning Plan.

Transboundary impacts

We agree that transboundary impacts are scoped out from further consideration in the EIAR.

¹⁵ <https://jncc.gov.uk/mpa-mapper/?zoom=9¢er=-1.652,56.398&layerIds=65,85,63,48,46,74&baseLayerId=-2&activeFilters=>

NatureScot ADVICE FOR BERWICK BANK CAMBOIS CONNECTION

APPENDIX D – FISH AND SHELLFISH INTERESTS

Fish and shellfish interests are considered in section 9 (page 53-62) of the Cambois Connection Scoping Report. We have responded to the scoping questions raised within our advice below.

Study area

We are content with the two study areas as defined in section 9.3.

Baseline

We are content that section 9.4 captures relevant baseline datasets but recommend the inclusion of ‘Essential Fish Habitat Maps for Fish and Shellfish Species in Scotland’ developed by the Scottish Marine Energy Research (ScotMER)¹⁶ programme, which is due for publication shortly.

Regarding Table 9-1, we are unclear why the average monetary value is presented and we advise abundance is included instead.

Table 9-2 identifies those protected sites/features with fish/shellfish interests there is reasonable likelihood of connectivity to the Cambois Connection. These include SACs and their qualifying species – the forthcoming LSE Screening Report will be an important step to present evidence and agree key species to be taken forward to the EIAR. The Firth of Forth Banks Complex ncMPA¹⁷ has however been omitted. We expect the EIAR to make a clear assessment against all designated features of the Firth of Forth Banks Complex ncMPA (see *Approach to impact assessment* below).

Priority Marine Features (PMFs)

In addition to being qualifying features of European sites, Atlantic salmon are PMFs¹⁸ along with European eel and sea trout (the anadromous form of brown trout).

Atlantic salmon are undergoing a significant decline across their global range, and numbers in Scotland have declined dramatically since 2010. This has led to the recent publication of a Scottish Wild Salmon Strategy (Scottish Government, 2022)¹⁹, and continuing high levels of mortality at sea is a significant issue. European eel is a conservation priority due to a dramatic decrease in its population size over the last 20 years; it is listed as ‘critically endangered’ on the global IUCN Red list. However, very little is known about their local migration pathways, either as juveniles or adults. Malcolm et al. (2010)²⁰ contains a review of available data in relation to migration routes

¹⁶ <https://www.gov.scot/policies/marine-renewable-energy/science-and-research/>

¹⁷ <https://hub.jncc.gov.uk/assets/92fb7e5e-5e68-4e66-bde3-afd9c27d6b14#FFBC-1-Background-v1.0.pdf>

¹⁸ <https://www.nature.scot/professional-advice/protected-areas-and-species/priority-marine-features-scotlands-seas>

¹⁹ <https://www.gov.scot/publications/scottish-wild-salmon-strategy/>

²⁰ Malcolm I.A., Godfrey J., Youngson A.F. (2010) Review of migratory routes and behaviour of Atlantic salmon, sea trout and European eel in Scotland’s coastal environment: implications for the development of marine renewables. Scottish Marine and Freshwater Science Vol 1, No 14

and behaviour, and Gill & Bartlett (2010)²¹ on effects of noise and electromagnetic fields (EMF) on European eel as well as sea trout. Sea trout support a number of fisheries in Scotland and many of these fisheries have undergone declines in the last 25 years. Note that juvenile Atlantic salmon and trout (including those destined to become sea trout) can also be a host species for freshwater pearl mussel (FWPM).

Spawning and/or nursery grounds

In section 9.5.4, the Scoping Report discusses spawning and nursery grounds. We also advise inclusion of presence/absence of sandeel, as presented in Langton et al. 2021²².

Key impact pathways to consider

Table 9-3 of the Scoping Report summarises the impacts proposed to be scoped into the assessment.

Habitat loss/disturbance (temporary and long-term)

Habitat loss and disturbance (both temporary and long term) is a key impact pathway captured in Table 9-3 for construction, operation and maintenance and decommissioning activities. All appropriate preconstruction seabed preparation works should also be included.

Increased suspended sediments

Increased suspended sediment concentrations is a key impact pathway captured in Table 9-3 for construction and decommissioning activities.

Underwater noise

We advise on the need to consider pre-construction activities that can emit significant underwater noise e.g. UXO clearance and some geophysical activities. Impacts will require both assessment under EPS licensing as well as effects to designated sites with potential diadromous fish (Atlantic salmon) features. These impacts should be considered within the EIAR rather than post-consent.

Additionally, we advise further evidence is presented in the EIAR to support the conclusion of no impact pathway for underwater noise on fish species before this can be scoped out. We expect to see information relating to machinery noise, including the period over which the activity will take place within a defined localised vicinity.

EMF

We agree that assessment of this impact should be scoped in for relevant fish species, which will help inform mitigation requirements going forward.

²¹ Gill, A.B., Bartlett, M. (2010) Literature review on the potential effects of electromagnetic fields and subsea noise from marine renewable energy developments on Atlantic salmon, sea trout and European eel. Scottish Natural Heritage Commissioned Report No.401

²² Langton, R., Boulcott, P. and Wright, P.J. (2021) A verified distribution model for the lesser sandeel *Ammodytes marinus*. Marine Ecology Progress Series, 667

Thermal emissions

We are unclear why thermal emissions has been considered separately to EMF effects, as we would normally consider this to be related.

Colonisation of hard structures

The colonisation of hard structures has been scoped into the benthic ecology section to allow consideration of the potential change in community type from species typical of sedimentary habitats to those typical of hard substrata. We recognise that the long-term effect of such introduction is not fully understood at present, and that this change may provide positive and/or negative effects, which need to be considered from a fish habitat/community perspective too, including how this may influence the availability of prey species. We do not agree with Table 9-3 that it should be scoped out.

Change in prey species availability

We welcome the inclusion of habitat loss and disturbance (both temporary and long term) from the Cambois Connection on these prey species, which is carried through into the seabird and marine mammals topic.

Approach to impact assessment*Firth of Forth Banks Complex ncMPA*

All three areas within the ncMPA need to be considered with respect to ocean quahog aggregations, both alone and in-combination, as part of the assessment on the site. The EIAR should therefore include detailed information and figures on the potential impact to the three areas, as well as the overall MPA. More detailed maps, which include the Firth of Forth Banks Complex ncMPA, particularly in relation to the Cambois Connection, Berwick Bank wind farm, Seagreen Alpha & Bravo wind farm and Seagreen 1A export cable, should be included in EIAR. We also advise that further maps should be included which show the location of protected features within the MPA – please see JNCC mapper²³ for further information.

Cumulative impacts

As discussed above, the EIAR must consider the cumulative effect of key impacts such as habitat disturbance/loss from Berwick Bank wind farm in combination with the neighbouring wind farms in the Forth and Tay area, especially in relation to impacts across the Firth of Forth Banks Complex ncMPA as discussed above. It would be beneficial for the analysis to contain tables, or another format, to enable accurate assessment of the impact of the project alone and in combination with the neighbouring offshore wind projects, and any other relevant marine activities, which will occur in the Firth of Forth Banks Complex ncMPA. This will need to cover the three areas of the ncMPA, as well as overall for this composite site.

²³ <https://jncc.gov.uk/mpa-mapper/?zoom=9¢er=-1.652,56.398&layerIds=65,85,63,48,46,74&baseLayerId=-2&activeFilters=>

Mitigation and monitoring

Where impact pathways have been identified and are scoped in, we advise that the full range of mitigation techniques and published guidance is considered and discussed in the EIA.

Transboundary impacts

We agree that transboundary impacts are scoped out from further consideration in the EIA.

NatureScot ADVICE FOR BERWICK BANK CAMBOIS CONNECTION

APPENDIX E – PHYSICAL PROCESSES

Physical processes are considered in section 6 (page 30-37) of the Cambois Connection Scoping Report. We have responded to the scoping questions raised within our advice below.

Study area

We are content with the study area as defined in section 6.3.

Baseline

We are content with the key data sources as listed in section 6.4.

Key impact pathways to consider

We are broadly content with the potential impacts scoped in as per Table 6-2 of the Scoping Report. However, we advise there are elements that require further consideration as outlined below.

Increases in suspended sediment

We welcome the inclusion of increases in suspended sediment as a potential impact to be scoped in. The assessment method proposes examination of geophysical and benthic survey information. We are broadly content with this approach. However, we advise the assessment needs to consider the likely generation of suspended sediment and the nature and distribution of re-deposition also.

Impact to designated features

As well as the impact pathways mentioned, we advise that there is also potential for cable installation to cause loss of integrity of designated landforms which are relict and therefore cannot re-form (e.g. moraines).

Physical process changes from scour protection

We welcome the inclusion of potential changes to the tidal, wave and sediment transport regimes as a result of blockage effects from scour protection measures. However, we note that the assessment method refers only to a landfall assessment. We advise that this is not sufficient and that the impact should also be assessed along the corridor, including within the ncMPA. The assessment should also encompass effects from any physical cable protection measures (e.g. rock armour, etc.), not just that deemed as scour protection.

Introduction of scour

The reasoning for scoping out potential scour is unclear, especially as the embedded mitigation merely refers to minimising rock protection and scour protection, and thus a level of protection may still be required. We recommend that the potential introduction of scour is explicitly included within the preceding potential impact as discussed above. This will mean that it is also assessed in combination with any other changes to sediment transport.

Approach to impact assessment

Firth of Forth Banks Complex ncMPA

All three areas within the ncMPA need to be considered with respect to the geodiversity features, both alone and in-combination, as part of the assessment on the site. The EIAR should therefore include detailed information and figures on the potential impact to the three areas, as well as the overall MPA. More detailed maps, which include the Firth of Forth Banks Complex ncMPA, particularly in relation to the Cambois Connection, Berwick Bank wind farm, Seagreen Alpha & Bravo wind farm and Seagreen 1A export cable, should be included in EIAR. We also advise that further maps should be included which show the location of protected features within the MPA – please see JNCC mapper²⁴ for further information.

Cumulative impacts

As discussed above, the EIAR must consider the cumulative effect of key impacts such as habitat disturbance/loss from Berwick Bank wind farm in combination with the neighbouring wind farms in the Forth and Tay area, especially in relation to impacts across the Firth of Forth Banks Complex ncMPA as discussed above. It would be beneficial for the analysis to contain tables, or another format, to enable accurate assessment of the impact of the project alone and in combination with the neighbouring offshore wind projects, and any other relevant marine activities, which will occur in the Firth of Forth Banks Complex ncMPA. This will need to cover the three areas of the ncMPA, as well as overall for this composite site.

Mitigation and monitoring

Where impact pathways have been identified and are scoped in, we advise that the full range of mitigation techniques and published guidance is considered and discussed in the EIAR.

Transboundary impacts

We agree that transboundary impacts are scoped out from further consideration in the EIAR.

²⁴ <https://jncc.gov.uk/mpa-mapper/?zoom=9¢er=-1.652,56.398&layerIds=65,85,63,48,46,74&baseLayerId=-2&activeFilters=>

Northern Lighthouse Board



Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: Berwick Bank OWF – Cambois Cable Connection – Scoping Opinion
Our Ref: AL/OPS/ML/O6_20_759

Marine Licensing Casework Officer
Marine Scotland – Marine Planning and Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

29 November 2022

REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

Request for Scoping Opinion for Proposed Marine Licence for the Berwick Bank Offshore Wind Farm Cambois Cable Connection

Thank you for your e-mail correspondence dated 22nd November 2022 requesting a Scoping Opinion relating to the Berwick Bank Offshore Wind Farm Cambois Cable Connection.

Northern Lighthouse Board note the content of the Scoping Report, and also note that a Navigational Risk Assessment will be included within the Shipping and Navigation chapter of the EIA.

In Section 13.5.1.2 – Harbours we note a certain confusion between harbours and anchorage sites (sic); the ports of Leith and Rosyth are also associated with a large quantity of shipping impacted by both the wind farm array and the proposed export cable route.

Likewise, in Section 12.2.1.3 – Anchorages, we note a number of additional, well-used anchorages centred off Cockenzie and Kirkcaldy, within the Firth of Forth.

Within Section 15.5.2.3 – Fishing Vessels and Section 15.5.2.3 – Recreational Vessels, NLB would suggest that AIS is a poor tool for assessing vessel density, as it is only carried by a minority of recreational vessels and larger fishing vessels, and as such, a large proportion of recreational traffic and smaller fishing vessels are not captured in this data set.

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Northern Lighthouse Board also wish to highlight that part of the proposed export cable route and landfall position are within the jurisdiction of Trinity House (GLA for England, Wales and the Channel Islands), and as such, should also be consulted with regard to this Scoping Report.

The Navigation Directorate at Trinity House can be contacted at navigation@trinityhouse.co.uk.

Yours sincerely

Peter Douglas
Navigation Manager

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River Tweed Commission



RIVER TWEED COMMISSION THE NORTH COURT DRYGRANGE STEADING MELROSE ROXBURGHSHIRE
TD6 9DJ

TEL: EARLSTON (01896) 848294 FAX: EARLSTON (01896) 848277 EMAIL: enquiries@rtc.org.uk
Established by Order under an Act of Parliament to protect the fish stocks in the Tweed river system

06/01/2023

Letter by email:

ms.marinerenewables@gov.scot

BERWICK BANK OFFSHORE WIND FARM, FIRTH OF FORTH
Cambois Cable Connection

Dear Emma,

The River Tweed Commission is charged under The Scotland Act 1998 (River Tweed) Order 2006 to do such acts, execute such works and incur such expenses as appear to it to be expedient for the protection and improvement of salmon and freshwater fisheries, and the preservation, increase and stocking of those fisheries in the River Tweed and its tributaries, and in particular with the regulation of fisheries, the removal of nuisances and obstructions and the prevention of illegal fishing. The area of jurisdiction extends five miles out to sea and includes the coastline between Cockburnspath and Holy Island. Powers are granted to the Commission to help fulfil these duties.

With reference to the request for a scoping opinion for proposed Marine Licence for the Berwick Bank Offshore Wind Farm Cambios Cable Connection.

The RTC consult the biologist of the Tweed Foundation for comment on works that may impact on the Salmon and other fish of the River Tweed and wider catchment. The area of expertise of the Tweed Foundation biologists lies within diadromous and anadromous fish *sp.*

Salmon / Sea Trout smolts / adults are typically found in the pelagic zone with spawning and nursery grounds located within the freshwater river systems. It is our understanding that the planned works will be localised within the benthic region and therefore operations potential impact is likely to be minimal.

Our response is limited to scoping questions located with section 9 fish and shellfish ecology.

9.10. SCOPING QUESTIONS

Do you agree with the study area defined for the fish and shellfish ecology assessment? **YES**

Do you agree that all available information and data sources have been identified to inform the baseline? **YES**

Are there any other information and data sources that should be considered? **NO**

Do you agree with the scoping decisions of potential impacts? **YES**

Do you agree with the scoping in of potential cumulative impacts? **YES**

Do you agree with the scoping out of potential transboundary impacts? **YES**

Do you agree with the proposed approach to EIA methodology? **YES**

Do you agree with the stakeholder and consultees identified as part of the proposed EIA methodology? **RTC could be listed**

Direct email jstewart@rtc.org.uk



RIVER TWEED COMMISSION THE NORTH COURT DRYGRANGE STEADING MELROSE ROXBURGHSHIRE
TD6 9DJ

TEL: EARLSTON (01896) 848294 FAX: EARLSTON (01896) 848277 EMAIL: enquiries@rtc.org.uk
Established by Order under an Act of Parliament to protect the fish stocks in the Tweed river system

There are a few factual inaccuracies in migration timing of Salmon and Sea Trout – I have pasted the relevant paragraphs below, with proposed amendments in yellow.

Atlantic salmon, European eel, lamprey Sp. And sea trout are species of conservation concern that are likely to be present in the fish and shellfish ecology study area at certain times of the year (Malcolm et al., 2010). European eels typically undergo migration in autumn and will be more likely to be present in the study area then but may migrate at any point in the year. **Salmon and Sea trout smolts will move to the open sea in April and May and may still be migrating through the study area to their feeding grounds in June.** Atlantic salmon and Sea trout will migrate back to local rivers throughout the year due to variable run timing, with the peak likely to be from May to July based on evidence from Tweed rod catches and local knowledge.

European eel, a critically endangered species on the IUCN Red List, spend most of their lives in freshwater, migrating to the sea to spawn. **Need to note when they could be in the study area for glass eels and adults.**

Migratory movements of Atlantic salmon **as smolts and adults** in the Firth of Forth and North Sea are still not yet well known. The drivers of Atlantic salmon smolt migration are also still relatively unknown **with migration pathways still to be defined.** Tagging studies of **adult Salmon** indicate that migrations are primarily east-to-west and that homing salmon either travel in a direct migration to target rivers or via a more convoluted route, with some entering multiple rivers before selecting a final river to spawn (Malcolm et al, 2015; Godfrey et al, 2015;). Further tagging studies indicate that migrations are not solely driven by tidal currents, as was previously believed to be the case (Newton et al, 2017).

Looking at the downstream migration for the five species of relevance the key migratory periods noted were April to **June** (Salmon **and Sea Trout smolts**), late Spring (Eel), July to September (Sea and River Lamprey). The timings noted for upstream migration are all year, with peaks **April to July (Salmon and Sea trout)**, January to June (Eel), April to May (River Lamprey), and winter and spring (sea temperature lower than 10°C) (**Sea** Lamprey) (Seagreen, 2018, 2020).

Note (for future reference)

River SACs are assigned to protect salmon smolt migrations, there are four river SACs which are relevant to the Marine Scheme which include the River Tweed, River Teith, River Tay, and River South Esk. These relevant river SACs are detail in Table 9-2 and Figure 9-1 below. **Potential impacts from the cable installation activities and operation and maintenance will result in the River Tweed SAC being considered further within the ES and supporting HRA.**



RIVER TWEED COMMISSION THE NORTH COURT DRYGRANGE STEADING MELROSE ROXBURGHSHIRE
TD6 9DJ

TEL: EARLSTON (01896) 848294 FAX: EARLSTON (01896) 848277 EMAIL: enquiries@rtc.org.uk
Established by Order under an Act of Parliament to protect the fish stocks in the Tweed river system

I include our initial response to the scoping exercise, submitted in 2021. You will note our concerns over the misunderstanding of Salmon run times.

statement on page 133 of the scoping report:

The timing of fish migration will therefore be an important element of the baseline characterisation and this will be collected through desktop data sources, including rod catch data from rivers on the east coast of Scotland (e.g. Tweed, Forth, Tay, Esk and Dee), recent papers (e.g. Newton et al., 2017; Gardiner et al., 2018, Godfrey et al., 2015; Malcolm et al., 2015) and Marine Scotland smolt survey data from the east coast of Scotland (Marine Scotland, 2018c). Further site-specific survey data are therefore not considered necessary to inform the baseline characterisation, as it will not provide further detail which could be applied to the impact assessment.

and the subsequent questions on page 140:

7.2.9 SCOPING QUESTIONS TO CONSULTEES

- *Do you agree with the study areas defined for fish and shellfish ecology?*
- ***Do you agree that the existing desktop data on fish and shellfish resources in the fish and shellfish study area is sufficient to characterise the describe the ecology in the fish and shellfish baseline?***
- *Do you agree that all potential impacts (Table 7.9) have been identified for fish and shellfish ecology?*
- *Do you agree that the impacts described in Table 7.10 can be scoped out of the fish and shellfish ecology Offshore EIA Report chapter*

We have to point out in reference to the second of these questions, that the run-timing of adult salmon returning to the Tweed SAC has changed very considerably in just the last few years. Instead of September and October being the main months of return, this is now July to August. Published data sources are therefore out of date and misleading. The RTC will be happy to provide more recent, accurate, data.

Such changes have been seen before e.g. in the 1960s, the main run of returning salmon changed from Spring to Autumn and in the 1910s, it changed from Autumn to Spring.

We have no comments on the other questions.

If you require any additional information from the River Tweed Commission, please feel free to contact me directly.

Yours sincerely

Jamie Stewart
CLERK TO THE COMMISSION

Direct email jstewart@rtc.org.uk

Royal Society for the Protection of
Birds (Scotland)

From: [Catherine Kelham](#)
To: [MS Marine Renewables](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 - Nil response
Date: 21 December 2022 12:16:01
Attachments: [image001.png](#)

Hi Emma,

Thank you for getting in touch and apologies I did not get back to you before the 20th.

Unfortunately due staff capacity and illness, we are currently unable to engage in the EIA process for these cables. We note that ornithology (inshore and offshore) has been scoped into the EIA and wish to take this opportunity to highlight there is considerable potential for cumulative impacts as a result of the quantity of development, including that of a similar nature, taking place in of the area.

I hope you have a good Christmas and Happy new year!

Best wishes,

Catherine

Royal Yachting Association



RYA Scotland

Royal Yachting Association Scotland

Caledonia House
1 Redheughs Rigg
South Gyle
Edinburgh
EH12 9DQ

T +44 (0)131 317 7388
E admin@ryascotland.org.uk
W www.ryascotland.org.uk

28 November 2022

Case Officer
Marine Scotland – Marine Planning and Policy
Scottish Government
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB
MS.MarineRenewables@gov.scot

Dear Emma,

Berwick Bank Offshore Wind Farm - Cambois Cable Connection

I have read the relevant parts of the scoping report for the above project and am happy that recreational boating can be scoped out of the Scottish element of the route. Rather few recreational vessels will pass through the area (about 20% will transmit an AIS signal) and cable laying is covered by the International Regulations for Preventing Collisions at Sea, with which all seafarers are expected to be familiar.

Yours sincerely,

Dr G. Russell FCIEEM(retd) FRMetS
Planning and Environment Officer, RYA Scotland

Scottish Borders Council

From: [Shearer, Scott](#)
To: [MS Marine Renewables](#)
Subject: [OFFICIAL] Berwick Bank Offshore Wind Farm - Cambos Cable Connection - Consultation on Request for
Date: 30 November 2022 09:57:35
Attachments: [image001.png](#)
[image003.png](#)

Dear Sir/Madam,

Thank you for the above consultation. I can confirm we have no further comments to make in addition to our original response of 28th Sept 2020 in response to the original Scoping response.

Kind regards,

Scott

Scott Shearer
Peripatetic Planning Officer
Planning Housing and Related Services
Corporate Improvement & Economy
Scottish Borders Council
tel: 01835 826732
e-mail: sshearer@scotborders.gov.uk



Scottish Awards for
Quality in Planning
2017: Award Winner



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Scottish Environment Protection Agency

From: [Planning South East](#)
To: [MS Marine Renewables](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - SEPA 7498
Date: 05 December 2022 15:52:12
Attachments: [image001.png](#)

OFFICIAL

Dear Emma,

Electricity Act 1989 - Section 36
Berwick bank wind farm
REQUEST FOR SCOPING OPINION FOR PROPOSED MARINE LICENCE FOR THE BERWICK BANK OFFSHORE WIND FARM CAMBOIS CABLE CONNECTION

Thank you for the above consultation.

The EIA Scoping Report (section 1.3.1) states that in Scotland, the Marine Scheme is entirely within offshore waters (i.e., between the 12 Nautical Mile (NM) limit and the Scottish Exclusive Economic Zone (EEZ)). It also states that in Scottish waters, no elements of the Cambois Connection are within the 12 NM limit and for this reason, the Applicant will not be seeking consent under the Marine (Scotland) Act 2010.

On the basis that SEPA only comments on on-shore aspects of offshore windfarms, we have no comments to offer.

Please refer to our standing advice and other guidance which is available on our [website](#). In addition, please also refer to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available [here](#).

If there is a significant site-specific issue, not addressed by our guidance or other information provided on our website, with which you would want our advice, then please reconsult us highlighting the issue in question and we will try our best to assist.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind regards,
Silvia Cagnoni
Senior Planning Officer

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour

notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Scottish Fishermen's Federation



Our Ref: MM/ 22/12

Your Ref:

22nd December 2022

E-mail:

Scottish Fishermen's Federation
24 Rubislaw Terrace
Aberdeen, AB10 1XE
Scotland UK

T: +44 (0) 1224 646944
F: +44 (0) 1224 647078
E: sff@sff.co.uk

www.sff.co.uk

Dear

BERWICK BANK OFFSHORE WIND FARM CAMBOIS CABLE CONNECTION SCOPING

The Scottish Fishermen's Federation (SFF) is pleased to respond to this Scoping Request on behalf of the 450 plus fishing vessels in membership of its constituent associations, The Anglo Scottish Fishermen's Association, Fife Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North-West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association, the Shetland Fishermen's Association and the North & East Inshore Fisheries Group.

The SFF would expect that the size of the 2 new export cables, from Peterhead and Torness, would register as an important part of 1.4 Detailed routing.

2.5.3.1 is notable in that it ignores GP4 – Co-existence, GP13 – Noise, GP17 – Fairness and the Fishing Policies in general, which should be an important part of the scoping, in order to demonstrate that the project is attempting to live up to the high level objectives they do mention.

3.4.2 and also Table 9.3, regarding pre-installation activities, whilst noting that boulders may have influence over the seabed route, needs to assess exactly what the impacts of moving/removing/shifting boulders will actually be for fishing. This is essential as recent projects have ended up with thousands of boulders being moved, with no mitigation planned.

3.4.3 the bland statement "It is expected that the offshore export cables will be buried along the majority of the route" is simply not good enough, demonstrating a *laissez faire* approach to the matter. Given the possible impacts on other peoples incomes, this should be scoped out now, not six months before-hand.

3.4.3.2 needs to scope in the different impacts of the different protection methods. The fishing industry is completely averse to the use of concrete mattresses in open grounds.

For 3.6, 4.6 and 9.2.5 the project needs to scope in the possibility of cumulative impacts if all the cables being laid in this timeframe, being left in situ/ abandoned at the time of decommissioning.

Looking further on, at 4.5, 9.2, 9.4 and 12.2.4 the SFF would expect that any documents being used are over 10 years old must be reviewed to ensure they remain relevant.

Then, Table 8.1 and Table 9.3, the SFF would not accept that a Temporary Increase in Underwater Noise could be scoped out because of a lack of data. If the project wants to avoid doing the work, they should not be licenced. If they believe the reason, they should do the scientific analysis to prove/disprove their claim.

Further on in the same table, scoping out any impacts of EMF is not acceptable. There is little evidence available, so the project should do the work to back up their claims.

In light of recent studies which would appear to show spatial effects of projects could reach out to 60km plus, 8.8 and 12.8 are moot, the project needs to do the work and prove their point.

The SFF would question why in 9.5 Baseline Environment for Fish and Shellfish Ecology is being defined by the value of landings from ICES squares, each of which is c900sq miles. This surely belongs in Commercial Fisheries, whilst habitats and populations should be defined here?

12.2.3.1, there are other Marine Scotland Fisheries plans which need to be considered.

12.4, many of the data sources have been superseded by the reality of modern fishing so need to be seriously considered as to their appropriate use in this work.

Regarding 12.5.2 on VMS data, the shortcomings of this source are such that any conclusions reached using it should be ground-truthed with the fishing industry to ensure clarity.

12.6 being described as Designed in Measures for mitigation are simply Health and Safety for the project, and in no way represent Mitigation to benefit the fishing industry. Furthermore if there is a need for a CEMP to cover Marine Pollution Contingency & Control Plan, surely that should also be scoped in?

Rgds Malcolm Morrison

SportScotland

From: [Kerry Gibson](#)
To: [MS Marine Renewables](#)
Subject: FW: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022
Date: 15 December 2022 13:51:40
Attachments: [image001.png](#)

Good Afternoon,

Thanks for the above consultation. I have reviewed the report and have consulted with RYAS and can confirm that **sportscotland** have no objections. Recreational boating would be unlikely to be significantly affected as the cable laying will take place well off the coast and such an activity is covered by the Col Regs with which all sailors should be aware.

If you require any further assistance, please let me know.

Thanks.
Kerry

Kerry Gibson | Planner | **sportscotland**
Doges | Templeton on the Green | 62 Templeton Street | Glasgow | G40 1DA

w: www.sportscotland.org.uk

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Scottish and Southern Electricity Networks

From: [Arthur, Felicity](#)
To: [MS Marine Renewables](#)
Cc: [Watson, Peter](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022 - Nil response
Date: 23 December 2022 11:06:13
Attachments: [image001.png](#)
[image002.png](#)

Good Morning Emma

Thankyou for the opportunity to provide comment on the Request for Scoping Opinion, submitted by Berwick Bank Offshore Wind Farm in relation to the proposed Cambois cable connection.

We note that the scoping area under consideration for the installation of marine export cables is located to the west and inshore of the Eastern Green Link (EGL) 2 HVDC subsea cable and cable protection Marine Installation Corridor (MIC) which is currently the subject of marine licence application number 00009943 submitted by Scottish Hydro Electric Transmission Plc (SHE Transmission) in July 2022.

Based on the information provided within the Cambois Connection Marine Scheme Scoping Report, we do not anticipate any requirement for crossing of the EGL2 project within Scottish (or English) waters. Should the potential requirement for a crossing subsequently be identified, we expect further discussion and consideration of potential project interactions and effects will also be required.

We also note that the eastern edge of the Cambois Connection Marine Scheme scoping area is in proximity to the MIC for the EGL2 project as it passes into English waters and therefore into the jurisdiction of the Marine Management Organisation. We anticipate that the cumulative nature of any effects identified for the Cambois connection export cables with the EGL2 project will be given due consideration by the Cambois Connection project.

If you have any questions on this response, please let me know.

Kind Regards

Felicity Arthur | Marine Consents Manager

SSEN Transmission

E: felicity.arthur@sse.com

ssen.co.uk



Transport Scotland

Emma Lees
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:

Our ref:
GB01T19K05

Date:
20/12/2022

ms.marinerenewables@gov.scot

Dear Sirs,

REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

REQUEST FOR SCOPING OPINION FOR PROPOSED MARINE LICENCE FOR THE BERWICK BANK OFFSHORE WIND FARM CAMBOIS CABLE CONNECTION

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Xodus in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

We understand that the proposal comprises offshore export cables, onshore export cables, an onshore converter station and associated onshore grid connection at Cambois in Northumberland associated with the Berwick Bank Wind Farm (BBWF), located in the outer Firth of Forth. Transport Scotland was consulted previously on the Scoping Report for the BBWF connection to Branxton, East Lothian and provided comments most recently in an email on 1st April 2022. In this, we concluded that the traffic effects could be scoped out of the EIA report for the Offshore element of the project on the basis that a Construction Stage Traffic Management Plan will be prepared post-consent. We stated that Transport Scotland will seek a condition for the CTMP when consulted on the EIAR.

We understand that the applicant is now seeking a marine licence for an additional cable connection from the BBWF to Blyth in England (known as the Cambois Connection), to provide an opportunity for the BBWF to be developed to full generating capacity.

Assessment of Environmental Impacts

We note that the SR for the Cambois Connection relates purely to the offshore element of the scheme, with a separate Scoping Report having been prepared in relation to those aspects of the Cambois Connection above Mean Low Water Springs (MLWS).

Transport Scotland can, therefore, again confirm that traffic effects can be scoped out of the EIA report for the Offshore element of the project. We would, however, state that a Construction Stage Traffic Management Plan will require to be prepared post-consent.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

UK Chamber of Shipping

From: [Robert Merrylees](#)
To: [MS Marine Renewables](#)
Subject: RE: Berwick Bank Offshore Wind Farm - Cambois Cable Connection - Consultation on Request for Scoping Opinion - Response Required by 20 December 2022
Date: 13 December 2022 14:29:28
Attachments: [image001.png](#)

Dear Marine Scotland,

Thank you for the consultation to the UK Chamber of Shipping regarding the above-mentioned scoping report.

The Chamber has reviewed the scoping report, in particular the shipping and navigation chapter, and provides the following responses.

- Do you agree with the study area defined for the shipping and navigation assessment?

The Chamber is content with the 10nm study area along the cable corridor.

- Do you agree that all available information and data sources have been identified to inform the baseline? Are there any other information and data sources that should be considered?

The Chamber has reviewed the key data sources listed under 13.4 and finds no reference to up to date AIS data. This is a concern and need addressing.

The Chamber recommends that anchoring activity close in shore to Blyth be particularly examined as charted anchorage areas do not necessarily represent real world activity.

- Do you agree with the scoping decisions of potential impacts?

The Chamber supports that anchor interaction will be designed into the Marine Scheme but does not agree with the decision to scope out potential anchor interactions with subsea cables. Whilst burial and protection is used as an appropriate mitigation, depending on the burial depth anchor strikes can still occur and cause significant consequence. Furthermore the dynamic nature of the seabed can lead to burial depth reduction over time and greater potential for anchor interaction.

- Do you agree with the scoping in of potential cumulative impacts?

The Chamber agrees.

- Do you agree with the scoping out of potential transboundary impacts?

The Chamber accepts no transboundary impacts.

- Do you agree with the proposed approach to EIA methodology? Do you agree with the stakeholder and consultees identified as part of the proposed EIA methodology?

This is consistent with other projects and accepted by the Chamber.

Out with the above questions, the Chamber supports the full decommissioning of the cables installed as stated unless they can be reused or repurposed. From a perspective of navigational safety and future seabed use, it is not favourable nor recommended to leave cabling in situ.

The Chamber hopes these comments are of value and helps to steer the EIA process.

Yours faithfully,

Robert

Robert Merrylees

Policy Manager (Safety & Nautical) & Analyst

UK Chamber of Shipping

30 Park Street, London, SE1 9EQ

rmerrylees@ukchamberofshipping.com

www.ukchamberofshipping.com



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UK Chamber of Shipping
Annual Dinner 2023
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