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Phasing Variation Application by Berwick Bank Wind Farm: Objection

The Scottish Seabird Centre objects to the application by Berwick Bank Wind Farm Limited to vary its Section 36 Consent and associated Marine Licences to allow for a phased approach to seabird compensation.

We recognise the importance of renewable energy and support the development of the offshore wind sector given the vital contribution it could make to delivering on our climate change ambitions. However, we believe it is critical that this ambition is delivered in harmony with nature.

Berwick Bank is set to be located on a critical and sensitive site for seabirds, and we consider its projected impact, as detailed in the Environmental Impact Assessment, to be entirely unacceptable and that alternative lower impact sites for offshore wind development exist. This was detailed in our objection to the development, lodged with the Scottish Government on 31 March 2023¹, and in our letter to the First Minister in collaboration with other conservation charities on 23 April 2025².

While we were deeply disappointed by the Scottish Government's decision to consent Berwick Bank in August 2025, we noted that this consent was at least conditional on a Seabird Compensation Plan being submitted and approved by Scottish Ministers. Though we do not consider it possible from an ecological perspective to compensate for the levels of impact that Berwick Bank is projected to have, this condition provides an opportunity to test this assumption and for Ministers to further assess the overall impacts of this development before it is permitted to proceed.

Allowing the Seabird Compensation Plan requirement to be salami-sliced into three separate plans undermines this safeguard for the following reasons:

- **Confidence in the compensation plan is further weakened.** Once part of the project proceeds, the developer's commitment to the remaining phases inevitably deepens, but with no agreement with the Scottish Government over how its impact will be compensated for and how the costs associated with compensation will be met. Delaying that agreement inevitably further weakens confidence that future compensation plans will be fit for purpose.

¹ <https://bit.ly/4fNsMBD>

² <https://bit.ly/4gr03mj>

- **Project impacts should always be considered in full and compensated for holistically.** Three separate compensation plans delivered in phases risks gaps, creates uncertainty and deviates from best practice – specifically that compensation should be secured and financed in advance of a project proceeding.
- **Monitoring and adaptive management is ignored.** Arguably, the only advantage that phasing the compensation plan could have would be that it allows for monitoring and adaptive management. Yet this does not appear to be part of the developer’s proposals. At the very least, we would expect a commitment to publishing post-construction monitoring of the impacts of the first phase in advance of the development of the second phase compensation plan, and an assurance that this data will inform any subsequent plan and decision to proceed with further phases.

Finally, we note that the developer has requested that the derogation be updated to reflect the change in offshore policy context since their submission in December 2022. It is important to note that biodiversity policy has also changed in this time. Key changes that appear to be incompatible with the level of impact expected by Berwick Bank include:

- The Scottish Biodiversity Strategy to 2045³, published in November 2024, which set the ambition for Scotland to be Nature Positive by 2030, and to have restored and regenerated biodiversity across the country by 2045.
- The Natural Environment (Scotland) Act, passed by the Scottish Parliament in March 2026, enshrined this goal in legislation and established a new framework to support its delivery.
- The Scottish Seabird Conservation Action Plan, published in August 2025, sets a vision that “By 2045, Scotland’s seabird colonies are thriving and showing improved resilience to climate change with increases in abundance and breeding success since Seabirds Count (2023)” and commits to a suite of activities to deliver this.

New seabird population data has also been made available since 2022. In particular, the latest Scottish Biodiversity Indicator for seabirds was updated by NatureScot, showing a continued decline in Scotland’s seabird populations⁴. Avian flu has also had a devastating impact on some sites and species. Our own work, carried out in partnership with the University of Edinburgh, the UK Centre for Ecology & Hydrology, and Edinburgh Napier University, found that the Bass Rock gannet population has declined by 30% compared with the last complete colony count before the disease outbreak (2014). This represents a loss of over 22,000 breeding sites – potentially as many as 45,000 birds⁵. Studies have estimated that Bass Rock will take almost two decades to recover to pre-avian flu levels⁶.

³ <https://www.gov.scot/publications/scottish-biodiversity-strategy-2045/pages/2/>

⁴ <https://www.nature.scot/doc/scottish-biodiversity-indicator-numbers-and-breeding-success-seabirds-1986-2023>

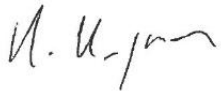
⁵ <https://www.seabird.org/conservation/bass-rock-colony-counts>

⁶ <https://www.sciencedirect.com/science/article/pii/S0006320726001989?via%3Dihub>

Offshore wind pressures will compound this situation. According to the Scottish Ministers' Derogation Case for Berwick Bank, up to 256 Bass Rock gannets are expected to be killed per year by the development.

I hope that careful consideration will be given to this objection. We understand that offshore wind is a great opportunity for Scotland, and we believe that this opportunity can be taken without unacceptable impacts on nature, but only if nature is truly valued in decision-making.

Yours,

A handwritten signature in black ink, appearing to read 'H. Huyton', with a stylized flourish at the end.

Harry Huyton, CEO