



Berwick Bank Wind Farm

ACP-2022-094

Habitat Regulations Assessment (HRA)

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1 Habitats Regulations Assessment

1.1 Overview

Under the new updated CAP 1616 v5, and specifically CAP 1616h, paragraph B12 requires that a change sponsor must complete the habitats assessment regulations assessment early screening criteria form. It states that no further habitats regulations assessment will be required if the change sponsor can reasonably demonstrate that their airspace change proposal is unlikely to have significant effect on a European site. Cap 1616i¹ – Environmental Assessment Requirements and Guidance for Airspace Change Proposals (Pg 33) details a set of questions that must be answered as part of the Early Screening Criteria. If you are able to answer no to Q1 or Q2, or yes to Q3 then the habitats regulations assessment is no longer required.

1.2 Findings

Q1 asks, “Are there any changes to air traffic patterns or number of movements expected below 3,000ft due to the airspace change proposal?”

1.2.1 Military and Civil Aerodrome Air Traffic Patterns

From an Environmental Impact Assessment Report² Dated October 2022 commissioned by the change sponsor, the subject of air traffic patterns is addressed in the report. It states that in relation to the impact of wind turbines on military aerodrome patterns and procedures, that the proposed development is outside the consultation distance for military instrument flight patterns (IFPs). Consequently, no military aerodrome pattern and procedures would be affected by the proposed development and this impact has been scoped out of further assessment.³ Combined with this, during the HazID meeting which MOD Leuchars Station attended, they did not make any reference to the proposed development area affecting or impacting any of their patterns or procedures. A secondary question was also answered in the same report, and this considered the impact of wind turbines on civil airport patterns and procedures. Again, the proposed development area is outside the consultation distance for the airport IFPs. However, following representations that were made from Marine Scotland Licencing & Operations Team (MS-LOT), additional consultation was sought with the CAA to confirm that no civil airport patterns and procedures would be affected by the proposed development. The CAA subsequently confirmed in writing (email 13 October 2022) that airport patterns and procedures

¹ [CAP 1616i Link](#)

² [Berwick Bank Environmental Impact Assessment - Aviation](#)

³ Table 14.7 of the link detailed at point 2.



would not be affected by the proposed development. Consequently, this impact has been scoped out of further assessment. The National Air Traffic Service (NATS) also confirmed that they have no concerns about the impact of the wind turbines on civil airport patterns or procedures.⁴

1.2.2 Other General Aviation (GA) Air Traffic Patterns

The change sponsor has compiled an Aviation Study⁵ dated 15th December 2023 within which it makes use of data from previous studies in the same area which took place in 2015 and 2018. The change sponsor was able to conclude that both studies consistently indicate minimal GA activity in the development area. The report also concluded that from the evidence available, that the majority of non-transponder equipped aircraft operate close to the shoreline, or overland. Whilst the change sponsor does acknowledge that a non-transpondering aircraft may and can operate in the vicinity of the proposed development area, and that the TMZ would cause the aircraft to have to re-route to avoid, the change sponsor believes that this re-route is no more of a concern than a re-route for adverse weather conditions, and that would affect more aircraft in the area than the presence of the TMZ. The change sponsor also notes that if an operating authority was used to manage the combined TMZ (not addressed at this time) then in theory a non-transpondering aircraft could transit the TMZ if it had established 2-way-communications with the controlling authority and had received the relevant permission to enter the TMZ.

1.3 Conclusion

From the findings detailed in paragraph 8.2.1, and the evidence documented in the Environmental Impact Assessment, the change sponsor believes that they can confidently answer 'no' to the question posed in the Habitats Regulation Assessment – Early Screening Criteria with regards to both civil and military aerodrome patterns and procedures being affected by the presence of the wind turbines. From the findings detailed in paragraph 8.2.2, and the evidence documented in the Aviation Study the change sponsor is confident that they can also answer 'no' when considering GA traffic, as the number of interactions with the TMZ are expected to be low, and that any alteration in routing would again be no more than that caused by adverse weather conditions when looked at from a cumulative perspective. The change sponsor does not expect any changes to air traffic patterns or movements below 3,000 feet due to the airspace change proposal. In line with the direction contained within CAP 1616i, as this question has been answered 'no', then the habitats regulations assessment is no longer required, and therefore the remaining questions are not required to be answered.

⁴ Table 14.4 Date: 9 May 2022 of the link detailed at point 2.

⁵ <https://airspacechange.caa.co.uk/PublicProposalArea?pid=521>