

Mr Richard Copeland
Highland Wind Limited
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Midlothian
Scotland
EH2 4JN

18 September 2026

Dear Mr Copeland,

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENTS GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PENTLAND FLOATING OFFSHORE WIND FARM ELECTRICITY GENERATING STATION, LOCATED APPROXIMATELY 7.5 KILOMETRES (“KM”) FROM THE COAST OF DOUNREAY CAITHNESS.

I refer to the application to vary the consent for the Pentland Floating Offshore Wind Farm (“the Development”). This Application (“the January 2026 Variation Application”) was made by Highland Wind Limited (“the Company”) on 27 January 2026 for:

A variation under section 36C of the Electricity Act 1989 (“the Electricity Act”) to the consents granted under section 36 (“s.36”) of the Electricity Act on 28 June 2023 (as subsequently varied on 3 April 2024) (“the Existing Consents”) for the construction and operation of the Development, located approximately 7.5 km from the coast of Dounreay, Caithness.

This letter contains the Scottish Ministers’ decision to vary the Existing Consent.

1. Nature of the Variation Sought

1.1 The January 2026 Variation Application seeks to vary Annex 1 of the Existing Consents to allow the following:

- Vary Annex 1 to amend the description of the development as follows:

- Increase in rotor diameter from 1 x wind turbine generator (“WTG”) with rotor a diameter of 220 metres (“m”) and 5 x WTGs each with a rotor diameter of 250m, to a maximum of 6 x WTGs each with a rotor diameter of 260m;
- Reducing blade tip clearance from a minimum of 35m to a minimum of 28m;
- Reduction in blade width from 7m to a maximum of 6.93m;
- Reduction in revolutions per minute from 8 to a maximum of 6.61; and
- Reduction in operational time from an average of 95% (operational) and 5% (downtime) to an average of 88% (operational) and 12% (downtime).
- Vary Annex 1 to add three possible design scenarios, one of which will be selected and pursued post-consent, as follows:
 - Design Scenario 1: 6 x WTGs with a rotor diameter of 260m and a minimum blade tip clearance of 30m;
 - Design Scenario 2: 5 x WTGs with a rotor diameter of 260m and a minimum blade tip clearance of 28m; or
 - Design Scenario 3: 6 x WTGs with a rotor diameter of 236m and a minimum blade tip clearance of 28m.

1.2 In addition to the Variation Application, a request was made to vary the generating station marine licence and the offshore transmission works marine licence. This request was made to align the refinements proposed in the January 2026 Variation Application within the associated marine licences and to amend several licence conditions across both licences. This has been considered separately under the Marine (Scotland) Act 2010 (“the 2010 Act”).

2. **Environmental Impacts**

2.1 The Scottish Ministers are satisfied that the January 2026 Variation Application will not have significant effects on the environment.

2.2 The Scottish Ministers have considered the following:

- Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Habitats Regulations”) (in respect of the associated marine licence variation application);
- Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the 2017 Habitats Regulations”);
- the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EW Regulations”); and
- the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”).

2.3 The Scottish Ministers do not consider that the proposed changes within the January 2026 Variation Application will alter the conclusions of the Environmental Impact Assessment Report supporting the application for s.36 consent in August 2022 (“the Original Application”). In accordance with both the 2017 EW Regulations and the 2017 MW Regulations, the Scottish Ministers did

not deem it necessary for a new Environmental Impact Assessment report to be submitted in support of the Variation Application.

- 2.4 An appropriate assessment (“AA”) under the 1994 Habitats Regulations and the 2017 Habitats Regulations (“the Habitats Regulations”) was completed in March 2024 in respect of the application for the Existing Consents (“the 2024 AA”). The Scottish Ministers have reviewed the 2024 AA and have carried out a validation exercise of the 2024 AA (“the AA Validation”), under the Habitats Regulations, with regards to the Variation Application. The AA Validation concludes that the January 2026 Variation Application will not result in an adverse effect on site integrity (“AEOSI”) of any European site (either alone or in-combination with other plans or projects).

3. Consultation

- 3.1 Regulation 4 of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 provides that an applicant must publish a variation application relating to an offshore generating station on a website, serve a copy of a variation application on the planning authority (if any), and also advertise the application by public notices in specified publications.
- 3.2 In line with Regulation 4, the Company served notice of the January 2026 Variation Application to the planning authorities, namely Orkney Islands Council (“OIC”) and The Highland Council (“THC”), consulted on the application for the Existing Consents. The company published the January 2026 Variation Application documentation on its website and public notices were placed in the in the John O’ Groat Journal for two successive weeks and for one week each in The Herald, Edinburgh Gazette, Lloyds List and Fishing News Bulletin.
- 3.3 Marine Directorate - Licensing Operations Team (“MD-LOT”), on behalf of the Scottish Ministers, consulted a wide range of relevant organisations on the January 2026 Variation Application including: Historic Environment Scotland (“HES”); the Maritime and Coastguard Agency (“MCA”); NatureScot; the Northern Lighthouse Board (“NLB”); OIC; Scottish Environment Protection Agency (“SEPA”); and THC. MD-LOT also placed the January 2026 Variation Application documentation on the [Marine Scotland Information](#) website, alongside the Existing s.36 consent. A number of organisations did not provide a response.
- 3.4 A summary of the representations is provided below, including consideration of the public representation objecting to the January 2026 Variation Application received by MD-LOT. Several organisations did not provide a response. In the case of no response, MD-LOT notified the relevant consultees that “nil response” would be assumed.

4. Statutory Consultee Representations

4.1 MCA

4.1.1 In response to the consultation, MCA confirmed it had no objection to the January 2026 Variation Application on the basis that all maritime safety legislation is adhered to and the conditions of the Existing Consents and advisories that are unaffected by the January 2026 Variation Application continue to be followed.

4.1.2 In consideration of the representation from MCA, a condition requiring the Company to submit a Development Specification and Layout Plan (“DSL P”) for approval by the Scottish Ministers prior to the Commencement of the Development has been retained in the s.36 consent, as well as the associated generation station marine licence, from the Existing Consents.

4.2 NatureScot

4.2.1 Marine Mammals

4.2.2 In response to the consultation, NatureScot confirmed that the January 2026 Variation Application does not introduce any additional significant effects on Special Areas of Conservation (“SAC”) qualifying interests beyond those assessed at the time of the application for the Existing Consents. As such, no further assessment or mitigation is necessary for SAC interests.

4.2.3 Ornithology

4.2.4 In response to the consultation, NatureScot confirmed that it was broadly content that the Company had followed its pre-application guidance and that it largely agreed with the conclusion that the January 2026 Variation Application presents a reduction in predicted impacts from the Existing Consents.

4.2.5 The 2024 AA identified potential impacts to both the kittiwake and puffin qualifying features of the North Caithness Cliffs Special Protection Area (“NCC SPA”), concluding no AEOSI for either feature from the Development alone or in-combination with other projects. As the footprint from the Development in the Existing Consents and the January 2026 Variation Application is unchanged, NatureScot confirmed it was content for impacts to puffin not to be considered further in the Variation Application.

4.2.6 NatureScot also noted that the CRM results for the January 2026 Variation Application demonstrate that, for Design Scenario 1 (“DS1”), estimated collision impacts are below those associated with the Existing Consents when airgaps exceed 33m, while for Design Scenarios 2 (“DS2”) and 3 (“DS3”), estimated collision impacts are below those associated with the Existing Consents when airgaps exceed 31 m.

4.2.7 NatureScot noted that the SeabORD method was used to assess mortalities from the January 2026 Variation Application in Distribution Response Modelling (“DRM”). NatureScot recommended that a 2km boundary should be used for

DRM¹, however it noted representation from the Company that this approach could be overly precautionary due to the Development comprising only 6 WTGs with over 1.5km spacing between them. NatureScot accepted this was a reasonable explanation.

4.2.8 NatureScot noted that the in-combination assessment's impact estimates are derived from the same method used for the first variation application, submitted 11 October 2023. It also noted that wind farm projects with potential connectivity to the kittiwake population of the North Caithness Cliffs SPA which submitted their s.36 consent applications since the 2024 AA have not been included in the in-combination assessment for the January 2026 Variation Application and neither has the Berwick Bank Offshore Wind Farm. NatureScot confirmed that it was content with this approach as any adverse effects will have been compensated for by other projects.

4.2.9 NatureScot agreed the Population Viability Analysis ("PVA") timelines run for the Development, 25 and 50 years, were appropriate as the Development is planned to have a 25 year operational lifespan. PVA was carried out for both the Development alone and in-combination with other projects. For both the Development alone and in-combination PVA, the Company submitted figures showing the Existing Consents values (with a 2km buffer applied) and the January 2026 Variation Application values (with no buffer applied), for comparison between the two methods. NatureScot confirmed that the January 2026 Variation Application counterfactual population size and counterfactual growth rate values for the Development alone were within the range of those for the Existing Consents.

4.2.10 Therefore, NatureScot concluded no AEOSI of the NCC SPA with respect to the kittiwake qualifying feature, either from the Development alone or in-combination with other projects. This advice related to DS1, DS2 and DS3.

4.2.11 Ramsar

4.2.12 Subsequent to updated Scottish Government policy, issued on 9 July 2025, stating that Ramsar sites (listed under the Ramsar Convention on Wetlands of International Importance) should be treated as if they were European sites, the Caithness and Sutherland Peatlands Ramsar site was assessed within the AA Validation. NatureScot advised that all features of the site which overlap with the Caithness and Sutherland Peatlands SAC could be screened out of assessment within the AA Validation due to the lack of connectivity between the Development and the relevant Ramsar features, all of which are terrestrial habitats/species. NatureScot further clarified that it considered otter to be a terrestrial species within this context.

4.2.13 NatureScot also confirmed that, though not directly linked to SAC or SPA features, the water beetle qualifying feature of the Caithness and Sutherland Peatlands Ramsar site is a freshwater species. Therefore, it has no connectivity

¹ [Guidance Note 8: Guidance to support Offshore Wind Applications: Marine Ornithology Advice for assessing the distributional responses, displacement and barrier effects of Marine birds | NatureScot](#)

to the Development and should also be screened out of assessment within the AA Validation.

4.2.14 NatureScot confirmed that there was no connectivity between any species forming the breeding bird assemblage qualifying feature and the Development, with the exception of red throated diver and black throated diver. These latter two qualifying features are also qualifying interests of the Caithness and Sutherland Peatlands SPA and will have been assessed as part of that designated site. Therefore, NatureScot advised that there was no need for further consideration of any species forming the breeding bird assemblage qualifying feature of the Caithness and Sutherland Peatlands Ramsar site in the AA Validation.

4.2.15 Finally, with regard to the greylag goose qualifying feature of the Caithness and Sutherland Peatlands SPA, NatureScot supported the conclusion from the Company's Report to Inform the Appropriate Assessment that there will be no AEOSI from the Development, either alone or in-combination with other projects, on any wildfowl or wader qualifying interest of any Scottish SPA or Ramsar site.

4.3 NLB

4.3.1 In response to the consultation, NLB confirmed it had no objection to the January 2026 Variation Application and that it will continue to engage with the Company on developing post-consent documentation.

4.4 OIC

4.4.1 In response to the consultation, OIC confirmed it had no comments to make on the Variation Application.

4.5 SEPA

4.5.1 In response to the consultation, SEPA gave no site-specific comments on the Development, instead referring MD-LOT to its standing advice on both Development Management Consultation Thresholds² and Marine Consultations³. However, SEPA also stated that MD-LOT should reconsult, highlighting any significant site-specific issues not addressed by the aforementioned guidance, should further advice be required.

4.5.2 MD-LOT reconsulted SEPA to requesting confirmation of whether or not advice on monitoring of radioactive particles in relation to the Original Application consultation was still relevant. In response, SEPA confirmed that its previous advice on the matter remained unchanged.

4.5.3 In consideration of the representation from SEPA, a condition requiring the Company to submit a Particles Management Plan for approval by the Scottish

² [dm-consultation-thresholds-and-standing-advice.docx](#)

³ [standing-advice-for-the-dbeis-md.docx](#)

Ministers prior to Commencement of the Development has been retained in the s.36 consent, as well as its associated generating station and offshore transmission infrastructure marine licences, from the Existing Consents.

4.6 THC

4.6.1 In response to the consultation, THC confirmed it had no objection to the Variation Application.

5. **Non-Statutory Consultee Representations**

5.1 British Telecom ("BT")

5.1.1 BT confirmed that it was content with the distance between the Development and its assets such that there would be no impacts.

5.2 BT - Radio Network Protection ("BT-RNP")

5.2.1 In response to the consultation, BT-RNP concluded that, given this is an offshore development and there is no change to the proposed turbine locations from the Existing Consents, the January 2026 Variation Application should not cause interference to BT-RNP's current and presently planned radio network.

5.2.2 BT-RNP confirmed that it requires 100m minimum clearance from any structure at height to the radio link path. Furthermore, it noted that its representation was relevant at the date of issue and does not consider micro-siting. Therefore, BT-RNP requested reconsultation should any changes to heights or locations occur during the planning process.

5.2.3 In consideration of the representation from BT-RNP, a condition requiring the Company to submit a DSLP for approval by the Scottish Ministers prior to Commencement of the Development has been retained in the s.36 consent, as well as its associated generating station marine licence, from the Existing Consents and BT-RNP has been added as a consultation stakeholder.

5.3 Ministry of Defence ("DIO")

5.3.1 In response to the consultation, DIO confirmed that its representation submitted regarding the Original Application remains extant.

5.3.2 In consideration of the representation from DIO, conditions 10, 16 and 24 have been retained in the s.36 consent, and its associated generating station and offshore transmission infrastructure marine licences, from the Existing Consents with no amendments other than the aforementioned addition of BT-RNP as a consultation stakeholder in condition 24.

5.4 Fisheries Management Scotland ("FMS")

5.4.1 In response to the consultation, FMS provided a nil return.

5.5 Highlands and Islands Airports Limited ("HIAL")

5.5.1 In response to the consultation, HIAL confirmed that its preliminary assessment showed the Development would not infringe on the safeguarding criteria of Wick Airport with the parameters submitted in the Variation Application. Therefore, HIAL confirmed it had no objection to the Variation Application.

5.6 HES

5.6.1 In response to the consultation, HES confirmed it did not consider that the January 2026 Variation Application will result in further significant impacts on its interests beyond what has already been consented. As a result, HES had no further comments to make on the Variation Application.

5.7 Joint Radio Company ("JRC")

5.7.1 In response to the consultation, JRC confirmed that it did not foresee any potential problems based on known interference scenarios and the information provided as part of the Variation Application.

5.7.2 JRC specified that, due to the large number of radio links adjacent to the Development, its clearance was given specifically for a location within the declared grid reference which it cites as 4.5km offshore. MD-LOT followed-up with JRC to confirm that the Development will actually be approximately 7.5km offshore and asked if this affected the advice given by JRC. In response, JRC confirmed that its original advice would also apply at this revised distance.

5.8 National Air Traffic Service (En Route) plc ("NERL")

5.8.1 In response to the consultation, NERL advised that, following examination from a technical safeguarding aspect, the January 2026 Variation Application does not conflict with its safeguarding criteria. Accordingly, NERL confirmed that it had no safeguarding objection to the Variation Application.

5.9 OIC Harbour Authority

5.9.1 In response to the consultation, OIC Harbour Authority confirmed a nil return on its behalf.

5.10 Royal Yachting Association ("RYA")

5.10.1 In response to the consultation, RYA confirmed it had no comments to make on the Variation Application.

5.11 Scottish Fishermen's Federation ("SFF")

5.11.1 In response to the consultation, SFF confirmed it had no comment or suggestions to provide on the January 2026 Variation Application and confirmed a nil response on its behalf.

5.12 United Kingdom Chamber of Shipping (“UKCoS”)

5.12.1 In response to the consultation, UKCoS confirmed a nil response on its behalf.

6. **Public Representations**

6.1 Member of the Public

6.1.1 In response to the consultation, a member of the public submitted representation stating they felt it would not be appropriate to comment on the technical information within the January 2026 Variation Application before legal/procedural issues that follow from the Inner House Court decision, tests and reasoning on the Raeshaw Farms Limited v Scottish Ministers statutory challenge case are resolved. However, they also stated that applying the reasoning and tests from that case to the January 2026 Variation Application would lead to a clear conclusion that “the project” (referred to as “the Development” hereinafter), in Environmental Impact Assessment (“EIA”) terms, would be the combination of the offshore and onshore works associated with the Development in that they are each by the Company, mutually interdependent and would be owned and operated by the Company.

6.1.2 The member of the public formally submitted that the January 2026 Variation Application be placed on hold until such time as a new single EIA Report for the Development has been produced and advertised, stating that the understanding of the Court outcome is that a decision maker cannot just exempt himself/herself from this aspect but must specifically address the question as to what is the Development. The member of the public believed that, though the Court did not prescribe that there would be a single outcome in every case, the tests clearly lead to a conclusion that the Development comprises onshore and offshore elements.

6.1.3 As context, MD-LOT notes that the Company was granted Planning Permission in Principle by THC on 30 January 2023 for the onshore development, with an associated EIA having been undertaken. A separate EIA was undertaken for the offshore development, originally consented in June 2023. In relation to the January 2026 variation application, MD-LOT refers to its screening opinion, issued 10 December 2025, to inform the Variation Application⁴. In this screening opinion, what would become the January 2026 Variation Application was considered by relevant statutory stakeholders under both regulation 10(5) of the 2017 MW Regulations and regulation 8(5) of the 2017 EW Regulations. The screening opinion, as informed by the aforementioned statutory stakeholders, determined that the January 2026 Variation Application is not an “EIA project” under the 2017 MW Regulations or an “EIA development” under the 2017 EW Regulations. Therefore, an EIA was not required to be carried out in respect of the Variation Application. MD-LOT does not consider that a new single EIA report for the Development is required.

⁴ [251210 - scr-0115 - pentland floating offshore wind farm - s.36 consent and offshore windfarm - downreay caithness - pre-application - screening opinion final.pdf](#)

7. Advice from Third Parties

7.1 MD-LOT sought advice from the Marine Analytical Unit (“MAU”) and Transport Scotland on the Variation Application.

7.2 MAU

7.2.1 In response to the consultation, MAU stated it is content with the Company identifying no new impacts as a result of the January 2026 Variation Application and that the findings of the EIA Report submitted to support the Original Application (“the EIA Report”) remain valid. MAU stated its position was due to there being no changes to the socio-economic section of the EIA Report in the January 2026 Variation Application and confirmed a nil response on its behalf.

7.3 Transport Scotland

7.3.1 In response to the consultation, Transport Scotland confirmed that it is satisfied that the January 2026 Variation Application is unlikely to have a significant impact on the amount of traffic, specifically the number of trips, generated in relation to construction of the Development.

7.3.2 However, Transport Scotland did provide wording of three conditions to add to the s.36 consent in case the Company needed to carry any Abnormal Indivisible Loads (“AIL”) through traffic.

7.3.3 In consideration of the representation from Transport Scotland, MD-LOT has added a Construction Traffic Management Plan condition to the s.36 consent, and it’s associated generating station and offshore transmission infrastructure marine licences.

8. The Scottish Minister’s Determination

8.1 The Scottish Ministers have considered the January 2026 Variation Application documentation, all responses from consultees and advice from the MAU, and Transport Scotland. Having issued the Existing Consents for the Development on 3 April 2024 and provided their reasons for doing so in the decision letter associated with that consent, and being satisfied that the changes proposed in the January 2026 Variation Application do not fundamentally alter the character or scale of the Development, the Scottish Ministers are content to vary the Existing Consents.

8.2 The Scottish Ministers consider that the proposed variation is appropriate, having regard to the variation proposed, the reasons for the variation and the views of the consultees.

8.3 Accordingly, the Scottish Ministers hereby vary the Existing Consents, as set out in the table below.

Annex	Variation
In Annex 1 of the Pentland Floating Offshore Wind Farm s.36 Consent	For: The Application is for the construction and operation of an offshore energy generating station, with a generating capacity of around 100 megawatts (“MW”). The offshore generating station shall be comprised of up to: 1. Five floating offshore wind turbine generators (“WTGs”) with: a. A maximum hub height of 190 metres (“m”) above highest astronomical tide (“HAT”), b. A maximum height to blade tip of 300m above HAT, c. A maximum rotor diameter of 250m, and, d. A minimum blade tip clearance from mean sea level of 35m; 2. One floating offshore WTG with: a. A maximum hub height of 190m above HAT, b. A maximum height to blade tip of 300m above HAT, c. A maximum rotor diameter of 220m, and, d. A minimum blade tip clearance from mean sea level of 35m; 3. Six associated floating substructures; 4. Nine mooring lines for each floating substructure, 54 in total; 5. Nine anchors or piles for each floating substructure, 54 in total; 6. Seven inter-array cables (dynamic and static); 7. Associated scour and cable protections; and, except to the extent modified by the foregoing, all as described in the Application and the January 2026 variation application and by the conditions imposed by the Scottish Ministers. References to “the Development” in this consent shall be construed accordingly. The total area within the Development site boundary is 10 square kilometres (km²) of which up to 5.85km² will comprise the WTG Footprint Area. The location and boundary of the Development site is shown in Figure 1 of Annex 1. Substitute:

	The Application is for the construction and operation of an offshore energy generating station, with a generating capacity of around 100 megawatts ("MW"). The offshore generating station shall be comprised of up to: 1. Six floating offshore wind turbine generators ("WTGs") with: a. A maximum hub height of 190 metres ("m") above highest astronomical tide ("HAT"); b. A maximum height to blade tip of 300m above HAT; c. A maximum rotor diameter of 260m; d. A minimum blade tip clearance from mean sea level of 28m, save where six WTGs with a rotor diameter over 236m are constructed, when it must be a minimum of 30m; and e. A reduction in blade width from 7m to a maximum of 6.93m. 2. Six associated floating substructures; 3. Nine mooring lines for each floating substructure, 54 in total; 4. Nine anchors or piles for each floating substructure, 54 in total; 5. Seven inter-array cables (dynamic and static); and 6. Associated scour and cable protections. and, except to the extent modified by the foregoing, all as described in the Application, the October 2023 Variation Application and the Variation Application, and by the conditions imposed by the Scottish Ministers. References to "the Development" in this consent shall be construed accordingly. The total area within the Development site boundary is 10 square kilometres ("km²"), of which up to 5.85km² will comprise the WTG Footprint Area. The location and boundary of the Development site is shown in Figure 1 of Annex 1.
In Annex 1 of the Pentland Floating Offshore Wind Farm s.36 Consent	Add: No later than six months prior to the commencement of the Development, the Company will confirm which one of the three following design scenarios, will be constructed: 1. Design Scenario 1 - 6 x WTGs with rotor diameter 260 m and air gap of 30m;

	2. Design Scenario 2 - 5 x WTGs with rotor diameter 260 m and air gap of 28m; 3. Design Scenario 3 - 6 x WTGs with rotor diameter 236 m and air gap of 28m
In Annex 2 of the Pentland Floating Offshore Wind Farm s.36 Consent	For: 24. Development Specification and Layout Plan The Company must, no later than six months prior to the Commencement of the Development, submit a Development Specification and Layout Plan (“DSLPL”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA, NLB, NatureScot, MOD, CAA, SFF, the UK Hydrographic Office (“UKHO”), The Highland Council, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. Substitute: 24. Development Specification and Layout Plan The Company must, no later than six months prior to the Commencement of the Development, submit a Development Specification and Layout Plan (“DSLPL”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with BT - Radio Network Protection, MCA, NLB, NatureScot, MOD, CAA, SFF, the UK Hydrographic Office (“UKHO”), The Highland Council, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.
In Annex 2 of the Pentland Floating Offshore Wind Farm s.36 Consent	Add: 29. Construction Traffic Management Plan In the event that major offshore components associated with the Development require onshore abnormal load transport, the Company must submit a Construction Traffic Management Plan (“CTMP”) to the Scottish Ministers in writing, for their written approval, no later than six months prior to the Commencement of the Development.

Such approval may only be granted following consultation by the Scottish Ministers with Transport Scotland and any other consultees required at the discretion of the Scottish Ministers.

Commencement of the Development cannot take place until such approval is granted.

The CTMP must include:

- a) A transport assessment detailing all proposed trips with relevant swept path analysis to ensure the safe passage of abnormal loads;
- b) A mitigation strategy for the abnormal loads on the trunk road network including any accommodation measures required. This may include the removal of street furniture, junction widening, additional signing, traffic control measures deemed necessary due to the size or length of loads being delivered or removed or traffic management of road based traffic and transportation associated with the construction of the Development. Any additional signing or temporary traffic control measures deemed necessary must be undertaken by a recognised QA traffic management consultant; and
- c) A summary of how the CTMP relates to any commitments in the application, EIA Report and any consent conditions.

In the event that major offshore components associated with the Development require onshore abnormal load transport, the Company must implement the approved CTMP.

Any updates to the CTMP must be submitted in writing to the Scottish Ministers for their written approval.

Implementation of the updated CTMP cannot take place until such approval is granted.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the Development, while also ensuring that the transportation of any materials will not have any detrimental effect on the road and structures along the route.

In Annex 3 of the Pentland Floating Offshore Wind Farm s.36 Consent	Add: “the Application” means the Original Application as varied by (i) the October 2023 Variation Application and (ii) the Variation Application;
In Annex 3 of the Pentland Floating Offshore Wind Farm s.36 Consent	For: “the Application” means the Application letter, marine licence applications and EIA Report including appendices submitted to the Scottish Ministers by Highland Wind Limited on 11 August 2022; Substitute: “the Original Application” means the Application letter, marine licence applications and EIA Report including appendices submitted to the Scottish Ministers by Highland Wind Limited on 11 August 2022;
In Annex 3 of the Pentland Floating Offshore Wind Farm s.36 Consent	For: “the Variation Application” means the January 2026 variation application letter and the Section 36C Consent and Marine Licence Variation Application Report submitted to the Scottish Ministers by Highland Wind Limited on 11 October 2023. Substitute: “the October 2023 Variation Application” means the January 2026 variation application letter and the Section 36C Consent and Marine Licence Variation Application Report submitted to the Scottish Ministers by Highland Wind Limited on 11 October 2023.
In Annex 3 of the Pentland Floating Offshore Wind Farm s.36 Consent	Add: “the Variation Application” means the January 2026 variation application letter and the Section 36C Consent and Marine Licence Variation Application Report submitted to the Scottish Ministers by Highland Wind Limited on 27 January 2026.

- 8.4 Revised copies of Annexes 1 and 3 of the section 36 consent for the Development are issued together with this decision letter.
- 8.5 This letter has been published on the [Marine Scotland Information](#) website and copies have been sent to relevant onshore planning authorities: OIC and THC.

Yours sincerely,

Jessica Malcolm
Marine Directorate - Licensing Operations Team
A member of the staff of the Scottish Government

DEFINITIONS AND GLOSSARY OF TERMS - In the decision notice

“AA” means Appropriate Assessment;

“AEOSI” means Adverse Effect on Site Integrity;

“AIL” means Abnormal Indivisible Loads;

“BT” means British Telecom;

“BT-RNP” means British Telecom - Radio Network Protection;

“Commencement of the Development” means the beginning of the construction works under the s.36 consent;

“CTMP” means Construction Traffic Management Plan;

“DIO” means the Defence Infrastructure Organisation;

“DRM” means Distribution Response Modelling;

“DS1” means Design Scenario 1 of the s.36 consent;

“DS2” means Design Scenario 2 of the s.36 consent;

“DS3” means Design Scenario 3 of the s.36 consent;

“DSLPP” means Development Specification and Layout Plan;

“EIA” means Environmental Impact Assessment;

“FMS” means Fisheries Management Scotland;

“HAT” means Highest Astronomical Tide;

“HES” means Historic Environment Scotland;

“HIAL” means Highlands and Islands Airports Limited;

“JRC” means the Joint Radio Company;

“km” means kilometres;

“km²” means squared kilometres;

“m” means metres;

“MAU” means Marine Analytical Unit;

“MCA” means the Maritime and Coastguard Agency;

“MD-LOT” means Marine Directorate - Licensing Operations Team;

“MW” means megawatts;

“NCC SPA” means the North Caithness Cliffs Special Protection Area;

“NERL” means NATS (En Route) plc;

“NLB” means the Northern Lighthouse Board;

“OIC” means Orkney Islands Council;

“PVA” means Population Viability Analysis;

“RYA” means the Royal Yachting Association;

“s.36” means section 36 (Consent required for construction etc. of generating stations) of the Electricity Act 1989;

“SAC” means Special Area of Conservation;

“SEPA” means Scottish Environment Protection Agency;

“SFF” means Scottish Fishermen’s Federation;

“THC” means The Highland Council;

“UKCoS” means the United Kingdom Chamber of Shipping;

“UKHO” means United Kingdom Hydrographic Office;

“WTG” means wind turbine generators;

“the 1994 Habitats Regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994;

“the 2010 Act” means the Marine (Scotland) Act 2010;

“the 2017 EW Regulations” means the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017;

“the 2017 Habitats Regulations” means the Conservation of Habitats and Species Regulations 2017;

“the 2017 MW Regulations” means the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017;

“the AA Validation” means the appropriate assessment completed in August 2026 in respect of the January 2026 Variation Application;

“the Application” means the Original Application as varied by (i) the October 2023 Variation Application and (ii) the January 2026 Variation Application;

“the Company” means Highland Wind Limited, 4th Floor 115 George Street, Edinburgh, Midlothian, Scotland, EH2 4JN, Company Number: SC675148;

“the Development” means the Pentland Floating Offshore Wind Farm, located approximately 7.5 kilometres from the coast of Dounreay, Caithness;

“the EIA Report” means the EIA Report submitted to support the Original Application;

“the Electricity Act” means the Electricity Act 1989;

“the Existing Consents” means the s.36 consents granted by the Scottish Ministers on 28 June 2023 and 3 April 2024 for the construction and operation of the Pentland Floating Offshore Wind Farm;

“the Habitats Regulations” means the 1994 Habitats Regulations and the 2017 Habitats Regulations, collectively;

“the Original Application” means the s.36 consent application submitted to the Scottish Ministers on 11 August 2022 by the Company;

“the October 2023 Variation Application” means the application to vary the s.36 consent submitted to the Scottish Ministers on 11 October 2023 by the Company;

“the January 2026 Variation Application” means the application to vary the s.36 consent submitted to the Scottish Ministers on 27 January 2026 by the Company; and

“the Variation Regulations” means the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013.

ANNEX 1 of the Pentland Floating Offshore Wind Farm Consent

DESCRIPTION OF THE DEVELOPMENT

The offshore generating station shall be comprised of up to:

1. Six floating offshore wind turbine generators (“WTGs”) with:
 - a) A maximum hub height of 190 metres (“m”) above highest astronomical tide (“HAT”);
 - b) A maximum height to blade tip of 300m above HAT;
 - c) A maximum rotor diameter of 260m;
 - d) A minimum blade tip clearance from mean sea level of 28m, save where six WTGs with a rotor diameter over 236m are constructed, when it must be a minimum of 30m; and
 - e) A reduction in blade width from 7m to a maximum of 6.93m.
2. Six associated floating substructures;
3. Nine mooring lines for each floating substructure, 54 in total;
4. Nine anchors or piles for each floating substructures, 54 in total;
5. Seven inter-array cables (dynamic and static); and
6. Associated scour and cable protections.

and, except to the extent modified by the foregoing, all as described in the Original Application, the October 2023 Variation Application and the January 2026 Variation Application and by the conditions imposed by the Scottish Ministers. References to “the Development” in this consent shall be construed accordingly.

Post-consent but prior to no later than six months prior to construction, the Company will confirm its pursuit of one of the three following design scenarios, each of which fall within the overall project design envelope:

1. Design Scenario 1 - 6 x WTGs with rotor diameter 260m and air gap of 30m;
2. Design Scenario 2 - 5 x WTGs with rotor diameter 260m and air gap of 28m;
and
3. Design Scenario 3 - 6 x WTGs with rotor diameter 236m and air gap of 28m.

The total area within the Development site boundary is 10 square kilometres (“km²”), of which up to 5.85km² will comprise the WTG Footprint Area. The location and boundary of the Development site is shown in Figure 1 of Annex 1.

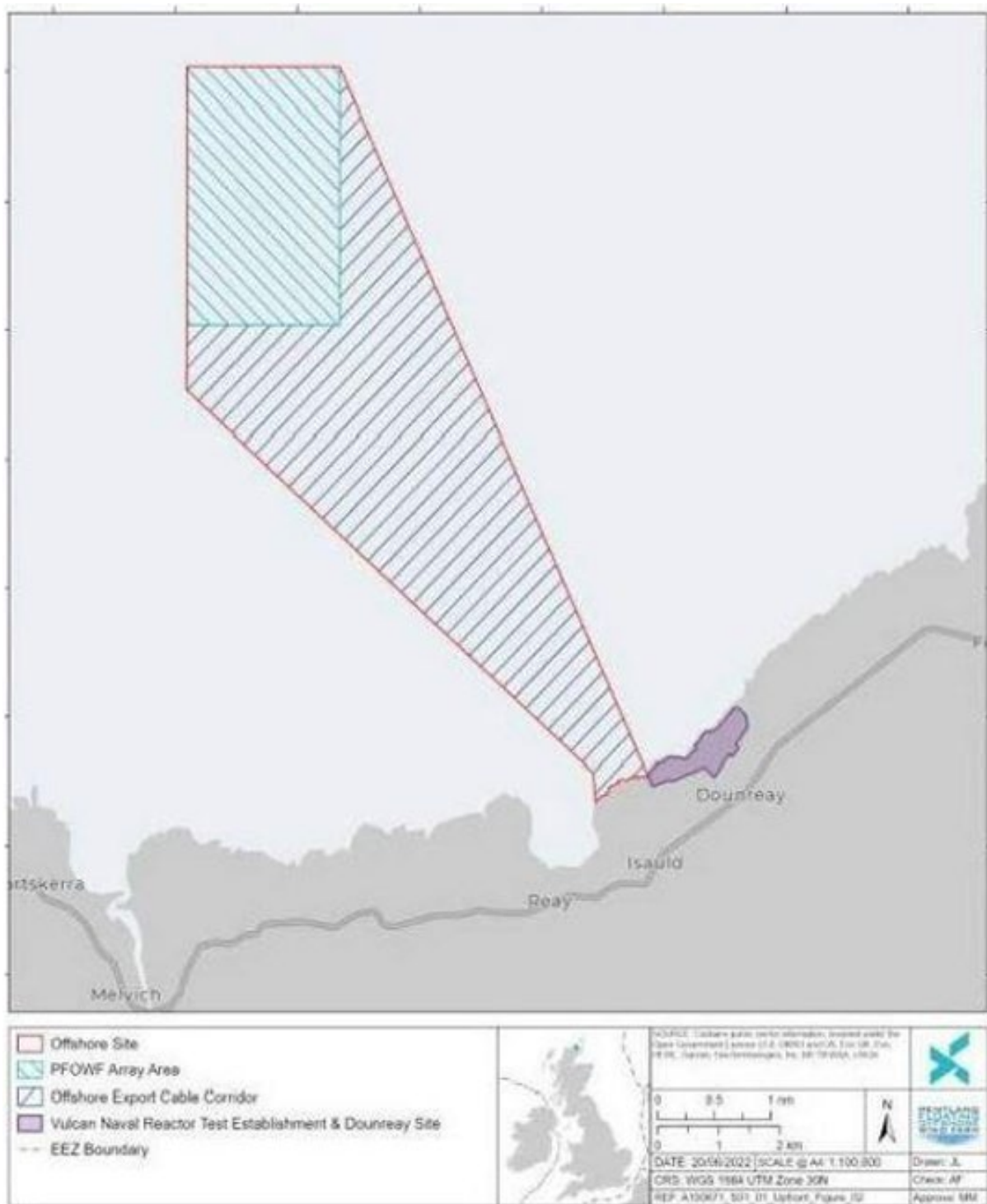


Figure 1. Pentland Floating Offshore Wind Farm Site and Export Cable Corridor

ANNEX 2 of the Pentland Floating Offshore Wind Farm Consent

ANNEX 2 – CONDITIONS

1. Duration of the Consent

The consent is valid from the date of this consent until 25 years from the date of Final Commissioning of the Development. Written confirmation of the date of Final Commissioning of the Development must be provided by the Company to the Scottish Ministers and to The Highland Council no later than one calendar month after this date.

Reason: To define the duration of the consent.

2. Commencement of the Development

The Commencement of the Development must be no later than five years from the date of this consent, or in substitution such other later period as the Scottish Ministers may hereafter direct in writing. The Company must provide written confirmation of the intended date of Commencement of the Development to the Scottish Ministers and to The Highland Council no later than one calendar month before that date.

Reason: To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.

3. Decommissioning

There must be no Commencement of the Development until a Decommissioning Programme, submitted in accordance with a section 105 notice served by the appropriate Minister, has been approved under section 106 of the Energy Act 2004 by the appropriate Minister.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner, and in the interests of safety and environmental protection.

4. Assignment

This consent must not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent (with or without conditions) or refuse assignment as they may see fit. The consent cannot be assigned, alienated, or transferred otherwise than in accordance with the assignment procedure as directed by the Scottish Ministers.

Reason: *To safeguard the obligations of the consent if transferred to another company.*

5. Redundant Wind Turbine Generators

If any Wind Turbine Generator (“WTG”) fails to generate electricity for a continuous period of 12 months then, unless otherwise agreed in writing by the Scottish Ministers, the Company must: (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Scottish Ministers setting out the manner in which that WTG and associated infrastructure will be removed from the site and the sea bed restored; and (ii) implement the approved scheme within six months of the date of its approval, or such other date as agreed in writing by the Scottish Ministers, all to the satisfaction of the Scottish Ministers.

Reason: *To ensure that should a WTG become redundant it is removed from the site, in the interests of safety, amenity and environmental protection.*

6. Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent and decommissioning, the Company must provide written notification of the nature and timing of the incident to the Scottish Ministers within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Scottish Ministers within a period of time to be agreed by the Scottish Ministers.

Reason: *To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*

7. Implementation in Accordance with Approved Plans and Requirements of This Consent

Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with this consent, the Application, the Environmental Impact Assessment Report (“the EIA Report”) submitted by the Company, any other documentation and information lodged in support of the Application, the October 2023 Variation Application and the January 2026 Variation Application.

Reason: *To ensure that the Development is carried out in accordance with the approved details.*

8. Submission and Approval of Plans

The Company must submit the requested plans as detailed in the conditions, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with any such advisors or organisations as detailed in these conditions or as may be required at the discretion of the Scottish Ministers.

Any updates or amendments made to the approved plans must be submitted, in writing, to the Scottish Ministers for their written approval. The Development must, at all times, be constructed and operated in accordance with the approved plans.

Reason: To ensure that the Development is constructed and operated in accordance with the approved details.

9. Compliance with This Consent

The Company must satisfy itself that all contractors or sub-contractors are aware of the extent of the Development for which this consent has been granted, the activity which is consented and the terms of the conditions attached to this consent. All contractors and sub-contractors permitted to engage in the Development must abide by the conditions set out in this consent.

Reason: To ensure that the Development is constructed and operated in accordance with the approved details.

10. Construction Programme

The Company must, no later than six months prior to the Commencement of the Development, submit a Construction Programme ("CoP"), in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, Civil Aviation Authority ("CAA"), Ministry of Defence ("MOD"), and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CoP must set out:

- a) The proposed date for Commencement of the Development;
- b) The proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;
- c) The proposed timings and sequencing of construction work for all elements of the Development infrastructure;

- d) Contingency planning for poor weather or other unforeseen delays; and
- e) The scheduled date for Final Commissioning of the Development.

The Company must send the approved CoP to The Highland Council, Maritime and Coastguard Agency (“MCA”) and Northern Lighthouse Board (“NLB”) for information only.

Reason: To confirm the timing and programming of construction.

11. Construction Method Statement

The Company must, no later than six months prior to the Commencement of the Development submit a Construction Method Statement (“CMS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The CMS must include, but not be limited to:

- a) Details of the commencement dates, duration, and phasing for the key elements of construction, the working areas, the construction procedures, and good working practices for installing the Development;
- b) Details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or sub- contractors involved during the construction of the Development; and
- c) Details of how the construction related mitigation steps proposed in the Application are to be delivered.

The CMS must adhere to the construction methods assessed in the Application. The CMS also must, so far as is reasonably practicable, be consistent with the Design Statement (“DS”), the Environmental Management Plan (“EMP”), the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), the Piling Strategy (“PS”), the Cable Plan (“CaP”) and the Lighting and Marking Plan (“LMP”).

The final CMS must be sent to The Highland Council for information only.

Reason: To ensure the appropriate construction management of the Development, taking into account mitigation measures to protect the environment and other users of the marine area.

12. Environmental Management Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an EMP, in writing, to the Scottish Ministers for their

written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, Royal Society for the Protection of Birds Scotland (“RSPB Scotland”), and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The EMP must provide the over-arching framework for on-site environmental management during the phases of development as follows:

- a) All construction as required to be undertaken before the Final Commissioning of the Development; and
- b) The operational lifespan of the Development from the Final Commissioning of the Development until the cessation of electricity generation (environmental management during decommissioning is addressed by the Decommissioning Programme provided for by condition 3).

The EMP must be in accordance with the Application insofar as it relates to environmental management measures. The EMP must set out the roles, responsibilities, and chain of command for the Company personnel, any contractors, or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Development. It must address, but not be limited to, the following over-arching requirements for environmental management during construction:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS (refer to condition 11);
- b) A pollution prevention and control method statement, including contingency plans;
- c) Management measures to prevent the introduction of invasive non-native marine species;
- d) A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse, and recycle should be encouraged; and
- e) The reporting mechanisms that will be used to provide the Scottish Ministers and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Company at intervals agreed by the Scottish Ministers. Reviews must include, but not be limited to, the

reviews of updated information on construction methods and operations of the Development and updated working practices.

The EMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application and the Project Environmental Monitoring Programme (“PEMP”).

Reason: To ensure that all construction and operation activities are carried out in a manner that minimises their impact on the environment, and that mitigation measures contained in the Application, or as otherwise agreed are fully implemented.

13. Vessel Management Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a VMP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, Scottish Fishermen’s Federation (“SFF”) and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The VMP must include, but not be limited to, the following details:

- a) The number, types and specification of vessels required;
- b) How vessel management will be coordinated, particularly during construction, but also during operation;
- c) Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction and operation of the Development.

The confirmed individual vessel details must be notified to the Scottish Ministers in writing no later than 14 days prior to the Commencement of the Development, and thereafter, any changes to the details supplied must be notified to the Scottish Ministers, as soon as practicable, prior to any such change being implemented in the construction or operation of the Development.

The VMP should refer to the Scottish Marine Wildlife Watching Code and Guide to Best Practice for Watching Marine Wildlife for guidance on how vessels should behave around aggregations of birds on the water.

The VMP must, so far as is reasonably practicable, be consistent with the CMS and EMP, the Fisheries Management and Mitigation Strategy (“FMMS”), the PEMP, the NSP, and the LMP.

Reason: To mitigate the impact of vessels.

14. Operation and Maintenance Programme

The Company must, no later than three months prior to the Final Commissioning of the Development, submit an Operation and Maintenance Programme ("OMP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB, The Highland Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The OMP must set out the procedures and good working practices for operations and the maintenance of the WTGs and substructure of the Development. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

The OMP must, so far as is reasonably practicable, be consistent with the CMS, the EMP, the PEMP, the VMP, the NSP and the LMP.

The Company must send the approved OMP to The Highland Council for information only.

Reason: To safeguard environmental interests during operation and maintenance of the Development.

15. Navigational Safety Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an NSP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with MCA, NLB, Royal Yachting Association ("RYA"), SFF and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers.

The NSP must include, but not be limited to, the following issues:

- a) Navigational safety measures;
- b) Construction exclusion zones;
- c) Notice(s) to mariners and radio navigation warnings;
- d) Anchoring areas;
- e) Temporary construction lighting and marking; and
- f) Buoyage.

Reason: To mitigate the navigational risk to other legitimate users of the sea.

16. Lighting and Marking Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an LMP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB, CAA, MOD, RYA, The Highland Council, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The LMP must provide that the Development be lit and marked in accordance with the current CAA and MOD aviation lighting policy and guidance that is in place as at the date of the Scottish Ministers approval of the LMP, or any such other documents that may supersede this guidance prior to the approval of the LMP. Consideration should be given in the LMP to reducing the luminous intensity of aviation lighting in certain visibility conditions but only where this is in accordance with the current CAA and MOD aviation lighting policy and guidance that is in place. The LMP must define how the Development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by MOD and, accordingly, must set out:

- a) Details of any construction equipment and temporal structures with a total height of 50m or greater (above mean sea level) that will be deployed during the construction of the Development and details of any aviation warning lighting that they will be fitted with; and
- b) The locations and heights of the WTGs featured in the Development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the WTGs, the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

The LMP must also detail the navigational lighting requirements detailed in the International Association of Marine Aids to Navigation and Lighthouse Authorities ("IALA") Guideline G-1162 or any other documents that may supersede this guidance prior to approval of the LMP.

Reason: To ensure civil and military aviation and navigational safety and the safe marking and lighting of the Development.

17. Project Environmental Monitoring Programme

The Company must, no later than six months prior to the Commencement of the Development, submit a PEMP, in writing, to the Scottish Ministers for their

written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, RSPB Scotland and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers. The PEMP must be in accordance with the Application as it relates to environmental monitoring.

The PEMP must set out measures by which the Company must monitor the environmental impacts of the Development. Monitoring is required throughout the lifespan of the Development where this is deemed necessary by the Scottish Ministers. Lifespan in this context includes pre-construction, construction, operational and decommissioning phases.

The Scottish Ministers must approve all initial methodologies for the above monitoring, in writing and, where appropriate, in consultation with NatureScot and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers.

Monitoring must be done in such a way so as to ensure that the data which is collected allows useful and valid comparisons between different phases of the Development. Monitoring may also serve the purpose of verifying key predictions in the Application. In the event that further potential adverse environmental effects are identified, for which no predictions were made in the Application, the Scottish Ministers may require the Company to undertake additional monitoring.

The PEMP must cover the following matters:

- a) Monitoring or data collection for impact on seabirds;
- b) Monitoring for impacts on marine mammals;
- c) Monitoring for impacts on benthic ecology;
- d) Post-construction monitoring on Electromagnetic Fields ("EMF") produced by the constructed cables; and
- e) The Company's contribution to data collection or monitoring of wider strategic relevance, including in relation to diadromous fish, as identified and agreed by the Scottish Ministers.

In relation to EMF, the Company must monitor and provide a report on the EMF produced by the works to the Scottish Ministers. The Company must agree the methodologies and timescales for monitoring with the Scottish Ministers prior to the Commencement of the Development as part of wider strategic monitoring on EMF. Any agreement must be adhered to unless otherwise agreed and approved by the Scottish Ministers.

The requirement for monitoring pre-construction, during construction and post- construction in relation to the above receptors must be agreed by the Scottish Ministers.

Due consideration must be given to the Scottish Marine Energy Research (“ScotMER”) programme, or any successor programme formed to facilitate these research interests.

Any pre-consent monitoring or data collection carried out by the Company to address any of the above issues may be used in part to discharge this condition subject to the written approval of the Scottish Ministers.

The PEMP is a live document which will be regularly reviewed by the Scottish Ministers, at timescales to be determined by them to identify the appropriateness of on-going monitoring. Following such reviews, the Scottish Ministers may require the Company to amend the PEMP and submit such an amended PEMP, in writing, to the Scottish Ministers, for their written approval. Such approval may only be granted following consultation with NatureScot and any other environmental, or such other advisors as may be required at the discretion of the Scottish Ministers.

The Company must submit written reports and associated raw and processed data of such monitoring or data collection to the Scottish Ministers at timescales to be determined by them. Consideration should be given to data storage, analysis and reporting and be to Marine Environmental Data and Information Network standards.

Subject to any legal restrictions regarding the treatment of the information, the Scottish Ministers, or any such other party appointed at the Scottish Ministers’ discretion, may make the results publicly available.

The Scottish Ministers may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Development.

Reason: To ensure that appropriate and effective monitoring of the impacts of the Development is undertaken.

18. Cable Plan

The Company must, no later than six months prior to the Commencement of the Development, submit an updated CaP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, SFF, and any such other advisors or organisations as may be required at the

discretion of the Scottish Ministers. The CaP must be in accordance with the Application.

The CaP must include, but not be limited to, the following:

- a) The location, duration and cable laying techniques for cables;
- b) The results of monitoring or data collection work (including geophysical, geotechnical, and benthic surveys) which will help inform cable routing;
- c) Technical specification of the cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;
- d) A Cable Burial Risk Assessment ("CBRA") to ascertain burial depths and where necessary alternative protection measures;
- e) Methodologies for post construction and operational surveys (e.g. over trawl) of the cables where mechanical protection of cables laid on the sea bed is deployed; and
- f) Methodologies for cable inspection with measures to address and report to the Scottish Ministers any exposure of cables.

Any consented cable protection works must ensure existing and future safe navigation is not compromised. The Scottish Ministers will accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Any greater reduction in depth must be agreed in writing by the Scottish Ministers.

Reason: To mitigate any potential impacts on the environmental interests during construction and operation.

19. Fisheries Management and Mitigation Strategy

The Company must no later than six months prior to the Commencement of the Development, submit an FMMS, in writing, to the Scottish Ministers for their written approval, in consultation with SFF. Commencement of the Development cannot take place until such approval is granted.

In order to inform the production of the FMMS, the Company must monitor or collect data as relevant and agreed with the Scottish Ministers.

As part of any finalised FMMS, the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they would be adversely affected by the Development. The Company and any contractors or sub-contractors working for the Company must implement the mitigation measures committed to be carried out by the Company within the FMMS.

Reason: To mitigate the impact on commercial fisheries.

20. Protocol for Archaeological Discoveries

The Company must, no later than six months prior to the Commencement of the Development, submit an updated Protocol for Archaeological Discoveries ("PAD") and Written Scheme of Investigation ("WSI") which sets out what the Company must do on discovering any marine archaeology during the construction, operation, maintenance, and monitoring of the Development, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may be given only following consultation by the Scottish Ministers with Historic Environment Scotland ("HES") and any such advisors as may be required at the discretion of the Scottish Ministers. The Reporting Protocol must be implemented in full, at all times, by the Company.

The Company must send the approved PAD and WSI to The Highland Council for information only.

Reason: *To ensure any discovery of archaeological interest is properly and correctly reported.*

21. Particle Management Plan

Not later than six months prior to the commencement of the works, a Particles Management Plan ("PMP") shall be submitted to the Scottish Ministers for their written approval in consultation with the Scottish Environment Protection Agency ("SEPA").

The PMP shall be consistent with the Application and supporting documents and shall include, but not be limited to, the following:

- a) A programme of scheduled monitoring for radioactive particles;
- b) The measures to be taken to reduce the likelihood of irradiated fuel particles in sediment being suspended or disturbed; and
- c) A waste management plan for the construction phase of the development.

There shall be no Commencement of the Development unless and until the PMP is approved in writing by the Scottish Ministers, in consultation with SEPA.

Any proposed amendment to the approved PMP shall be submitted, in writing, to the Scottish Ministers for its written approval, in consultation with SEPA. The proposed amendment shall be submitted to the Scottish Ministers no later than 6 months prior to the anticipated implementation of the proposed amendment (or such shorter period as may be agreed with the Scottish

Ministers in writing). No amendment to the PMP shall take effect unless and until approved in writing by the Scottish Ministers in consultation with SEPA.

The PMP and any amended PMP shall thereafter be implemented in full.

Reason: To mitigate any potential impacts on the environmental and human health interests during construction and operation.

22. Radio and Television Reception Mitigation Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Radio and Television Reception Mitigation Plan to the Scottish Ministers for approval, in consultation with The Highland Council. The Radio and Television Reception Mitigation Plan shall provide for a baseline radio and television reception survey to be carried out prior to the installation of any turbine forming part of the Development. The results of the baseline radio and television reception survey shall be submitted to The Highland Council prior to the installation of any turbine forming part of the Development.

The approved Radio and Television Reception Mitigation Plan shall be implemented in full.

Any claim by any person regarding radio or television interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the Date of Final Commissioning shall be investigated by a qualified engineer and the results of the investigation shall be considered against the approved plan and submitted to The Highland Council.

Should any impairment to the radio or television signal be attributable to the Development, the impairment shall be remedied so that the standard of reception at the affected property is equivalent to the baseline radio or television reception.

Reason: To mitigate any potential impacts on radio and television reception.

23. Noise Measurement and Mitigation Scheme

The rating level of noise immissions from the combined effects of the wind turbines forming part of the Development (including the application of any tonal penalty) when determined in accordance with The Highland Council guidance notes for this condition shall not exceed a value of 34 dB LA90,10 minute at any dwelling which is lawfully existing or has planning permission at the date of this consent.

The Company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Scottish Ministers within 14 days of receipt in writing of a request to do so.

Prior to the Date of First Commissioning, the Company shall have submitted to, and received written approval of the Scottish Ministers, in consultation with The Highland Council, to an updated predictive noise assessment based on the final turbine model(s) to be installed, based on noise emission data from the turbine manufacturer.

Within 21 days from receipt of a written request from the Scottish Ministers following a complaint sent to them from The Highland Council, informing of an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the Scottish Ministers shall set out at least the date, time, and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Scottish Ministers, in consultation with The Highland Council, the noise giving rise to the complaint contains or is likely to contain a tonal component.

The assessment of the rating level of noise immissions in terms of paragraph (4) above shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Scottish Ministers, in consultation with The Highland Council. The protocol shall include at least the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Scottish Ministers under paragraph (4) above.

The Company shall provide to the Scottish Ministers the independent consultant's assessment of the rating level of noise immissions within two months of the date of the written request of the Scottish Ministers for compliance measurements to be made under paragraph (4) unless the time limit is extended in writing by the Scottish Ministers. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Scottish Ministers with the independent consultant's assessment of the rating level of noise immissions.

Where a further assessment of the rating level of noise immissions from the wind farm is required, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (4) above unless the time limit has been extended in writing by the Scottish Ministers.

Reason: In the interests of safeguarding residential amenity, to protect nearby residents from undue noise and disturbance, to enable prompt investigation of complaints and to ensure that noise levels can be measured to assess whether or not agreed noise limits have been breached and where such noise limits have been breached, suitable mitigation is undertaken.

24. Development Specification and Layout Plan

The Company must, no later than six months prior to the Commencement of the Development, submit a Development Specification and Layout Plan ("DSLPL"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with BT - Radio Network Protection, MCA, NLB, NatureScot, MOD, CAA, SFF, the UK Hydrographic Office ("UKHO"), The Highland Council, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

The DSLPL must include, but not be limited to the following:

- a) A plan showing the location of each individual WTG (subject to any required micro-siting), including information on WTG spacing, WTG identification/numbering, seabed conditions, bathymetry, confirmed foundation type for each WTG and any key constraints recorded on the site;
- b) A list of latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for each WTG. This should also be provided as a Geographic Information System ("GIS") shape file using WGS84 format;
- c) The grid coordinates of the centre point of the proposed location for each WTG;
- d) A table or diagram of each WTG dimensions including - height to blade tip (measured above Lowest Astronomical Tide ("LAT")) to the highest point, height to hub (measured above LAT to the centreline of the generator shaft), rotor diameter and maximum rotation speed;
- e) The generating output of each WTG used on the site (Figure 1) and a confirmed generating output for the site overall;
- f) The finishes for each WTG (see condition 16 on WTG lighting and marking); and

- g) The length and proposed arrangements on the seabed of all inter-array cables.

Reason: To confirm the final Development specification and layout.

25. Design Statement

The Company must, no later than six months prior to the Commencement of the Development, submit a DS, in writing, to the Scottish Ministers. The DS, which must be signed off by at least one qualified landscape architect, as instructed by the Company prior to submission to the Scottish Ministers, must include representative wind farm visualisations from key viewpoints as agreed with the Scottish Ministers, based upon the final DSLP as approved by the Scottish Ministers as updated or amended. The Company must provide the DS, for information only, to The Highland Council, NatureScot, MCA and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

Reason: To ensure that the Development is carried out in accordance with the approved details, and to inform interested parties of the final wind farm scheme proposed to be built.

26. Piling Strategy

If piling is to be undertaken, the Company must, no later than six months prior to the Commencement of the Development, submit a PS, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, and any such other advisors as may be required at the discretion of the Scottish Ministers. Commencement of the Development cannot take place until such approval is granted.

The PS must include, but not be limited to:

- a) Details of expected noise levels from pile-drilling/driving in order to inform point d) below;
- b) Full details of the proposed method and anticipated duration of piling to be carried out at all locations;
- c) Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location; and
- d) Details of any mitigation such as Passive Acoustic Monitoring (“PAM”), Marine Mammal Observers (“MMO”), use of Acoustic Deterrent Devices (“ADD”) and monitoring to be employed during pile-driving, as agreed by the Scottish Ministers.

The PS must be in accordance with the Application and must also reflect any relevant monitoring or data collection carried out after submission of the Application. The PS must demonstrate the means by which the exposure to and/or the effects of underwater noise have been mitigated in respect to cetaceans, harbour seal, grey seal, and Atlantic salmon. The PS must, so far as is reasonably practicable, be consistent with the EMP, the PEMP, and the CMS.

Reason: To mitigate the underwater noise impacts arising from piling activity.

27. Environmental Clerk of Works

Prior to the Commencement of the Development, the Company must at its own expense, and with the approval of the Scottish Ministers in consultation with NatureScot, appoint an independent Environmental Clerk of Works ("ECoW"). The ECoW must be appointed in time to review and approve the draft version of the first plan or programme submitted under this consent to the Scottish Ministers, in sufficient time for any pre-construction monitoring requirements, and remain in post until a date agreed by the Scottish Ministers.

The terms of appointment must also be approved by the Scottish Ministers in consultation with NatureScot. The terms of the appointment must include, but not be limited to:

- a) Quality assurance of final draft versions of all plans and programmes required under this marine licence;
- b) Responsible for the monitoring and reporting of compliance with the marine licence conditions and the environmental mitigation measures for all wind farm infrastructure;
- c) Provision of on-going advice and guidance to the Company in relation to achieving compliance with conditions, including but not limited to the conditions relating to and the implementation of the CMS, the EMP, the PEMP, the CaP and the VMP;
- d) Provision of reports on point b & c above to the Scottish Ministers at timescales to be determined by the Scottish Ministers;
- e) Induction and toolbox talks to onsite construction teams on environmental policy and procedures, including temporary stops and keeping a record of these;
- f) Monitoring that the Development is being constructed in accordance with the plans and this consent, the Application and in compliance with all relevant regulations and legislation;
- g) Reviewing and reporting incidents/near misses and reporting any changes in procedures as a result to the Scottish Ministers; and
- h) Agreement of a communication strategy with the Scottish Ministers.

Reason: To ensure effective monitoring of, and compliance with, the environmental mitigation and management measures associated with the Development.

28. Fisheries Liaison Officer

Prior to the Commencement of the Development, a Fisheries Liaison Officer ("FLO"), must be appointed by the Company and approved, in writing, by the Scottish Ministers, following consultation with SFF. The FLO must be appointed by the Company for the period from Commencement of the Development until the Final Commissioning of the development. The identity and credentials of the FLO must be included in the EMP (referred to in condition 12). The FLO must establish and maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development and ensure compliance with best practice guidelines whilst doing so.

The responsibilities of the FLO must include:

- a) Establishing and maintaining effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Development and any amendments to the EMP and site environmental procedures;
- b) The provision of information relating to the safe operation of fishing activity on the site of the Development; and
- c) Ensuring that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.

Reason: To mitigate the impact on commercial fishermen.

29. Construction Traffic Management Plan

In the event that major offshore components associated with the Development require onshore abnormal load transport, the Company must submit a Construction Traffic Management Plan ("CTMP") to the Scottish Ministers in writing, for their written approval, no later than six months prior to the Commencement of the Development.

Such approval may only be granted following consultation by the Scottish Ministers with Transport Scotland and any other consultees required at the discretion of the Scottish Ministers.

Commencement of the Development cannot take place until such approval is granted.

The CTMP must include:

- a) A transport assessment detailing all proposed trips with relevant swept path analysis to ensure the safe passage of abnormal loads;
- b) A mitigation strategy for the abnormal loads on the trunk road network including any accommodation measures required. This may include the removal of street furniture, junction widening, additional signing, traffic control measures deemed necessary due to the size or length of loads being delivered or removed or traffic management of road based traffic and transportation associated with the construction of the Development. Any additional signing or temporary traffic control measures deemed necessary must be undertaken by a recognised QA traffic management consultant; and
- c) A summary of how the CTMP relates to any commitments in the application, EIA Report and any consent conditions.

In the event that major offshore components associated with the Development require onshore abnormal load transport, the Company must implement the approved CTMP.

Any updates to the CTMP must be submitted in writing to the Scottish Ministers for their written approval.

Implementation of the updated CTMP cannot take place until such approval is granted.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the Development, while also ensuring that the transportation of any materials will not have any detrimental effect on the road and structures along the route.

ANNEX 3 of the Pentland Floating Offshore Wind Farm Consent

DEFINITION AND GLOSSARY OF TERMS

In this decision letter and in Annexes 1 and 2:

“AA” means Appropriate Assessment;

“ADD” means Acoustic Deterrent Devices;

“AEOSI” means Adverse Effect on Site Integrity;

“Commencement of the Development” means the beginning of the construction works under the s.36 consent;

“CRM” means Collision Risk Modelling;

“DRM” means Distribution Response Modelling;

“DS1” means Design Scenario 1 of the s.36 consent;

“DS2” means Design Scenario 2 of the s.36 consent;

“DS3” means Design Scenario 3 of the s.36 consent;

“ECoW” means Environmental Clerk of Works;

“EIA” means Environmental Impact Assessment;

“EIA Report” means Environmental Impact Assessment Report;

“EMF” means Electromagnetic Field;

“FLO” means Fisheries Liaison Officer;

“HAT” means Highest Astronomical Tide;

“km” means kilometres;

“km²” means squared kilometres;

“LSE” means Likely Significant Effect;

“m” means metres;

“m²” means square metres;

“MMO” means Marine Mammals Observers;

“MW” means megawatts;

“NCC SPA” means the North Caithness Cliffs Special Protection Area;

“OWF” means Offshore Wind Farms;

“PAM” means Passive Acoustic Monitoring;

“PI” means Public Inquiry;

“PTS” means Permanent Threshold Shift;

“PVA” means Population Viability Analysis;

“RPM” means revolutions per minute;

“s.36” means Section 36 of the Electricity Act 1989;

“SAC” means Special Area of Conservation;

“ScotMER” means Scottish Marine Energy Research;

“SPA” means Special Protected Area;

“WTG” means Wind Turbine Generator;

“the AA Validation” means the appropriate assessment completed in August 2026 in respect of the January 2026 Variation Application;

“the Application” means the Original Application as varied by (i) the October 2023 Variation Application and (ii) the January 2026 Variation Application;

“the Company” means Highland Wind Limited, 4th Floor 115 George Street, Edinburgh, Midlothian, Scotland, EH2 4JN, Company Number: SC675148, or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989;

“the Development” means the Highland Wind Floating Offshore Wind Farm, approximately 7.5 kilometres (“km”) off the coast of Dounreay, Caithness as described in Annex 1;

“the EIA Report” means the EIA Report submitted to support the Original Application;

“the Existing Consents” means the s.36 consents granted by the Scottish Ministers on 28 June 2023 and 3 April 2024 for the construction and operation of the Pentland Floating Offshore Wind Farm;

“the Original Application” means the Application letter, marine licence applications and EIA Report including appendices submitted to the Scottish Ministers by Highland Wind Limited on 11 August 2022;

“the October 2023 Variation Application” means the application to vary the s.36 consent submitted to the Scottish Ministers on 11 October 2023 by the Company;

“the January 2026 Variation Application” means the application to vary the s.36 consent submitted to the Scottish Ministers on 27 January 2026 by the Company; and

“the Variation Application Report” means the report submitted on 27 January 2026 in support of the January 2026 Variation Application; and

“the WTG Footprint Area” means the area of sea surface occupied by the infrastructure at or above sea level (i.e. the WTGs and associated floating substructures).

Organisations and Companies

“BT” means British Telecommunications;

“BT-RNP” means British Telecom - Radio Network Protection;

“CAA” means Civil Aviation Authority;

“DIO” means the Defence Infrastructure Organisation;

“FMS” means Fisheries Management Scotland;

“HES” means Historic Environment Scotland;

“HIAL” means Highlands and Islands Airports Limited;

“JRC” means the Joint Radio Company;

“MAU” means Marine Analytical Unit;

“MCA” means Maritime and Coastguard Agency;

“MOD” means Ministry of Defence;

“MD-LOT” means Marine Directorate – Licensing Operations Team (previously known as “MS- LOT”, Marine Scotland – Licensing Operations Team);

“MD-SEDD” (formerly known as “MSS”, Marine Scotland Science) means Marine Directorate – Science, Evidence Data, and Digital;

“NDA” means Nuclear Decommissioning Authority;

“NERL” means NATS (En Route) plc

“NLB” means Northern Lighthouse Board;

“OIC” means Orkney Islands Council;

“RYA” means Royal Yachting Association;

“THC” means The Highland Council;

“SEPA” means Scottish Environmental Protection Agency;

“SFF” means Scottish Fishermen’s Federation;

“UKCoS” means United Kingdom Chamber of Shipping; and

“UKHO” means United Kingdom Hydrographic Office.

Plans, Programmes and Statements

“CaP” means Cable Plan;

“CBRA” means Cable Burial Risk Assessment;

“CMS” means Construction Method Statement;

“CoP” means Construction Programme;

“CTMP” means Construction Traffic Management Plan;

“DS” means Design Statement;

“DSLP” means Development Specification and Layout Plan;

“EMP” means Environmental Management Plan;

“FMMS” means Fisheries Management and Mitigation Strategy;

“LMP” means Lighting and Marking Plan;

“NMP” means National Marine Plan;

“NSP” means Navigational Safety Plan;

“OMP” means Operation and Maintenance Programme;

“PAD” means Protocol for Archaeological Discoveries;

“PEMP” means Project Environmental Management Plan;

“PMP” means Particles Management Plan;

“PS” means Piling Strategy;

“VMP” means Vessel Management Plan; and

“WSI” means Written Scheme of Investigation.

Legislation

“the 1994 Habitats Regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994;

“the 1999 Order” means The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999;

“the 2010 Act” means the Marine (Scotland) Act 2010;

“the 2017 EW Regulations” means the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017;

“the 2017 Habitats Regulations” means the Conservation of Habitats and Species Regulations 2017;

“the 2017 MW Regulations” means the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017;

“the 2023 AA” means the appropriate assessment completed in June 2023 in respect of the Original Application;

“the 2024 AA” means the appropriate assessment completed in March 2024 in respect of the October 2023 Variation Application;

“the EIA Regulations” means the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017;

“the Electricity Act” means the Electricity Act 1989;

“the Habitats Regulations” means the Conservation (Natural Habitats, & c.) Regulations 1994 and the Conservation of Habitats and Species Regulations 2017;

“the 2006 Order” means the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2006; and

“the Variation Regulations” means the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013.