

LICENCE/CONSENT VARIATION – VALIDATION OF DEROGATION ASSESSMENT

1 Licence Details

<u>Licensee/Developer Name:</u>	Green Volt Windfarm Ltd
<u>Site Details:</u>	Green Volt Offshore Wind Farm, approximately 80 kilometres off the Aberdeenshire Coast, and associated offshore transmission infrastructure to landfall (“the Project”)
<u>Date Existing Licence/Consent Issued (“the Existing Consent”):</u>	19 April 2024
<u>Date of Existing Appropriate Assessment (“AA”) (“the Existing AA”):</u>	15 April 2024
<u>Date of Existing Derogation Assessment (“Existing Derogation Assessment”):</u>	18 April 2024
<u>Date of AA Validation (“the AA Validation”):</u>	2 March 2026

2 Summary of proposed variation application:

Green Volt Offshore Windfarm Ltd (“the Company”) submitted an application on 17 November 2025 to vary the existing section 36 consent and generating station and offshore transmission infrastructure marine licences (“the Variation Application”).

The Variation Application seeks to vary the section 36 consent granted on 19 April 2024 (“the Existing Consent”) in the following manner:

- Vary Annex 1 to amend the description of the development (“the original design scenario”) as follows:
 - Increase the maximum hub height to 148 metres (“m”) above Still Water Level (“SWL”) rather than 143m above Lowest Astronomical Tide (“LAT”);
 - Increase the maximum height to blade tip to 266m above SWL rather than 264m above LAT;
 - Decrease the maximum rotor diameter to 236m from 242m;
 - Alter the blade tip clearance to 22m above SWL rather than Mean High Water Springs;
 - Decrease the maximum blade width to 6.5m from 8m;
 - Decrease the minimum turbine spacing to 1,000m from 1,540m;
 - Increase the maximum turbine spacing to 5,000m.
- Vary Annex 1 to add a second design scenario (“the second design scenario”) as follows:

Up to 30 three-bladed horizontal axis wind turbine generators (“WTGs”) each with:

- A maximum rotor hub height of 159m above SWL;
 - A maximum height to blade tip of 289m above SWL;
 - A maximum rotor diameter of 260m;
 - A blade tip clearance of 22m above SWL;
 - A maximum blade width of 6.81m;
 - A minimum turbine spacing of 1,000m;
 - A maximum turbine spacing of 5,000m.
- Vary Annex 1 to specify the following:
 - Where the final design agreed through the Development Specification and Layout Plan (“DSLPL”) includes a combination of parameters from the original design scenario and the second design scenario, the collision risk to birds must be no greater than assessed in the Existing AA. If required by the Scottish Ministers, the Company must provide evidence of this using the best available science.
 - Vary Annex 1 to permit the use of semi-catenary, taut or semi-taut mooring lines in addition to catenary moorings; increase the mooring line radius to 1,000m from 650m; increase the number of anchors per WTG to nine from six; and permit the use of torpedo, gravity-based, suction pile and drag embedment anchors.
 - Vary condition 13 of Annex 2 to remove the requirement for representative wind farm visualisations from key viewpoints, and to remove the requirement for this plan to be based on the DSLP.
 - Vary condition 27 of Annex 2 to change the timescales for the submission of the Detailed Seabird Compensation Plan (“DSCP”) from six months prior to the implementation of compensatory measures to six months prior to the commencement of the development. Additionally to permit rotation of turbine blade for testing prior to the Scottish Ministers concluding that the success criteria of the compensatory measures have been met.
 - Vary Annex 3 to update the definitions and glossary of terms.

In addition to the Variation Application the Company also requested to vary the associated generating station marine licence (“the GS ML”) to:

- Change the description of the licensed activity and construction materials described in the GS ML in line with what is described above.
- Vary condition 3.2.7 to remove the requirement for representative wind farm visualisations from key viewpoints, and to remove the requirement for this plan to be based on the DSLP.
- Vary condition 3.2.23 to change the timescales for the submission of the DSCP from six months prior to the implementation of compensatory measures to six months prior to the commencement of the development. Additionally to permit

rotation of turbine blade for testing prior to the Scottish Ministers concluding that the success criteria of the compensatory measures have been met.

The Company has also requested to vary the marine licence for the offshore transmission to landfall infrastructure (“OfTI ML”) to:

- Alter the construction materials listed to permit:
- increase the maximum weight of the offshore substation platform (“OSP”);
 - increase the maximum OSP topside length and width;
 - increase the number of piles per foundation, pile diameter, seabed penetration depth, scour protection area and volume per foundation;
 - Vary condition 3.2.8 to remove the requirement for representative wind farm visualisations from key viewpoints, and to remove the requirement for this plan to be based on the DSLP.
 - Vary condition 3.2.23 to change the timescales for the submission of the DSCP from six months prior to the implementation of compensatory measures to six months prior to the commencement of the development. Additionally to permit rotation of turbine blade for testing prior to the Scottish Ministers concluding that the success criteria of the compensatory measures have been met.
 - Increase the maximum hammer driving energy associated with piling the OSP foundation to 3500 kilojoules.
 - Decrease the maximum number of blows per minute to 40 and maximum number of blows per pile to 8406.

The Company has not proposed to make any variations to its marine licence for two export cables from the wind farm array area to Buzzard oil and gas platform complex.

In addition, in support of the Variation Application the Company submitted on 16th March 2026 a derogation assessment addendum (“the Derogation Assessment Addendum”) providing a project update in relation to the Existing Derogation Assessment.

3 Conclusion of the AA validation:

The AA Validation concluded the Existing AA remains valid in its conclusion of no AEOSI on the Moray Firth SAC, Calf of Eday SPA, Cape Wrath SPA, Copinsay SPA, Coquet Island SPA, Fair Isle SPA, Farne Islands SPA, Fetlar SPA, Flamborough and Filey Coast SPA, Foula SPA, Handa SPA, Hermaness, Saxa Vord and Valla Field SPA, Hoy SPA, Marwick Head SPA, North Caithness Cliffs SPA, North Rona and Sula Sgeir SPA, Noss SPA, Rousay SPA, St Abb’s Head to Fast Castle SPA, St Kilda SPA, Sule Skerry and Sule Stack SPA, Sumburgh Head SPA and West Westray SPA, either alone or in combination with other plans and projects provided the conditions listed in the Existing AA remains adhered to.

The AA Validation also considered that the Variation Application will not give rise to any additional impacts on European sites or features beyond those identified in the

Existing AA. The AA Validation concluded that the Existing AA remains valid in its conclusion that Scottish Ministers are unable to conclude beyond reasonable scientific doubt that there would be no adverse effect on the following features of the following designated sites in combination with other projects:

- Kittiwake at Buchan Ness to Collieston Coast SPA;
- Kittiwake, razorbill and guillemot at East Caithness Cliffs SPA;
- Gannet at Forth Islands SPA;
- Kittiwake at Fowlsheugh SPA;
- Kittiwake at Troup, Pennan and Lion's Heads SPA;
- Guillemot at Fowlsheugh SPA; and
- Puffin at Forth Islands SPA.

4 Review of the Derogation Project Objectives:

The Scottish Ministers identified within the Existing Derogation Assessment the following objectives of the Project before considering how these objectives could be met by alternative solutions with a lesser impact on the UK Site Network (paragraph 2.9):-

- To generate low carbon electricity from offshore wind farms in support of the decarbonisation of the Scottish electricity supply;
- To export electricity to the Scottish electricity grid to support Scottish commitments for offshore wind generation and security of supply;
- To contribute to the delivery of a significant volume of offshore wind in Scottish waters in the 2020s;
- To generate and deliver low carbon electricity from offshore wind farms in support of the decarbonisation of Oil and Gas infrastructure operations in Scottish waters;
- To optimise generation and export capacity within the constraints of available Scottish sites and onshore transmission infrastructure.

In section 3 of its Derogation Assessment Addendum, the Company considered that these objectives are still valid. The Company confirmed its intention to deliver electricity as early as possible and by 2029 in alignment with the objectives.

In relation to objective iv., the Company previously confirmed that Heads of Terms had been secured with the relevant Oil & Gas operator for the Buzzard oil and gas platform complex. Since then the Scottish Ministers are aware of news articles indicating that electrification is not currently an investible solution for that Oil and Gas operator. However as part of the Derogation Assessment Addendum the Company has reiterated its commitment to maintaining the objective and confirmed it remains in active discussions with potential partners in this regard. This has been confirmed by CES which has been monitoring the Company's efforts in this regard, in fulfilment of CES' requirement that the Company pursues best endeavours to secure connection agreements with Oil and Gas operators.

The Scottish Ministers have considered the following updates to Scottish and UK policy frameworks since the Existing Derogation Assessment was completed: Update to the

2020 Offshore Wind Policy Statement: Scotland's Offshore Wind Ambition (2026) ("Updated OWPS"); and updates to the UK Government's Overarching National Policy Statement for energy ("EN-1") and National Policy Statement for renewable energy infrastructure ("EN-3") published in January 2026.

The Scottish Ministers have also given consideration of the Company's obligation contained in its exclusivity agreement with the Crown Estate Scotland to make 'best endeavours' to connect with oil and gas infrastructure.

The Scottish Ministers have considered the Derogation Assessment Addendum together with the relevant updated Scottish and UK policy frameworks and consider that each of the above objectives detailed are still the appropriate and primary objectives of the Project. The Scottish Ministers consider that the Variation Application does not alter the outcome of the Existing Derogation Assessment and are satisfied that the objectives remain valid.

5 Review of Alternative Solutions:

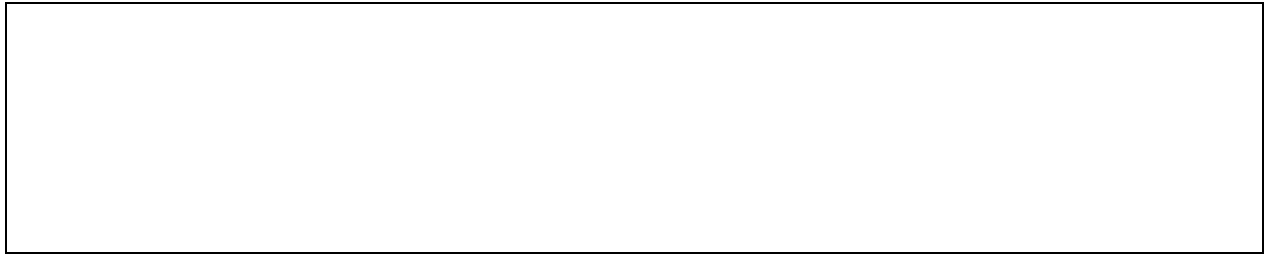
The Scottish Ministers have reviewed the alternative solutions detailed in the Existing Derogation Assessment (Section 4) and consider that these remain appropriate. In particular the Scottish Ministers have considered the ability for the Project to deliver on each of the objectives in being operational within the 2020s.

The Scottish Ministers note that with regard to alternative locations within the exclusivity agreement area, the location for the Project has been surveyed, assessed and has an Existing Consent. An alternative location within the exclusivity agreement area at this stage would require reassessment and a new s.36 consent and marine licences. The Scottish Ministers do not consider this to be an alternative viable option with regard to the meeting of Project objectives, specifically the need to contribute to the delivery of a significant volume of offshore wind in Scottish waters in the 2020s.

The Scottish Ministers note that the Variation Application includes amendments to the Project design however as detailed in section 3.2 of its Derogation Assessment Addendum, these changes do not affect the Project total capacity which remains at 560 MW. In addition, the Scottish Ministers note that the AA validation confirms the Variation Application does not increase the level of impact.

In addition, the Scottish Ministers have considered the Updated OWPS which reset Scottish Government's policy ambition to up to 40GW of new offshore wind capacity by 2040. This is in addition to the already operational or consented capacity, which includes the Project and the Existing Consent. The Updated OWPS strengthens the previous position that the Scottish Ministers do not consider other Innovation and Targeted Oil and Gas Decarbonisation ("INTOG") or ScotWind developments to be alternatives to the Project.

The Scottish Ministers consider that the Variation Application does not alter the conclusion of the Existing Derogation Assessment (section 4.4.1) that there are no less damaging alternatives to the Project that would satisfy the objectives and be technically, legally and financially viable. The Scottish Ministers therefore conclude that alternative solutions are not available and IROPI must be considered.



6 Review of Imperative Reasons of Overriding Public Interest (“IROPI”):

In section 4 of its Derogation Assessment Addendum, the Company reviewed the Updated OWPS, and updates to EN-1 and EN-3, noting that each strengthens Scotland’s commitment to the delivery of offshore wind.

In line with the Existing Derogation Assessment, the Company noted that EN-1 continues to recognise offshore wind (including floating wind) as critical national priority (“CNP”) infrastructure which is needed for the Clean Power 2030 Mission, energy security and net zero benefits (EN-1 para 3.360 – 3.364). EN-1 (as updated) also continues to recognise that energy security and decarbonising the power sector to combat climate change remains “capable of amounting to IROPI for HRAs [habitat regulation appraisals],” (EN-1 para 4.2.34). In terms of updates to EN-3, the Company further noted that offshore wind projects greater than 100MW continue to be considered as nationally significant infrastructure projects of CNP for the purpose of both national policy statements, as recognised within the Existing Derogation Assessment.

In section 4 of its Derogation Assessment Addendum, the Company further considered the replacement of annual greenhouse gas reduction targets set out in the Climate Change (Scotland) Act 2009, to new targets listed in the Climate Change (Emissions Reduction Targets)(Scotland) Act 2024.

The Scottish Ministers have reviewed the policy documents included in the Existing Derogation Assessment and consider that these remain relevant in establishing the critical role for offshore wind in the delivery of Scottish and UK net zero targets. In addition to these policy documents, however, the Scottish Ministers have considered the following additional Scottish and UK policy documents:

Updated OWPS

The Updated OWPS resets Scottish Government’s offshore wind policy ambition to up to 40GW of new offshore wind capacity by 2040. This is in addition to the already operational or consented capacity, which includes the Project and the Existing Consent. The updated ambition supports key strategic benefits including energy security, economic growth, just transition, climate action and reaffirms it’s commitment to supporting the delivery of the existing project pipeline, including ScotWind and INTOG projects. In addition, the Updated OWPS highlights the importance of developing floating offshore wind.

The Climate Change Committee’s (“CCC”) Progress in reducing emissions in Scotland - Report to Parliament (2025)

In its most recent report monitoring Scotland’s progress in reducing greenhouse gas emissions the CCC recognises that the positive progress is attributable to the rapid



scale-up of wind and solar electricity generation (p.9). Within its consideration of Scotland's energy supply, the CCC notes that the deployment of offshore wind in Scotland is progressing with deployment in 2024 at around 1.1 GW comprising more than half of the UK's offshore wind capacity (p.77). The report further highlights the Updated OWPs and its target of 40 GW by 2040, which would require the annual average deployment rate in Scotland to more than double from capacity reached in 2023 and 2024 (p.77).

UK Government Policy

The CCC's Progress in reducing emissions - Report to Parliament (2024 and 2025)

In its consideration of electricity supply within its progress reports on net zero, the CCC has emphasised the need to ensure that decarbonisation ambitions are delivered through the rapid scale up of low carbon electricity supply and its supporting infrastructure. As regards the deployment of renewable energy, the 2024 CCC report recognised that installation rates of offshore wind remain off track due to low levels of deployment in 2023, which present a continued risk to achievement of UK government renewables targets. It provided that achieving at least 50 GW by 2030 will now require more than 5 GW of offshore wind to be added on average each year. In its most recent 2025 report, the CCC highlighted that to achieve the ambitions of Clean Power 2030, total operational capacity of renewables will need to more than double by 2030, requiring a tripling in annual installations of both offshore and onshore wind (p.15). The CCC noted that the roll-out of offshore wind operational capacity is on track based on the project pipeline, which is anticipated to bring 31 GW of total capacity by 2029, however, achieving the lower end of the Clean Power 2030 ambitions will require an additional 4.5 GW on average each year (p.60).

Clean Power 2030

Clean Power 2030 sets in place an action plan to deliver 43-50 GW of offshore wind capacity across Great Britain in order to achieve a 95% clean energy system by 2030. The Scottish Government is committed to working closely with the UK Government on shared ambitions to decarbonise energy generation and drive progress towards net zero. To meet the Clean Power 2030 target, the action plan comprises a number of projects in receipt of a UK Government Contract for Difference ("CfD"), including the Project. This recognises the important role projects in Scotland will play and emphasises the need to capitalise on projects that are already in the planning system and able to commence construction before 2030.

The Scottish Ministers have considered the IROPI demonstrated in the Existing Derogation Assessment together with the updates provided above. In particular the Scottish Ministers have placed considerable weight on the potential for the Project to become operational by 2029, a timeframe for which there is a limited pipeline of projects that can meet this objective. The Project has an Existing Consent and has since become the first commercial sized floating offshore wind farm to be awarded CfD funding. The Scottish Ministers consider it is in the public's interest to maximise the operational offshore wind capacity by 2030, which means all viable projects are necessary and urgent. The Scottish Ministers also note that the public interest inherent in tackling the climate crisis is also served by the fact that mitigation of the climate crisis will, to an extent, alleviate the nature crisis, given that many of the pressures exerted by the nature crisis emanate from the climate crisis.

On the basis of the Existing Derogation Assessment (together with the updates provided above) and given the established lack of alternative solutions, the Scottish Ministers consider that the Project will serve the national public interest through its urgent and valuable contribution of generating and delivering low carbon electricity in the 2020s in support of decarbonisation of the Scottish electricity supply and O&G infrastructure operations in Scotland.

The Scottish Ministers consider that the Variation Application does not alter the conclusion of overriding public interest within the Existing Derogation Assessment (section 8.1) and are satisfied that the reasons for IROPI for the Project remain valid, subject to adequate compensatory measures being implemented.

7 Compensatory Measures

As part of the Existing Derogation Assessment the Scottish Ministers considered it appropriate to include a suspensive condition on the section 36 consent and marine licences requiring the Company to submit for approval by the Scottish Ministers a detailed seabird compensation plan. The Scottish Ministers considered this necessary to ensure that satisfactory and sufficient compensatory measures are approved before the commencement of the Project.

With regard to the Variation Application, the predicted level of impacts on the sites and species identified in the Existing AA as updated by the AA Validation remain unchanged. Further, the Company has not proposed any new or additional compensatory measures to those which were previously considered as part of the Existing Derogation Assessment.

The Company has however proposed amendments to the DSCP as detailed in section 1 above. The Scottish Ministers have considered these amendments and determined that these are not appropriate and therefore the DSCP from the Existing Derogation Assessment will remain unchanged.

Kerry Bell	Assessor/Approver	18 March 2026
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