

## Decision

# Decision on Green Volt Offshore Windfarm Limited's application for the Authority's consent to exercise its statutory rights of entry on land

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Contact: Aliasgar Abdulali

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Team: Offshore Coordination

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Email: [Offshore.Coordination@ofgem.gov.uk](mailto:Offshore.Coordination@ofgem.gov.uk)

Ofgem consulted on Green Volt Offshore Windfarm Limited's application for the Authority's consent to exercise its statutory rights of entry under paragraph 10 of Schedule 4 of the Electricity Act 1989 for the purposes set out in, and in accordance with, Standard Licence Condition 15(4) of the electricity generation licence.

Having reviewed the obtained responses, we have decided to proceed with the Authority's minded-to position to grant consent to the applicant to exercise those powers granted under the Electricity Act 1989, contingent upon the purpose of the land use being that stated in the Standard Licence Condition 15(4) and adherence to the statutory obligations under Paragraph 10 of Schedule 4 of the Electricity Act 1989.

Green Volt Offshore Windfarm Limited hereby has the Authority's consent to exercise its statutory rights of entry on the farm and lands of Newseat, Inverugie, Peterhead. This right to enter is to allow the completion of surveying works as detailed in its application sent to Ofgem.

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## **Decision on Green Volt Offshore Windfarm Limited’s application for the Authority’s consent to exercise its statutory rights of entry on land**

### **1. Introduction**

- 1.1 Paragraph 10 of Schedule 4 to the Electricity Act 1989 (“the Act”) allows authorised persons to enter and survey land for the purpose of ascertaining whether the land would be suitable for use for any purpose connected with the carrying on of activities that the licence holder is authorised by their licence to carry on. Schedule 4, paragraphs 10(2) to 10(6) of the Act set out the conditions that apply to these rights of entry.
- 1.2 The Standard Licence Conditions (“SLCs”) of the electricity generation licence outline the rules and obligations Ofgem expects generators to operate under to ensure that the power system runs safely and reliably, the wholesale market settles fairly, and consumers are protected. SLC 15(4) of the that licence states:  
*“Paragraph 10 of Schedule 4 to the Act shall apply to the licensee if it obtains the consent of the Authority before exercising its rights of entry on land under that paragraph for the purpose of ascertaining whether the land would be suitable for:*
  - a) *the construction or extension of a generating station; or*
  - b) *the installation, inspection, maintenance, adjustment, repair, alteration, replacement or removal of the electric lines specified in paragraph 3 above, electrical plant associated with them and any structures for housing or covering such plant, including, for the avoidance of doubt, whether these activities are carried out by the licensee or another licence holder.”*

### **The Application**

- 1.3 Green Volt Offshore Windfarm Limited (“the Licensee”), an electricity generation licence holder, has been conducting planning and surveying work for its planned cable corridor connecting the landfall of its generation, north of Peterhead, to a substation near New Deer.<sup>1</sup> While conducting its surveying along the planned cable corridor, the Licensee was denied access to one of the parcels of land that requires surveying, specifically the farm and lands of Newseat, Inverugie, Peterhead.
- 1.4 The planned works to be conducted on the site consist of excavation of trial pits, drilling of boreholes, associated groundwater monitoring installations and subsequent monitoring. The timeline has been estimated as 2 weeks for intrusive works followed by 3 months of fortnightly monitoring.
- 1.5 Having been denied access, the Licensee contacted Ofgem on 21 August 2025. Pursuant to SLC 15(4) of the electricity generation licence, the Licensee requested the consent of the Authority to exercise its rights of entry under

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<sup>1</sup> [Green Volt Offshore Windfarm Limited - Notice of grant of an electricity generation licence | Ofgem](#)

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paragraph 10 of Schedule 4 to the Act for the purpose of ascertaining whether the land would be suitable for the installation, inspection, maintenance, adjustment, repair, alteration, replacement or removal of underground electric cables (and electrical plant associated with them and any structures for housing such electrical plant) to connect a generation station, Green Volt Offshore Wind Farm, with the national electricity transmission system.

## **Decision-making stages**

- 1.6 Ofgem has previously published a procedure for dealing with requests for the Authority’s consent under SLC 15 of the electricity generation licence.<sup>2</sup> This procedure was used to evaluate this application and to decide upon a minded-to position for public consultation.
- 1.7 A consultation was published seeking stakeholder feedback on the Authority’s minded-to position to grant consent to the Licensee to exercise the right of entry powers to survey the farm and lands of Newseat, Inverugie, Peterhead, under the Act and SLC 15(4) of the electricity generation licence.<sup>3</sup> A timeline for the consultation is outlined below.

**Stage 1** Consultation open: 28 November 2025

**Stage 2** Consultation closes. Deadline for responses: 9 January 2026

**Stage 3** Responses reviewed

**Stage 4** Responses and consultation decision published: 26 January 2026

- 1.8 Following the closure of the consultation, Ofgem reviewed the received responses, assessed the application and responses against the outlined criteria, and finalised the Authority’s position.

## **2. Consultation responses**

- 2.1 At the start of the consultation period, Ofgem contacted the representatives of the parties likely affected by the application by email to notify them of the consultation and the Licensee’s application. The consultation exercise was the opportunity for stakeholders to put forward their views in respect of the Licensee’s application. We received 2 responses to this consultation, which raised several concerns that are discussed below.

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<sup>2</sup> [Update to Ofgem procedure for dealing with requests for Authority consent under SLC15 of the electricity generation licence \(2015\) | Ofgem](#)

<sup>3</sup> [Consultation on Green Volt Offshore Windfarm Limited’s application for the Authority’s consent to exercise its statutory rights of entry on land | Ofgem](#)

## **Responding to concerns presented by Stakeholders**

2.2 When assessing applications of this nature, Ofgem is only entitled to consider the following essential criteria:

- Does the applicant hold an electricity generation licence?
- Is access to land required for purposes allowable under the Act and the electricity generation licence?

2.3 **Both responses raised concerns that the Licensee had not met the necessary standard for the Authority to grant rights of entry. The landowner referred to their own experiences with other developers, accounts shared by other landowners who had interacted with the Licensee, as well as the wider experiences of landowners working with developers.**

2.4 The Licensee is a holder of an electricity generation licence granted by Ofgem on 15 March 2023. Furthermore, from the application, consultation responses and our overall review, there is nothing to suggest that the Licensee’s attempt to access the land is for any other purpose but to ascertain whether the land is suitable for the purposes set out in SLC 15(4). We have therefore decided that the Licensee has met these criteria.

2.5 As to the necessary standard of engagement/experience, this is not within the scope of the criteria Ofgem consider when assessing this kind of application. However, we did examine published information detailing possible standards expected of generators.

2.6 To that end, we have reviewed the code of practice titled “Rights over land for electricity infrastructure”.<sup>4</sup> This publication, endorsed by the industry, aims to establish best practices for licence holders and landowners, helping facilitate fair outcomes for all parties. This code is voluntary, setting out what is seen as best practice. It does not override existing legislation, the statutory or other legal rights and obligations of any Party or professional rules and guidance which may apply to any Party.

2.7 From the information provided, it appears that the Licensee’s conduct is in line with this best practice guidance. Though this doesn’t affect the outcome of our determination, it was considered as part of the wider narrative supporting this document.

2.8 **The landowner believes that there has been insufficient direct engagement between the Licensee and the landowner during the design stage of the cable corridor pre-planning consent.**

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<sup>4</sup> [Rights over land for electricity infrastructure - Code of Practice | Central Association of Agricultural Valuers \(CAAV\)](#)

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2.9 Ofgem does not have regulatory oversight of the pre-planning or planning consent processes that developers are required to undertake. In this instance, the process was overseen by the Aberdeenshire Council Planning Authority, operating under the Town and Country Planning (Scotland) Act 1997.

2.10 The extent of engagement between Licensees and landowners during the pre-planning or planning consent process is not relevant for the process of determining whether to grant the Licensee consent to exercise its right of entry under the Act and therefore does not influence our decision-making process. Nonetheless, we have taken care to understand the engagement process in detail to ensure our assessment of the case is as comprehensive as possible.

2.11 Obtaining planning consent necessitates active engagement with both the local authority and the wider community. On 2 December 2022, the Licensee submitted a Proposal of Application Notice, which informed Aberdeenshire Council of its intention to submit a national application for the proposed underground cable route corridor. This notice was duly accepted by the Council on 12 January 2023.

2.12 Following acceptance, public consultations were organised and widely advertised. Between 23 January 2023 and 2 March 2023, the developer held 2 online and 4 in-person consultation sessions. During these events, the proposed cable corridor was presented to attendees, who were invited to provide feedback. The landowner confirmed their attendance of one of events. The developer received a total of 31 responses from these consultations. At this stage, the landowner thoughts on the proposed cable corridor would have been taken into consideration by the Licensee, and potentially actioned.<sup>5</sup>

**2.13 The landowner is concerned that the proposed cable corridor survey area may be contaminated. While the land currently remains untouched and poses no financial risk, permitting a survey could result in the landowner becoming financially responsible without a commercial agreement in place.**

2.14 This concern is outside the scope of the criteria Ofgem is entitled to consider when assessing the application.

2.15 That said, Ofgem acknowledges the landowner’s concerns regarding potential financial risks associated with granting access for surveying and notes that paragraph 11 of Schedule 4 to the Act states:

*“Where in the exercise of any power conferred by or under paragraph 9 or 10 above any damage is caused to land or to moveables, any person interested in the land or moveables may recover compensation in respect of that damage from the licence holder on whose behalf the power is exercised; and where in consequence of the exercise of such a power a person is disturbed in his*

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<sup>5</sup> [Green Volt Pre-Application Consultation Report - Onshore EIA report | Green Volt](#)

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*enjoyment of any land or moveables he may recover from that licence holder compensation in respect of that disturbance.”*

**2.16 The Landowner presented concerns that the current route will be detrimental to agricultural production and may sterilise the land for future developments.**

2.17 This concern is also outside the scope of the criteria Ofgem is entitled to consider when assessing the application.

2.18 Granting the Licensee consent to exercise its rights of entry onto the land is intended solely to assess whether the property is suitable for the purposes outlined in SLC 15(4).

2.19 We note that permitting the Licensee to conduct surveys does not commit the landowner to any subsequent development or commercial agreements. Should the land prove suitable, the landowner retains the opportunity to negotiate an arrangement with the Licensee that reflects the land’s value.

### **3. The Authority’s decision**

3.1 After considering all relevant material, including the Licensee’s application with supporting evidence, the responses from our consultation and Ofgem’s statutory duties, we will be proceeding with the Authority’s minded-to position to grant consent to the Licensee to exercise the right of entry powers granted under paragraph 10 of Schedule 4 of the Act for the purposes stated in SLC 15(4).

3.2 This consent is contingent on the entry being to complete the works highlighted in its application, allowable under SLC 15(4) and the Licensee’s adherence to its statutory obligations under Paragraph 10 of Schedule 4 of the Act. These include, but are not limited to, providing the occupier 14 days’ notice of the intended entry, authorised individuals producing evidence of their authority if required and the Licensee making good any damage done to the land by individuals granted authority.

3.3 Please contact Aliasgar Abdulali at [Offshore.Coordination@ofgem.gov.uk](mailto:Offshore.Coordination@ofgem.gov.uk) if you have any queries in relation to the information presented in this letter.

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## Send us your feedback

We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this decision. We would also like to get your answers to these questions:

- Do you have any comments about the quality of this document?
- Do you have any comments about its tone and content?
- Was it easy to read and understand? Or could it have been better written?
- Are its conclusions balanced?
- Did it make reasoned recommendations?
- Do you have any further comments?

Please send your feedback to [stakeholders@ofgem.gov.uk](mailto:stakeholders@ofgem.gov.uk).