



Department
for Environment,
Food & Rural Affairs

Dr. Anne Westwood
Development Manager for Vanguard West, East & Boreas
RWE Renewables UK

Date: 23 June 2025

Dear Anne,

Application for a Non-material Change (Enabling financial contributions for benthic compensation to the Marine Recovery Fund)

Thank you for the opportunity to comment on your Non-material Change application. As you know, the aims of the Offshore Wind Environmental Improvement Package are to speed up the consenting process while protecting our natural environment, without changing existing roles within the consenting process.

To this end, we have limited our feedback in a number of ways and want to provide the following caveats:


- i. We have limited our feedback solely to the proposed DCO revisions in Part 3 of schedule 19, which relates to the Marine Recovery Fund;
- ii. Our comments are suggestions only, intended to ensure accuracy in terms of alignment with the operating model of the upcoming Marine Recovery Fund – the ultimate responsibility to assess the application remains with DESNZ. We are in no way expressing any view on the appropriateness of the Non-material Change application, or project, more generally;
- iii. Our comments are based on our current planning for how the Marine Recovery Fund will operate. As you know, we have just finished consulting on a proposed operating model and are in the process of analysing responses and taking final operational decisions. As the Statutory Instrument has not yet been laid, the way the Marine Recovery Fund operates could change in the time between the writing of this letter and the Fund becoming operational. The below is also subject to DEZNZ procedures in respect of drafting and we can work with them on this as the MRF policy develops.

With all of this in mind, we would recommend that the following changes are made to Part 3 of Schedule 19:

- Paragraph 23 – the drafting should allow for an application to use the Marine Recovery fund, or to DESNZ, depending on the timing of the NMC application.
- Paragraph 35 – substitution of the word ‘contribution’ for ‘application’.
- Paragraph 36 – alteration, proposed wording: ‘The application to the Marine Recovery Fund under paragraph 35 will set out:’
- Paragraph 36 (b) – removal of word ‘equivalent’.
- Paragraph 37 – alteration, proposed wording: ‘Subject to any further conditions imposed by the Secretary of State, where the undertaker has confirmed that it will enter into a contract with the Marine Recovery Fund there must be no cable installation works within the HHW SAC unless and until—’
- Paragraph 37 (b) – alteration, suggested merging of sub-section (b) and (c), proposed wording: ‘the agreed contribution to the Marine Recovery Fund has been paid in full or in part as per the terms of the contract.’
- Paragraph 38 (b) – decisions as to when obligations are to be discharged are for DESNZ Secretary of State.

We would also comment that the drafting in the proposed application implies a role for the Marine Recovery Fund operator in determining the exact amount of remaining compensation required to be delivered through the Marine Recovery Fund – this is for DESNZ to decide. We would recommend that this is made clearer throughout.

Yours sincerely,



Co-Head of Strategic Compensation | Offshore Wind Enabling Actions Programme |
Marine & Fisheries

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