



**BY EMAIL ONLY**

Department for Energy Security & Net Zero  
3-8 Whitehall Place  
London  
SW1A 2AW

(copy to the Planning Inspectorate)

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15/09/2025

**The Proposed Non-Material Change Application Concerning Benthic Compensation Relating to the Norfolk Vanguard Offshore Wind Farm Order 2022 (the Order)**

Dear Sebbie,

An application for a Non-Material Change was submitted on 13 May 2025 to align the wording of Schedule 17 (Compensation to protect the coherence of the national site network), Part 3 (Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection) of the Order with the provisions already approved in the Benthic Monitoring and Implementation Plan (**BIMP**). This would allow payment(s) to be made into the Marine Recovery Fund (**MRF**) as an adaptive management measure for the provision of benthic compensation in respect of the HHW SAC (the **Application**). Following submission of the Application, the Applicant has continued to engage with stakeholders regarding the details of how it is expected that the MRF will operate.

Having regard to Defra's consultation response to the Application, dated 23 June 2025, and in light of the emerging details relating to the operation of the MRF, the Applicant is writing to request some minor changes to the draft Amendment Order. It should be noted that these do not alter the substance of the Application and are being requested in direct response to consultation and engagement on the Application. Enclosed with this letter is an updated extract of Part 3 to Schedule 17 with the proposed minor amendments, along with an updated draft Amendment Order that would give effect to the Non Material Change sought, as revised by the further minor amendments proposed in this letter.

In respect of changes proposed as a result of the emerging details relating to operation of the MRF, these can be seen in the extract enclosed at paragraphs 37 and 38. These paragraphs deal with the circumstances in which the undertaker's liability under Part 3 of Schedule 17 will be discharged.

By way of explanation, the previous drafting of the Application specified that, if a contribution to the MRF is made, the undertaker's liability under the Order would be discharged on payment of the

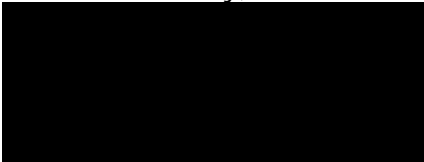
contribution to the MRF. At the time the Application was drafted, it was envisaged that the MRF contribution would either be made either as a single, one-off payment or as instalments under a payment plan which was expected to be short-term in duration. Following further engagement with stakeholders, the Applicant understands there is now a possibility that the MRF contribution for benthic habitat impacts in particular, may take the form of annual payments for the lifetime of the wind farm project.

The further amendments proposed clarify that the undertaker's obligation under Part 3 of Schedule 17 to the Order would cease upon entry into the MRF agreement (as opposed to following the payment of the contribution, which as noted above, could in the case of benthic compensation endure for the operational lifetime of the project). The Applicant considers that the amended wording enclosed would better align with the government's intentions for how the MRF will operate in practice and would better reflect the transfer of responsibility to the MRF operator for delivery of the strategic compensation once an MRF agreement is entered into. Further, to the extent required, the MRF agreement would be the appropriate mechanism to enforce the terms of that agreement, rather than by way of enforcement under Part 3 of Schedule 17 to the Order.

We would be grateful if you could acknowledge safe receipt of this letter and its enclosures.

If you have any questions or require clarification on the content of this letter or accompanying information, please do not hesitate to contact us.

Yours sincerely,



**Dr Anne Westwood**

Development Manager for Vanguard West, East & Boreas  
RWE Renewables UK

Norfolk Vanguard West Limited and Norfolk Vanguard East Limited

Enclosures:

1. The draft Amendment Order and confirmation of validation; and
2. An extract of Schedule 17, Part 3 with further amendments shown in clean and track change versions.