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Dear Lindsey

**Request for variation to the Walney Extension DMLs  
(generator assets and transmission assets)**

16<sup>th</sup> March 2015

**1. Minor correctable errors – generator and transmission assets dMLs**

We refer to the Secretary of State's decision letter dated 7 November 2014 and the Walney Extension Offshore Wind Farm Order 2014 (the "**Order**") that was made on the same date. DONG Energy Walney Extension (UK) Limited was the applicant for, and is the "undertaker" referred to in, the Order.

We have undertaken a review of the Order and have identified errors and omissions in it, which we consider to be correctable errors as defined in Schedule 4 of the Act. DECC has advised us that any correctable errors relating to Schedules 9 and 10 (the dMLs for the generator and transmission assets respectively) should be addressed through requesting a variation to the dMLs from the MMO.

We therefore request a variation to both dMLs, as per the amendments identified in Table 1.

**2. Transmission assets dML condition 9**

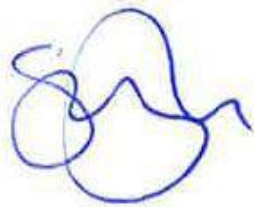
We also request the following amendment (additional text shown in bold) to Condition 9 of the transmission assets dML. Justification to support this request is provided in the attached position paper.

*"Seasonal restrictions in respect of fish spawning*  
9 (1) The undertaker must ensure that no percussive piling activity **for the purposes of the installation of monopile foundations** takes place during the cod spawning period from 15 February to 31 March (inclusive) of any year.

*(2) The undertaker must ensure that no percussive piling activity **for the purposes of the installation of monopile foundations** takes place during the herring spawning period from 15 September to 15 November (inclusive) for any year, within such areas as agreed with the MMO prior to the commencement of construction. The undertaker must provide to the MMO the results of noise modelling prepared to an agreed methodology to inform the selection of such areas **only in so far as it relates to the installation of monopile foundations.***”

Please do not hesitate to contact me should you have any queries in relation to either the contents of this letter or the attached schedule.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Sally Holroyd', with a stylized, cursive style.

Sally Holroyd

Project Consents Manager  
Walney Extension Offshore Wind Farm  
DONG Energy Walney Extension (UK) Limited

**Table 1 Walney Extension Offshore Wind Farm Order 2014; Schedules 9 and 10 – minor correctable errors**

Order provision	Current wording	Requested change	Reasoning for correction
General comment	<i>"Regulations"</i>	<i>"regulations"</i>	We note the use of a capitalised term for "Regulations" throughout the Order. This is not a defined term and therefore request that the Secretary of State consider whether this should be reverted back to lower case.
Schedule 9, Part 1, Paragraph 1, Definition of Work No. 2(a).	<i>means up to three offshore substation platforms fixed to the seabed within the Order limits seaward of MHWS by one of two foundation types, namely monopile foundation or jacket structure (in conjunction with suction caissons or steel piles);</i>	<i>means up to three offshore substation platforms fixed to the seabed within the Order limits seaward of MHWS by one of two foundation types, namely <b>monopile</b> foundation or jacket structure (in conjunction with suction caissons or steel piles);</i>	Amendment required to correct the misspelling of monopile.
Schedule 9, Part 2, Condition 11(1)	<i>The licences activities shall not commence until the following have been submitted to and approved by the MMO and, in relation to paragraphs (a) to (g) inclusively and paragraphs (j) and (k), following consultation with Natural England. Each programme, statement, plan, protocol, scheme or other detail required to be approved under this</i>	<i>The licences activities shall not commence until the following have been submitted to and approved by the MMO and, in relation to paragraphs (a) to (g) inclusively and paragraphs (j) and (k), following consultation with Natural England. <del>Each programme, statement, plan, protocol, scheme or other detail required to be approved under this</del></i>	The suggested deletion is to remove repetition. The same wording is repeated at the end of condition 11(1). This amendment would also achieve consistency with the corresponding condition in Schedule 10, condition 10(1).

Order provision	Current wording	Requested change	Reasoning for correction
	<p><i>condition must be submitted to the MMO for approval at least four months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO.</i></p>	<p><del><i>condition must be submitted to the MMO for approval at least four months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO.</i></del></p>	
<p>Schedule 9, Part 2, Condition 9</p>	<p><i>If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised substances and/or articles within or outside of the Order limits seaward of MHWS because the safety of human life and/or of the vessel is threatened full details of the circumstances of the deposit must be notified to the MMO within 48 hours, and the undertaker must...</i></p>	<p><i>If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit <del>the</del> authorised substances and/or articles within or outside of the Order limits seaward of MHWS because the safety of human life and/or of the vessel is threatened full details of the circumstances of the deposit must be notified to the MMO within 48 hours, and the undertaker must...</i></p>	<p>There is no definition of "authorised substances", although "authorised deposits" is defined.</p> <p>This condition is intended to address the deposit of <u>any</u> substances or materials, not just those constituting "authorised deposits", which may be on board a vessel and deposited under circumstances constituting force majeure.</p>
<p>Schedule 10, Part 1, Paragraph 2(2), Work No. 2(a)</p>	<p><i>up to three offshore substation platforms fixed to the seabed within the Order limits seaward of MHWS by one of two foundation types, namely monopole foundation or jacket structure (in conjunction with suction caissons or steel piles);</i></p>	<p><i>up to three offshore substation platforms fixed to the seabed within the Order limits seaward of MHWS by one of two foundation types, namely <b>monopile</b> foundation or jacket structure (in conjunction with suction caissons or steel piles);</i></p>	<p>Amendment required to correct the misspelling of monopile.</p>

Order provision	Current wording	Requested change	Reasoning for correction
Schedule 10, Part 2, New Condition 1(6)		<b><i>The total number of monopile foundations forming part of the authorised development shall not exceed 207 and no monopile foundation for use with any wind turbine generator or offshore substation forming part of the authorised development shall have a diameter greater than 9 metres.</i></b>	This correction is to include additional wording which was agreed between the applicant and the MMO in the Statement of Common Ground dated 5 August 2014. It was to be included as a new Condition 1(6) in Schedule 10, Part 2.  Paragraph 48 of the Decision Letter states that all of the proposed amendments have been incorporated into the DCO.
Schedule 10, Part 2, Condition 7	<i>If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised substances and/or articles within or outside of the Order limits seaward of MHWS because the safety of human life and/or of the vessel is threatened full details of the circumstances of the deposit must be notified to the MMO within 48 hours, and the undertaker must...</i>	<i>If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit <del>the authorised</del> substances and/or articles within or outside of the Order limits seaward of MHWS because the safety of human life and/or of the vessel is threatened full details of the circumstances of the deposit must be notified to the MMO within 48 hours, and the undertaker must...</i>	There is no definition of "authorised substances", although "authorised deposits" is defined.  This condition is intended to address the deposit of any substances or materials, not just those constituting "authorised deposits", which may be on board a vessel and deposited under circumstances constituting force majeure.
Schedule 12, Part 3, paragraph 9(b), final sentence	<i>By reason or in consequence of any such damage or interruption.</i>	<del><i>By reason or in consequence of any such damage or interruption.</i></del>	This sentence is a duplication of the previous sentence.

Order provision	Current wording	Requested change	Reasoning for correction
Explanatory Note, Paragraph 2, final sentence	<i>The deemed marine licences impose conditions in connection with the deposits and works for which they grants consent.</i>	<i>The deemed marine licences impose conditions in connection with the deposits and works for which they grants consent.</i>	This is a minor typographical error.

