

**Eversheds Sutherland
(International) LLP**
Water Court
116-118 Canal Street
Nottingham
NG1 7HF
United Kingdom

T: +44 20 7497 9797
F: +44 20 7919 4919
DX 10031 Nottingham

eversheds-sutherland.com

Department of Energy Security and Net Zero
1 Victoria Street
London
SW1H 0ET

Date: 20 December 2023
Our Ref: MUTTONKZ\344663-000003
Direct: [REDACTED]
Email: [REDACTED]

For the attention of The Rt Hon Claire Coutinho MP,
Secretary of State for Energy Security and Net Zero

By E-Mail care of Planning Inspectorate:
aquind@planninginspectorate.gov.uk
Rampion2@planninginspectorate.gov.uk

Dear Madam

**Interface between Rampion 2 and Aquind Interconnector Proposals
Planning Inspectorate references EN010117 and EN020022**

We have been provided with a copy of a letter from Herbert Smith Freehills LLP sent to the Department of Energy Security and Net Zero dated 8 December in connection with the application made by our client Rampion Extension Development Limited ("REDL") for a development consent order ("DCO") for the Rampion 2 Offshore Wind Farm ("Rampion 2"). Herbert Smith Freehills LLP act for Aquind Limited ("Aquind") who have applied for a DCO for the Aquind Interconnector.

Our client had written to the Department to request that provision be made in the programme for determination of Aquind's application for protective provisions to be included in the DCO if granted, for the protection of the Rampion 2 project. This is considered necessary on the basis that the proposed order limits for the Aquind Interconnector overlap with those proposed for Rampion 2. No Order has yet been made for either project and, if both are granted, it is not clear which project will proceed to construction first, nor whether the construction phases for each project will overlap. Consequently, we consider that mutually reciprocal provisions must be included in each Order (if made) so that the interface between the two projects is controlled through the instrument authorising each project.

The most recent letter from Herbert Smith Freehills LLP suggests that it is unnecessary for protective provisions to be included in the Aquind DCO and instead that provisions requiring joint working arrangements can be included in the Rampion 2 DCO only. Whilst we do not disagree that the terms of a DCO must be complied with by all relevant persons, protective provisions in one DCO cannot operate as if to vary the terms of another, previously made order. The most appropriate approach where two projects are yet to be constructed is for protections to be provided for the other on a reciprocal basis. In this context we would draw your attention to the DCOs granted for both Norfolk Vanguard and the Hornsea Three Offshore Wind Farms; each order included protective provisions for the benefit of the other requiring (inter alia) approval of the other for the carrying out of specified works, and notice of the intended commencement and completion of specified works.

Our client is engaging with Aquind, with the intention of reaching agreement as to the interface between the two projects outside the formal determination process. However, unless and until an agreed position is reached REDL maintains its request for provision to be made in the programme for determination of the Aquind DCO for protective provisions to be submitted for inclusion on the face of that Order to manage the interface between the two projects.

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Yours faithfully

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