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Our ref  
18857/31049436

Date  
08 December 2023

By email and by post

Dear Ms Coutinho

### **AQUIND Interconnector DCO and interface with Rampion 2 Proposals**

We are writing to you on behalf of our client AQUIND Limited ("**AQUIND**") who are the promoter of the AQUIND Interconnector Development Consent Order, which is currently being re-determined by you.

We have been made aware that the promoter of the Rampion 2 Offshore Wind Farm, Rampion Extension Development Limited ("**RED**"), has written to your office identifying a potential need for protective provisions to be included within the AQUIND Interconnector DCO, in relation to the potential interface between the two projects. This correspondence has been issued further to our client's relevant representation that was submitted in connection with the Rampion 2 Offshore Wind Farm DCO on 6 November 2023, following the acceptance of the application for that DCO for examination on 7 September 2023.

Contrary to the submissions of RED, we confirm that it is not necessary for protective provisions to be included in the AQUIND Interconnector DCO to control the interface between the two projects. Rather, and as is appropriate given the stages of each of the proposals, protective provisions may be included in the Rampion 2 Offshore Wind Farm DCO which require appropriate joint working arrangements by both persons to ensure that each project may be delivered and operated without adversely impacting the other.

As you will be aware, a DCO when made is legislation of general effect and its terms must be complied with by all relevant persons. That would include AQUIND (including any persons with the benefit of the AQUIND Interconnector DCO) in the event provisions are included in the Rampion 2 Offshore Wind Farm DCO which require AQUIND to do or not to do things. The consequences of non-compliance with the terms of a DCO is addressed at section 161 of the Planning Act 2008, and you can therefore have full confidence that where provisions are included in the Rampion 2

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Offshore Wind Farm DCO which relate to and require AQUIND to do matters these will be legally effective, and they will be done.

We confirm that our client is very willing to engage with RED and the examination of the Rampion 2 Offshore Wind Farm DCO, to ensure that provisions which are necessary for the protection of both projects are secured. This is the correct process to be followed where the proposals for the Rampion 2 Offshore Wind Farm are shortly to undergo examination, and so that these matters can be addressed in this forum and considered as appropriate by the Examining Authority.

Should you have any queries in relation to this letter please contact Martyn Jarvis of this firm on [REDACTED] or [REDACTED] [@hsf.com](mailto:[REDACTED]@hsf.com).

Yours faithfully

*Herbert Smith Freehills LLP*

**Herbert Smith Freehills LLP**

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