



HERBERT  
SMITH  
FREEHILLS

The Rt Hon Claire Coutinho MP  
Secretary of State for Energy Security and Net Zero  
Department of Energy Security and Net Zero  
1 Victoria Street  
London  
SW1H 0ET

Herbert Smith Freehills LLP  
Exchange House  
Primrose Street  
London EC2A 2EG

DX28 London Chancery Lane  
E [REDACTED]@hsf.com

Our ref  
18857/31049436

Date  
22 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, in connection with a letter issued to you on behalf of Rampion Extension Development Limited ("**RED**") in relation to the Rampion 2 Offshore Wind Farm dated 20 December 2023. That letter was issued further to previous correspondence regarding the overlap of the Order limits of the two projects.

We confirm our previous submission that it is not necessary for protective provisions to be included in the AQUIND Interconnector DCO to control the interface between the two projects. 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. This is no different to circumstances where a DCO has been made for one project and an application for another overlapping this is then submitted. It is a common occurrence.

Moreover, any protective provisions would relate to joint working arrangements. That would not require any amendment of the terms of the AQUIND Interconnector DCO, where included in any DCO for the Rampion 2 Offshore Wind Farm. Rather, it would be a further layer of statutory control that would need to be complied should the proposals come forward alongside one another. As is acknowledged on behalf RED, any such provisions in any DCO for the Rampion 2 Offshore Wind Farm would need to be complied with by all relevant persons.

We also highlight that the comparison provided relating to the Norfolk Vanguard and the Hornsea Three Offshore Wind Farms is not appropriate in these circumstances. Those projects were both submitted for examination at very similar times to one another, such that examinations were ongoing for each when reciprocal protective provisions were progressed. That it is evidently not the

Herbert Smith Freehills LLP and its subsidiaries and Herbert Smith Freehills, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills.

Herbert Smith Freehills LLP is a limited liability partnership registered in England and Wales with registered number OC310989. It is authorised and regulated by the Solicitors' Regulation Authority of England and Wales. A list of the members and their professional qualifications is open to inspection at the registered office, Exchange House, Primrose Street, London EC2A 2EG. We use the word partner of Herbert Smith Freehills LLP to refer to a member of Herbert Smith Freehills LLP, or an employee or consultant with equivalent standing and qualifications.



case here. The examination for the AQUIND Interconnector DCO closed on 8 March 2021. The examination for the Rampion 2 Offshore Wind Farm will not commence until early next year.

In the present circumstances, and as per our previous submissions, it is appropriate for any protective provisions relating to the two projects to be considered by an Examining Authority in an examination forum. The examination which will be utilised for this is the examination of the Rampion 2 Offshore Wind Farm, which is shortly due to commence. We again confirm on behalf of our client that they are very willing to engage with RED and the examination of the Rampion 2 Offshore Wind Farm DCO, to ensure that protective provisions necessary for the delivery of both projects are secured.

We further highlight, as is detailed in our client's relevant representation on the project, much remains to be confirmed regarding the Rampion 2 Offshore Wind Farm proposals, including regarding the scope of that project and how it is to be delivered. More could possibly have been known about the interface between the two projects and how that may best be managed, but RED chose not to engage with AQUIND on their proposals prior to submission of their application. Moreover, there is a general lack of consideration of the AQUIND Interconnector project in RED's application. These matters now need to be considered and addressed as part of the examination of the Rampion 2 Offshore Wind Farm proposals.

We trust the matter has been clearly stated, and our client looks forward to participating in a constructive manner in the examination for the Rampion 2 Offshore Wind Farm application in due course.

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**

CC [aquind@planninginspectorate.gov.uk](mailto:aquind@planninginspectorate.gov.uk)  
[rampion2@planninginspectorate.gov.uk](mailto:rampion2@planninginspectorate.gov.uk)