



Department for
Energy Security
& Net Zero

Rt Hon Ed Miliband MP
Secretary of State
Department for Energy Security
& Net Zero
55 Whitehall
London
SW1A 2HP

www.gov.uk

To:
AQUIND Limited
The Ministry of Defence

Our ref: EN020022
Your ref: 18857/31049436

8 August 2024

Dear Applicant and the Ministry of Defence

AQUIND Interconnector

1. The Secretary of State is writing further to the letters received on 23 July 2024 and 5 August 2024 from AQUIND Limited (“the Applicant”) and the Ministry of Defence (“MOD”), respectively.

Final Process

2. The Secretary of State would like to clarify the following points.
 - i.) **Taking Instructions** (*Paragraph 2.1.1 of the Applicant’s letter and Paragraph 1 of the MOD’s letter*): The Secretary of State confirms the Applicant’s appointed representative will be able to take instructions from AQUIND Limited prior to viewing confidential material, in the same manner as is provided for in paragraph 5(2)(a) of the Schedule to the Infrastructure Planning (Examination Procedure) Rules 2010 (“IPR”).
 - ii.) **Content of Representations** (*Paragraph 2.1.2 of the Applicant’s letter and Paragraphs 2 and 3 of the MOD’s letter*): The Secretary of State confirms the role of the Applicant’s appointed representative will include making representations on the question of whether the confidential submissions of the MOD (i) raise material planning considerations and (ii) satisfy the tests in section 95A(1) of the Planning Act 2008. In addition, and in the same manner as provided for by paragraph 5(5) of the IPR, the appointed representative will also be able to make applications to the court in relation to any of their functions.
 - iii.) **Appointed Representative** (*Paragraph 2.2 of the Applicant’s letter and Paragraph 4 of the Applicant’s letter*): The Secretary of State agrees with both parties that it would be prudent to make enquiries now as to the availability of potential appointed representatives on behalf of AQUIND Limited. This process has already begun through liaison with the Attorney General’s Office and the Special Advocates’ Support Office.
 - iv.) **Deadlines** (*Paragraph 3.1 of the Applicant’s letter and Paragraph 5 of the MOD’s letter*): As made clear at Paragraph 4 of the Secretary of State’s letter of 12 July 2024, the Secretary of State intends to set deadlines to ensure that this matter is brought to a conclusion as soon

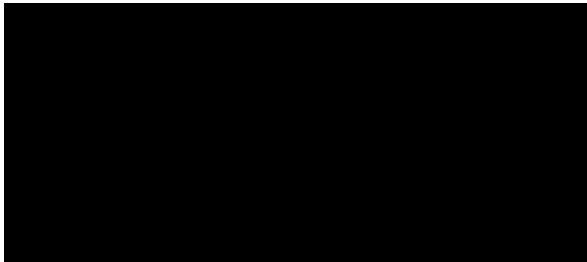
as reasonably practicable. The Secretary of State reminds both parties that every effort should be made to adhere to each deadline.

v.) **Provision of Documents:** (*Paragraph 3.2 of the Applicant's letter and Paragraph 6 of the MOD's letter*): The Secretary of State notes that all open MOD documents will be provided to the Applicant at the same time they are provided to the Secretary of State. The Secretary of State will continue to work with the Planning Inspectorate to keep the project webpage as updated as possible throughout the course of the process.

vi.) **Consideration of Representations:** (*Paragraph 3.3 of the Applicant's letter and Paragraph 7 of the MOD's letter*): The Secretary of State notes the concerns of both the Applicant and the MOD. The Secretary of State will consider the MOD's representations as part of the re-determination in accordance with the process outlined in the Secretary of State's letter of 12 July 2024.

3. The Secretary of State awaits the MOD's representations by 23 August 2024. The Secretary of State will provide an update on the logistics and administration of handling any confidential representations in due course.

Yours sincerely,



David Wagstaff OBE
Deputy Director, Energy Infrastructure Planning
On behalf of the Secretary of State for Energy Security & Net Zero