

**From:** [viola langley](#)  
**To:** [Aquind Interconnector](#)  
**Subject:** Submission 20.June 2023 Aquind Interconnector  
**Date:** 17 June 2023 17:40:37

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Please find below added questions to the SoS regarding Electro magnetic field emissions.

I am aware that Aquind denied any negative effects of EMF s for the human population but Aquind mentions a possible effect on the shark population.

There is a growing number of scientists who question if it is true that there are no effects of EMFs on living organisms.

Has the SoS considered the possible side effects of EMF emissions on human and non human population?

The Aquind Interconnector would have a huge capacity , 2GW. The cables would be laid very close to human habitation.

What consequences would this have to people with already existing health conditions?

I would like to refer the SoS to the case of James Veryard' s wife. All the documents are available in PIN s library.

Engineers say that the transmission of these

2 GW are not equal all the time, they vary, sometimes higher , sometimes lower. What if they are higher than 2 GW? What consequences would this have on human health and other living organisms?

There are studies which link high emissions of EMFs with higher rates of cancer and changes of the nervous system and other health issues.

Bends in interconnectors should be avoided, I have been informed by an engineer.

Emissions would be increased and could therefore pose a risk to people. Just one example for such a bend is Eastern Avenue turning into Havant Road and then Farlington Avenue. 90 degree bends are necessary.

Has the SoS enough evidence and consulted specialists that this would not put a risk on human health?

The thorough investigation of the above mentioned issues is vital.

Viola Langley



**RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST FOR COMMENTS FROM INTERESTED PARTIES ON THE MATTERS CONTAINED IN HIS PREVIOUS REQUEST (DATED 3/3/23) AND TO THE INFORMATION CONTAINED IN THE APPLICANT'S RESPONSE (DATED 28/4/23) FROM VIOLA LANGLEY (INTERESTED PARTY IN THE MATTER OF THE AQUIND INTERCONNECTOR DCO PROPOSAL), SUBMITTED ON BEHALF OF LET'S STOP AQUIND BY EMAIL 20/6/23**

*COMMENTS ON DOCUMENTS SUBMITTED TO HIS PREVIOUS REQUEST FOR INFORMATION, ADDITIONAL MATTERS AND ISSUES NOT PREVIOUSLY RESOLVED*

*WITH ADDITIONAL CONTRIBUTIONS FROM LET'S STOP AQUIND MEMBERS PAULA ANN SAVAGE, JAN DENNIS, DAVID LANGLEY, JANET SAMPSON AND JONATHAN WALKER.*

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## SECTION 1: MISCONDUCT OF PINS EXAMINATION OF THE AQUIND INTERCONNECTOR AND BIAS DEMONSTRATED BY THE EXA

### Introduction

The previous Secretary of State's decision on the DCO requested for the Aquind interconnector was quashed in the High Court by judicial review, leading to the current situation of the new SofS making requests for further information from affected parties ahead of a re-determination of the DCO. Before the Secretary of State can come to a fair and reliable determination of this project - one that will not lead to another legal challenge - Let's Stop Aquind (LSA) asserts that he needs to make himself aware of:

1. New information highlighting the faults in the conduct of the Planning Inspectorate's Examination of the project, including errors in law and conduct limiting public engagement with the process

and

2. The reasons why previously existing information regarding faults within the Examination process and bias shown towards the Applicant by the examiners has been buried (or at best ignored) by civil servants.

Accordingly, LSA has gathered and presented the relevant information below for consideration ahead of the SofS's decision regarding the DCO.

### **1. New information regarding faults in the conduct of the Planning Inspectorate during and after its Examination of the Aquind interconnector project**

#### **1a Incorrect assumptions made by the ExA with regards to how alternatives should be proposed and evaluated**

The recent response<sup>1</sup> from Blake Morgan acting on behalf of Mr. Geoffrey Carpenter & Mr. Peter Carpenter (ID: 20025030) in relation to Little Denmead Farm highlights a significant error in law made at the Examination with regards to the differing onus on Interested Persons that on Affected Parties to propose alternatives to the project (Paras 22-27, 57-76 and Appendices K and L).

The distinction was made between Interested Persons in the Examination (defined as "Category A") and those whose property would be affected by the compulsory purchase of their land (defined as "Category B"). It is asserted that Examination Authority failed to treat the Carpenters (and others that would be affected by compulsory acquisition powers granted within the DCO) correctly with

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<sup>1</sup> Blake Morgan "Mr. Geoffrey Carpenter & Mr. Peter Carpenter (ID: 20025030) in relation to Little Denmead Farm Response to the Minister's Letter dated 3rd March 2023"  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004872-Carpenters%20Response%20to%20Secretary%20of%20States%20Letter%20dated%203%20March%202023%20-%2027%20April%202023.pdf>



regards to the demonstration and consideration of alternatives to the Aquind interconnector route via Portsmouth to Lovedean, such as Mannington or Ninfield.

Blake Morgan state that the onus is on Interested Persons (those in Category A) to demonstrate that any alternative proposed to the project is a real alternative ( i.e. "wholly suitable for the same purpose"). However, in the case of those in Category B, they show that the onus is on the Applicant to demonstrate that no alternatives exist, and that any suggested by parties in Category B are not possible. The ExA's Report is therefore unreliable, as it treated all objectors proposing alternatives as if they were in Category A (unaffected by the threat of compulsory acquisition powers). This error is demonstrated in 5.4.31 of the ExA Report (emphasis added):

"The ExA is mindful of references to the consideration of alternatives in NPS EN-1 including, at paragraph 4.4.3 (bullet 8), that ***where third parties are proposing an alternative, it is for them to provide the evidence for its suitability.***"

LSA agrees with Blake Morgan that such a reversal of the onus to demonstrate suitable alternatives is unlawful and the SofS must consider that, if the above statement from the ExA Report were to be relied upon, it could also give rise to another judicial review of his decision.

#### **1b. Overuse by the Applicant of claims of commercial confidentiality, resulting in an inherent bias in the Examination and beyond**

LSA and other parties have consistently argued that the Applicant has overused commercial confidentiality as the key reason given throughout the process to not publish its criteria for the suitability of the Lovedean option or the costs of connection, beyond broad measures of cost related to the overall length of the interconnector cable. Consequently, it has been very hard for members of the public and others to make informed cases for the suitability of alternatives, creating a powerful bias in favour of the Applicant.

LSA notes that claims of commercial confidentiality extended to the Examination itself, subsequent correspondence with his predecessor and even to the High Court where the Applicant's judicial review was heard, which did not have the full facts in front of it in this matter or that of the landing site in France. Given that key information has been kept confidential by the Applicant throughout the Examination and beyond, it was nigh-on impossible for any party to suggest suitable route options, meaning that it was in fact impossible for third parties to meet the Examiners' requirement to provide evidence of the suitability of an alternative.

It is clear that the ExA should not have dismissed alternatives by its broad acceptance of the Applicant's claims that any and all other options were too costly or suffered from "unsurmountable" technical and engineering difficulties, as the evidence to support these claims has never been publicly tested in any detail. Does the SofS agree that natural justice has not been served in this crucial respect?



## **2. Mismanagement of numerous submissions on the ExA website leading to the publication of incomplete information and the rendering of a significant number of submissions inaccessible**

A number of new issues have come to light regarding the stewardship of the Planning Inspectorate website dedicated to publishing documentation related to the Aquind interconnector DCO request, which give rise to concerns around the even-handedness of the Planning Inspectorate in respect of objections raised to the project under the SofS's predecessor. These are:

### **2a Numerous objections raised by LSA members, members of the public and non-statutory organisations, received up to February 2023, not listed as "relevant representations" on the Planning Inspectorate website**

Non-statutory organisations whose "relevant representations" have been accepted<sup>2</sup> include:

- Denmead and Newlands Residents
- APLEAL Action Group (Action to Protect the Living Environment Around Lovedean)
- RWE Renewables UK Limited

but no relevant representations have been published from the main body opposing the project in Portsmouth and beyond, Let's Stop Aquind, despite it being recognised by the local authority and both city MP's as the official campaign against the Aquind Interconnector.

The SofS may be aware that Let's Stop Aquind's co-founders Paula Ann Savage and Viola Langley have submitted numerous objections up to February 2023, consisting of multiple pages and covering multiple grounds, sent on multiple occasions both in their own name and that of the group. However, only one of these submissions is listed as a "relevant representation" and that submission has been edited down to a single line, seemingly chosen at random.

On the face of it, the civil servants administering this process for the SofS regard that, out of the entire output of the LSA campaign to Feb 23, only one single line of all the documentation submitted is "relevant".<sup>3</sup>

### **2b Numerous objections raised by statutory bodies such as local authorities, received up to February 2023, not listed as "relevant representations" on the Planning Inspectorate website**

The SofS needs to be aware that this same issue, of multiple sets of documentation being reduced within the "relevant representations" tab to a single (random and often illegibly formatted) paragraph or line, also applies to local authority submissions.

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<sup>2</sup> National Infrastructure Planning "Representations received regarding AQUIND Interconnector" <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=relreps>

<sup>3</sup> National Infrastructure Planning "AQUIND Interconnector Representation From Viola Langley Received 19 February 2020" <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=relreps&relrep=39188>



The Local Authority submissions listed as "relevant representations" on the Planning Inspectorate for the Aquind Interconnector up to February 2023 were:

- Eastleigh Borough Council (one submission)
- South Downs National Park Authority (one submission)
- Hampshire County Council (one submission)
- Havant Borough Council (one submission)
- East Hampshire District Council (one submission)
- Portsmouth City Council (one submission)
- Winchester City Council (two submissions)

Yet many of the above LA's have submitted tens (or in the case of PCC, hundreds) of detailed individual documents of a legal and technical nature. On the face of it, from the entire input of Portsmouth City Council into the Aquind interconnector Examination, the civil servants administering the process for the SofS appear to consider only one single paragraph "relevant"<sup>4</sup>, despite it being the most affected local authority on the route, and the one which has made extremely detailed submissions on numerous occasions, at a cost of up to £250,000 of local public funds.

The bizarre anomalies in 2a and 2b above raise serious questions about the stewardship of the Planning Inspectorate website:

- What is the true status of "relevant representations" within the Examination process and why is it that the public and Interested Parties have never been made aware of its meaning?
- Does the SofS agree that the editing down of swathes of documentation and objections to a handful of lines listed as "relevant representations" gives the impression to members of the public and website users that only a tiny fraction of what has been submitted is considered "relevant" by the Planning Inspectorate?
- If the meaning of "relevant" is taken literally, the public would be entirely unaware of the depth of feeling against the Aquind Interconnector in the Portsmouth area and the numerous reasons that objectors have cited against it. Does the SofS agree that, whatever the reason for (or reasoning behind) the "relevant representations" category, the Planning Inspectorate website may be therefore be misleading users and needs to be urgently corrected?
- Does the SofS agree that this mis-management of the website dedicated to the documents relating to the Aquind interconnector impedes public access, demonstrates bias towards the Applicant and therefore erodes public trust in the process?
- Given that the entirety of the planning process has been carried out online, does the SofS not agree that the contents of the Infrastructure Planning website need to be updated urgently to reflect the true level of opposition to the project in Portsmouth, and the depth of detail with which residents and local authorities have objected to the proposal?

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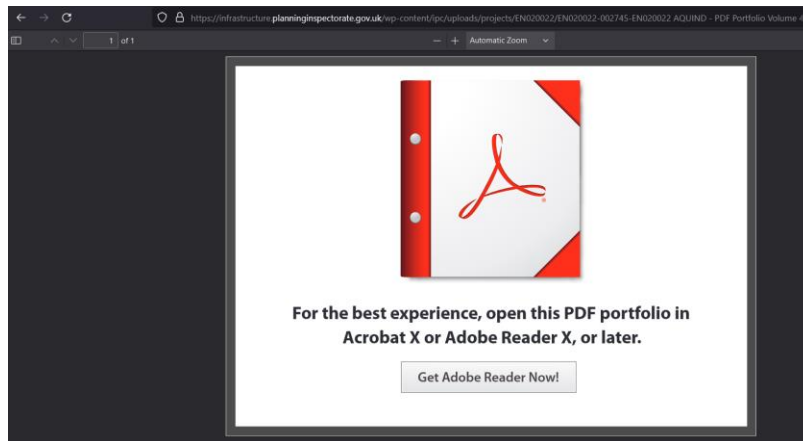
<sup>4</sup> National Infrastructure Planning "AQUIND Interconnector Representation From Portsmouth City Council Received 23 December 2020" <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=relreps&relrep=42156>



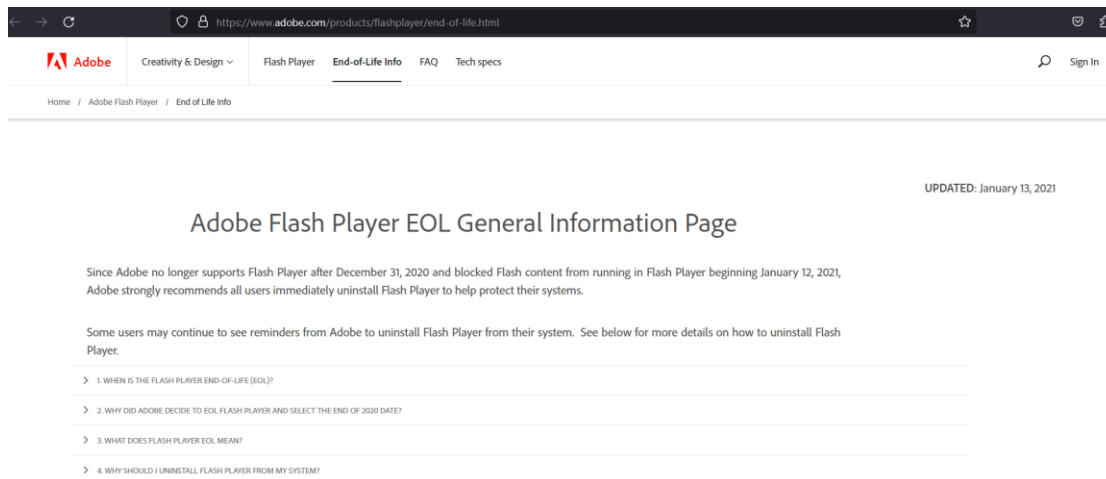


## 2c Public objections rendered inaccessible as they are published in an obsolete format online which cannot be accessed from any common electronic device

Further to the matters raised above, the Planning Inspectorate has exacerbated issues of accessibility by effectively “hiding” from public view several hundred written objections lodged by local residents, as the format the documents are stored in<sup>5</sup> (PDF Portfolio) is now entirely obsolete and inaccessible from any Windows, Apple or Android device, mobile or otherwise.



This is because PDF Portfolio relies on an obsolete component called Adobe Flash<sup>6</sup>, which is now deemed insecure by the developers of every major operating system of every common device, whether laptop, tablet, desktop or phone.



<sup>5</sup> National Infrastructure Planning "EN020022 AQUIND - PDF Portfolio Volume 4 (persons not registered as Interested Persons).pdf" [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-002745-EN020022%20AQUIND%20-%20PDF%20Portfolio%20Volume%204%20\(persons%20not%20registered%20as%20Interested%20Persons\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-002745-EN020022%20AQUIND%20-%20PDF%20Portfolio%20Volume%204%20(persons%20not%20registered%20as%20Interested%20Persons).pdf)

<sup>6</sup> Adobe.com "Flash Player End-Of-Life Info" Updated 13/1/2021



Consequently, PDF Portfolio is simply not fit for purpose on this website or any other and should be replaced by the Planning Inspectorate immediately. Again, these shortcomings of the key public website used in the planning process raise further questions:

- Does the SofS agree that the Infrastructure Planning website should immediately correct this basic error and provide these documents in a widely accessible format?
- Does the SofS agree that, by making huge numbers of objections effectively invisible to public view, this creates the misleading impression that local people are in agreement with the Applicant's proposals, therefore creating a further bias towards the Applicant in the process?

### **Conclusion**

By minimising the relevance of, or simply rendering inaccessible, so many genuine and detailed objections from LSA, members of the public and local authorities alike, the SofS needs to be aware that above issues have the effect of diminishing the true scale and depth of opposition to the Aquind interconnector, which is therefore not being adequately represented by his civil servants.

### **3. Issues of bias and mismanagement in the conduct of National Infrastructure Planning Examination of the AQUIND Interconnector, raised contemporaneously, which have yet to be addressed by the Planning Inspectorate**

Several of the failings of the Examination process were collated in a detailed complaint, originally submitted by LSA member Jonathan Walker on 31/5/2021, regarding "the conduct of the Planning Inspectorate's National Infrastructure Planning Examination of the AQUIND Interconnector Ref EN020022" (follows). This was correctly submitted through the formal complaints process more than 2 years ago but there has been no substantive response, despite the complainant being reassured that the Planning Inspectorate's Customer Service Team "are currently taking up to 40 working days to answer customer complaints".

The lack of any response for more than 2 years indicates that any review of the failings of the original Examination has been firmly kicked into the long grass by the Planning Inspectorate. However, LSA believes that reviewing these issues is crucial to the SofS's understanding of why the ExA made such a positive, but altogether erroneous, recommendation in favour of the DCO being granted.

Additionally, it is especially relevant to scrutinise issues relating to the conduct of the Examination now, at a time when the entire NSIP application process is under review, in order to enhance public engagement with the process and to gain public trust in it in future.

The key aspects of the faults of the Examination are summarised below and specified in the attached complaint (APPENDIX A). Does the SofS agree that the Planning Inspectorate's Customer Service Team has sat on this complaint for far too long and will he finally demand a response?





The issues raised in the complaint were:

1. The numerous ways and occasions during the process that the ExA allowed the Applicant leeway not afforded to the objectors and improperly applied its discretion to disallow submissions from the complainant and other objectors, specifically:

- a. By failing to mitigate for the imbalance of resources and public ignorance of specialist planning law
- b. By failing to mitigate for the effect of the COVID-19 pandemic on participation in the Examination
- c. The bias shown towards the Applicant during the process, leading to mismanagement of the Examination process by the ExA

2. Patronising, dismissive, confusing and illogical communications between ExA staff and members of the public objecting to the DCO.

3. Lack of action by Examining Authority staff leading to catastrophic failures of the examination process, specifically:

- a. Failure to inform the public of the full implications of the DCO or engage the business community
- b. Possible failure of ExA staff to adequately examine and censure the Applicant's possibly dishonest abuse of process both within and without the examination
- c. Failure of the ExA to adequately examine the suitability of the Applicant to fund and manage a major international engineering project such as the Interconnector
- d. Failure of senior officials of the ExA to protect the public from cronyism and corruption

## Conclusion

The hurdles faced by members of the public and Let's Stop Aquind (LSA) during the Examination process may explain why the citizens of Portsmouth and the South Downs have engaged so much more with the campaign after the examination than during it. This is on top of the lamentably woefully poor consultation effort by the applicant prior to application

The SofS should reflect that the cumulative effect of the Planning Inspectorate's bias and failings during and after the Examination shown above, have a corrosive impact on the public's faith in the process and affected the outcome of the Examination Report. Accordingly, the SofS should reject the Examination Report's conclusions as unsafe, tainted by bias and errors in the process favouring the Applicant.

**His predecessor found that the DCO should not be granted and there is nothing in the evidence that has since come to light to contradict the original decision - if anything, it has been further vindicated so the Applicant's plans should be firmly rejected once and for all.**



## SECTION 2: THREATS TO PROTECTED HABITATS AND ANIMALS ALONG THE EASTERN SIDE OF PORTSMOUTH

### Introduction

In response to the Applicant's bland reassurances of mitigation, is the SofS aware of the fragile protected habitats and animals along the eastern side of Portsmouth, a coastal habitat that would bear the brunt of the environmental damage caused by the proposed route?

LSA environmental researcher Paula Ann Savage has identified the following at-risk species and habitats that should be a particular focus of the SofS's deliberations on the adequacy of the Applicant's "Environmental Plan":

### At-risk species and habitats

#### 1. The Great Crested Newt

Activities that can affect Great Crested Newts include:

- maintaining or restoring ponds, woodland, scrub or rough grassland
- restoring forest areas to lowland heaths
- ploughing close to breeding ponds or other bodies of water
- removing dense vegetation and disturbing the ground
- removing materials like dead wood piled on the ground
- excavating the ground, for example to renovate a building
- filling in or destroying ponds or other water bodies

Building and development work can harm Great Crested Newts and their habitats, for example if it:

- removes habitat or makes it unsuitable
- disconnects or isolates habitats, such as by splitting it up
- changes habitats of other species, reducing the newts' food sources
- increases shade and silt in ponds or other water bodies used by the newts
- changes the water table
- introduces fish, which will eat newt eggs or young
- increases the numbers of people, traffic and pollutants in the area or the amount of chemicals that run off into ponds.

**Does the SofS not agree that the habitats of Great Crested Newts along the eastern side of Portsea Island are therefore at significant risk from the Applicant's plans?**

#### 2. The Brent Goose

The geese regularly seen in this area are the sub-species called Dark-bellied Brent Geese, *Branta bernicla bernicla*. They breed on the Taimyr Peninsula in Northern Siberia, and spend the winter on





the east and south coasts of England, and other sites in north-western Europe.

The total (world) population is about 300,000 geese, and about 100,000 come to the UK, with around 30,000 coming to the Solent harbours and coast. Up to 6,500 geese use Langstone Harbour, and about 2,700 use Portsmouth Harbour (Source: British Ornithological Trust in Brent Goose Strategy).

The first arrivals for the winter are mainly in mid-September, although this date is becoming earlier as the population increases.

Geese have proved to be adaptable and are able to feed on a wide range of plants. In Autumn they eat algae and eelgrasses in the shallow waters of the harbours. As these sources become depleted, they move on to grass pastures, winter wheat and other crops. In Spring, most geese migrate north by the end of March.

In April, brent geese leave the UK and Ireland and head north again. The pale-bellied brent geese stop over in Iceland. Here they fatten up, increasing their weight by up to 40 per cent in preparation for the final 3,000 km (1,865 mile) flight over frozen Greenland to their breeding grounds in Canada.

Is the SofS aware of the huge number of summer migrating birds that use Milton Common and other green spaces in our city for refuge?  
Should we not all consider the total biosphere which depends on uninterrupted and undisturbed locations?

### **3. Mudflats**

Mudflats are globally recognised as important habitats for birds. Invertebrates occur in such high abundance that they provide a bounty of food for millions of waders and wildfowl such as the curlew (*Numenius arquata*), oyster catcher (*Haematopus ostralegus*), knot (*Calidris canuta*) and dunlin (*Calidris alpina*) all year round.

Migratory birds, including species of geese (e.g. the brent goose, *Branta bernicula*) and duck species (e.g. teal, *Anas crecca*) also take advantage of the feast and use mud flats as refuelling sites on their long migrations.

Habitat loss not only jeopardises the survival of individual species, but also destabilises the complex interactions between organisms and undermines the ability of ecosystems to function effectively as a whole. These impacts are likely to be exacerbated by climate change, especially in species-rich areas.

**Does the SofS not agree that the Applicant's plans put these delicate coastal eco-systems at an unacceptable level of risk?**



## Relevant Legislation, Guidance and Designations

LSA would like to remind the SofS of the following legislation and guidance that it considers relevant to his decision:

### Wildlife and Countryside Act 1981 (Chapter 69)

An Act to repeal and re-enact with amendments the Protection of Birds Acts 1954 to 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975; to prohibit certain methods of killing or taking wild animals; to amend the law relating to protection of certain mammals; to restrict the introduction of certain animals and plants; to amend the Endangered Species (Import and Export) Act 1976; to amend the law relating to nature conservation, the countryside and National Parks and to make provision with respect to the Countryside Commission; to amend the law relating to public rights of way; and for connected purposes.

### Appropriate Assessment

Guidance on the use of Habitats Regulations Assessment: 4.1. Conservation Objectives

DEFRA guidance indicates that disturbance to a species or deterioration of a protected site must be considered in relation to the integrity of that site and its conservation objectives<sup>7</sup>. It states that “the integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated”.

The Habitats Regulations and the Offshore Habitats Regulations are pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Birds Directive (Directive 2009/147/EC). As required by the Directives, ‘conservation objectives have been established by Natural England. When met, each site will contribute to the overall favourable conservation status of the species or habitat feature across its natural range.

Conservation objectives outline the desired state for a protected site, in terms of the interest features for which it has been designated. If these interest features are being managed in a way which maintains their nature conservation value, they are assessed as being in a ‘favourable condition’. An adverse effect on integrity is likely to be one which prevents the site from making the same contribution to favourable conservation status for the relevant feature as it did at the time of its designation. There are no set thresholds at which impacts on site integrity are considered adverse. This is a matter for interpretation on a site-by-site basis, depending on the designated feature and nature, scale, and significance of the impact.

Natural England has issued generic conservation objectives, which should be applied to each interest feature of the site. Supplementary advice for each site underpins these generic objectives to provide

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<sup>7</sup> Guidance on the use of Habitats Regulations Assessment "What must an appropriate assessment contain?" Gov.uk <https://www.gov.uk/guidance/appropriate-assessment#what-must-an-appropriate-assessment-contain>



site- specific information and give greater clarity to what might constitute an adverse effect on a site interest feature. Supplementary advice on conservation objectives is subject to availability and is currently being updated on a rolling basis.

## Conclusion

Given that the DEFRA map shows the area affected by the Applicant's plans<sup>8</sup> sits at the intersection of:

- The Chichester and Langstone Harbours Ramsar Site (wetlands of international importance containing representative, rare or unique wetland types or important in conserving biological diversity)
- The Chichester and Langstone Harbours Special Protection Area (SPA)
- The Langstone Harbour Site of Special Scientific Interest (SSSI)

would it not be reckless in the extreme to threaten an area that has been publicly designated in three separate ways as environmentally valuable?

**In 2020, the then Prime Minister made a pledge to protect 30% of UK land in boost for biodiversity.<sup>9</sup>, so how can allowing the DCO be compatible with this pledge or the above legislation, guidance and designations? Are our environmental laws, assessments and statutory protections simply to be rendered meaningless by this politically connected Applicant?**

**LSA fervently hopes that the SofS will take our areas of biodiversity, nature reserves, habitats and protected species into careful consideration when making your decision about the DCO for the Aquind interconnector and reject the Applicant's plans.**

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<sup>8</sup> DEFRA Magic Map Application <https://magic.defra.gov.uk/MagicMap.aspx>

<sup>9</sup> "PM commits to protect 30% of UK land in boost for biodiversity" Gov.uk 28/9/2020  
<https://www.gov.uk/government/news/pm-commits-to-protect-30-of-uk-land-in-boost-for-biodiversity>





## SECTION 3: RE-EXAMINING THE NEED FOR THE AQUIND INTERCONNECTOR

### Introduction

In order to get an understanding whether the Aquind interconnector is needed or not, the following issues demand investigation:

- The original decision to designate the Aquind Interconnector as having NSIP status (i.e. to treat it as if it were an Nationally Significant Infrastructure Project)
- The circumstances that have changed since this decision was taken in 2018

### Examining the Original Decision to Give the Aquind Interconnector NSIP Status

On 30/7/18 the Applicant's website<sup>10</sup> declared that "The Department for Business, Energy and Industrial Strategy ('BEIS') has today announced that AQUIND Interconnector is to be treated as a Nationally Significant Infrastructure Project." However, an interconnector had never previously been granted NSIP status.

In the *DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE AQUIND INTERCONNECTOR* notice it is stated<sup>11</sup> (emphasis added) that:

"The proposed Development **does not currently fall within the existing definition of a "nationally significant infrastructure project"** and therefore it is appropriate to consider use of the power in section 35 of the Act...

The Secretary of State has decided to exercise the discretion in section 35ZA(5) to direct that the Overarching National Policy for Energy (EN-1) should apply to the application **as it would to a generating station of a similar generating capacity** as the capacity of the interconnector...

The Secretary of State considers that... the application was **treated in a manner consistent with that which governs other applications for Nationally Significant Energy Projects** considered under the Planning Act 2008."

The decision was understood, by the Applicant, the Planning Inspectorate, all the affected local authorities and statutory bodies and even the High Court to mean that the project was to be treated as if it were and NSIP and had therefore effectively been awarded NSIP status. However, the wording above **does not exactly reflect this** and has been very carefully phrased to give the

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<sup>10</sup> "AQUIND Interconnector to be considered as a Nationally Significant Infrastructure Project" Aquind.co.uk 30/7/18 [REDACTED]

<sup>11</sup> "DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE AQUIND INTERCONNECTOR" Planning Inspectorate 30/7/18  
[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000013-Section%2035%20Direction%20notice%20AQUIND%20Interconnector\\_30July2018.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000013-Section%2035%20Direction%20notice%20AQUIND%20Interconnector_30July2018.pdf)





project equal status to a power station and other **Nationally Significant Energy Projects (not NSIP's)**.

**This decision in itself is worthy of an investigation, as at this point local democracy no longer is central to the decision-making process. Local authorities are obliged to comply with the oversight of the Planning Inspectorate. Should such a national body have the right to take away local decision making when local authorities clearly have greater knowledge about their local environment?**

Aquind first approached our local authorities who strongly rejected this scheme for many reasons. Fundamentally, from a local perspective, the harm far outweighed any benefits. Aquind applied to the energy department BEIS for a change of status for their project to an NSIP.

The Times newspaper ran an article<sup>12</sup> on the 6/8/20 about a meeting between an Energy Minister, Claire Perry O' Neill and Alexander Temerko. This meeting took place sometime around end of June or beginning of July 2018 and the paper said of Mr Temerko:

"Mr Temerko, 53, is a director of Aquind Ltd, which wants to build the £1.2 billion electricity interconnector. He was a senior figure in a Russian arms firm and a Russian oil company before fleeing to the UK in 2004. Since obtaining British citizenship in 2011 he, or companies he co-directs, have contributed £1.3 million to the Tory party." (The Times, 6. August 2020)

**It was noted that there are no minutes of this meeting but the Times published:**

"The note relating to the meeting in June 2018 has been obtained after a three-month freedom of information battle. In its response the department said "there are no minutes from the meeting as there were no officials in attendance" and that the meeting was "primarily a political one".

"On July 30 Greg Clark, then business secretary, directed that the project be considered for approval by ministers rather than local authorities and the Marine Management Organisation."

**Could this meeting have helped in the decision-making process in 2018?**

These huge infrastructure projects should be in the interest of the public. What if this is not the case? What if this project has not the well-being of UK citizens at its heart, but profits for the owners and the company?

LSA notes that the announcement stated:

"The Secretary of State **is of the opinion** that the proposed Development, known as the AQUIND Interconnector, is of national significance having taken into account in particular that the two gigawatt capacity of the proposed Development is similar in terms of electrical capacity to a generating station that would qualify to be considered under the Planning Act 2008 process as nationally significant."

**LSA believes the following elements of the then SofS's statement are significant:**

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<sup>12</sup> "Energy minister met Russia-linked donor Alexander Temerko despite warnings of 'trap'" The Times 6/8/20



1. The SoS is of the “opinion” that the proposed development is of national significance. **Can we base our decisions on an opinion? Should not objective evidence be the key to making a decision of this scale? Are there any minutes of the meeting at which this “opinion” was formed?**
2. For the then SoS to say that it is similar to a generator station of a similar capacity, means that this interconnector is capable of producing/delivering 2 GW of energy in the same way as a UK based generating station of 2 GW capacity. **Clearly the interconnector itself does not produce electricity in and of itself; in fact it simply transmits energy.** In the likely event that the Aquind Interconnector will **export** as much of our energy as it is likely to import, there is certainly **no national significance in this instance, particularly after Brexit.**
3. A cable project, it is clearly entirely different to a UK based power generation station in the respect that a power station is in a singular location, but the proposed cable covers a distance of over 300 kilometres spanning two countries (with two separate regulatory regimes) and the English Channel, therefore posing a much greater risk to the environment at a much greater scale over a much greater distance than a power station.

One simple arithmetic calculation is enough to show the scale of the profits to be gained by the Applicant, which claims that the interconnector will provide enough energy to be consumed by “millions of households”<sup>13</sup> or 5% of the energy consumption of Great Britain annually.

Assuming that it powers the equivalent of 2 million households per year, which are currently paying a capped energy cost of approx. £2000 pa, that would amount to total annual revenue of:  
2,000,000 x 2,000 = £ 4 Billion at current prices.

Given the expected lifetime of the interconnector of at least 25 years<sup>14</sup> there a minimum turnover of £ 100 Billion at stake for the private operator of this project

**Consequently, LSA believes that the Aquind interconnector is designed to import and export to the significant and long-term commercial advantage of its privately-owned operators, and would not necessarily contribute to UK’s national benefit.**

### **Circumstances Have Changed Significantly Since 2018**

1. **Loss of PCI status and overcapacity in France resulting in “a cable to nowhere”?**

The following Interconnectors<sup>15</sup> are already connecting GB and France

- IFA: 2 GW
- IFA 2: 1 GW

<sup>13</sup> "AQUIND INTERCONNECTOR Consultation Report – Appendix 1.1A Non-Statutory Consultation – Example Frequently Asked Questions on Project Website" <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000479-5.1.1A%20Consultation%20Report%20-%20Appendix%201.1A%20Example%20FAQ%20on%20Project%20Website.pdf>

<sup>14</sup> "FAQs - AQUIND Interconnector" <https://aquindconsultation.co.uk/faqs/>

<sup>15</sup> "Interconnectors" Ofgem.gov.uk <https://www.ofgem.gov.uk/energy-policy-and-regulation/policy-and-regulatory-programmes/interconnectors>



- Eleclink: 1GW

A further two interconnectors have been approved:

- Gridlink: 1.4 GW
- FAB link: 1.4GW

France also has interconnectors<sup>16</sup> with Belgium (IFB), Germany (IFD), Italy (IFI), Spain (IFE) and Switzerland (IFS) and a further interconnector between Ireland and France (capacity 700 Megawatts and a Project of Common Interest), was confirmed on 10/11/22<sup>17</sup> by French energy regulator CRE and its Irish counterpart CRU.

In this context, in its recent response to the SofS on behalf of its clients the Carpenters, Blake Morgan states <sup>18</sup>(emphasis added):

“13. Since the High Court decision in January 2023, **the circumstances have moved even further on. There is now no actual need for this Project.** This is because in February 2023, the General Court of the CJEU (Second Chamber) in Case T-295/20 in Appendix J, dismissed the claim by DCO applicant company (Aquind Ltd) and its related companies seeking to reinstate the status of the DCO interconnector project as a “Project of Common Interest” (“PCI”). The Court described significant benefits to projects from that status: 3. The proposed Aquind interconnector was placed on the list of ‘projects of common interest’ (‘PCIs’) of the European Union by Commission Delegated Regulation (EU) 2018/540 of 23 November 2017 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest (OJ 2018 L 90, p. 38), and was thus considered to be a fundamental project in the infrastructure necessary for the completion of the internal energy market.

14. The Court described the evaluation of the DCO project by the French Energy Regulator as follows: 29. ... The Commissioner for Energy stated, first, that the French Republic considered that the four projects linking the United Kingdom and France **would lead to overcapacity**, secondly, that that Member State was of the opinion that the proposed Aquind interconnector **was considered to be the most uncertain** and, thirdly, that that Member State had accordingly requested that the project at issue **should not be included in the new list of PCIs**. The Commissioner for Energy stated that the Member States were entitled to approve projects which concerned their territory and that the Commission was required to respect that right... 52. ... **[T]he Commission de régulation de l’énergie (Energy Regulatory Authority; CRE), opposed the inclusion of that project in the final regional list.**”

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<sup>16</sup> "Access to French interconnections" RTE

<sup>17</sup> "France to expand electricity interconnections with Ireland, Italy" Euractiv.com

<sup>18</sup> Blake Morgan "Mr. Geoffrey Carpenter & Mr. Peter Carpenter (ID: 20025030) in relation to Little Denmead Farm Response to the Minister’s Letter dated 3rd March 2023"  
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004872-Carpenters%20Response%20to%20Secretary%20of%20States%20Letter%20dated%203%20March%202023%20-%2027%20April%202023.pdf>



**In summary, the French government has noted that the Aquind Interconnector would lead to overcapacity on the French side, that it is the most uncertain of all proposed interconnectors, and the loss of its PCI status means it would no longer be considered a fundamental project in the infrastructure of the European energy market.**

Blake Morgan, in its recent submission, goes on to state (emphasis added):

**"119. In essence, the evidence of fact in the EU Judgment evidences to the Minister that: a) There is no actual need for the envisaged interconnector (regardless of the notional need described in NPS EN-1); b) The French Republic has evaluated that to proceed with the envisaged interconnector would result in "over capacity", because there are 4 other interconnectors that are less at-risk projects than that of Aquind and that are being carried out currently; c) He can rationally evaluate that the loss of status of the envisaged interconnector as a PCI would result in it losing all of the financial and streamlined authorisation benefits attendant on PCI status"**

**Similar to the French energy regulator, Blake Morgan raises the question of whether the Aquind Interconnector is needed in the context of the 4 other interconnectors in development, each of which is more certain of approval and completion. Furthermore, the Prefet of the Seine Maritime region refused the development of the Aquind Interconnector in 2021 and this refusal, as to the knowledge of PCC, Blake Morgan Solicitors, and Non a Aquind is still steadfast.**

Finally, in its recent submission<sup>19</sup> PCC considers that: "...it is clear that the French government is not in favour of this project proceeding in France. This is of significant relevance to the scheme as a whole, let alone the fact that the Applicant asks the Secretary of State to allow the DCO and thereby blight English land for a project that has no clear continental footing"

**PCC clearly suggests that if the French government is refusing the Aquind Interconnector then the whole project needs to be refused.**

In the same submission, PCC highlights that "AQUIND is persisting with an application for development consent through Portsmouth to Lovedean, **despite having conceded in the EU courts that it may not even land in France and there are doubts over precisely where in France the Applicant intends to land.** At worst, its feasibility and environmental studies produced to the Secretary of State under this 'Request for Information' will be wholly unreliable. At best, no credence can now be given to the Examining Authority's simple dismissal of this issue by suggesting that it was not even necessary for a requirement to be imposed on the DCO preventing commencement of the landward development until French consents are secured [11.3.62 of the ExA report]. The commercial orthodoxy behind the Examining Authority's reasoning is not something that the Applicant can be assumed to adhere to. The Applicant is seeking to blight English land without a clear path to ever realising its development, contrary to the long-established and demanding requirements of compulsory acquisition. The application should be refused. "

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<sup>19</sup> "RE: Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project - Response of Portsmouth City Council and Coastal Partners as Interested Parties to the Secretary of State's 3 March 2023 Request for Further Information" Portsmouth City Council <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004889-Portsmouth%20City%20Council%20-%2028%20April%202023.pdf>



Does the SofS realise that doubts are now being expressed as to whether the Aquind Interconnector will make landfall in France at all? France is rejecting this project because of the above- mentioned reasons. Surely, the SoS cannot grant DCO if there is any doubt as to where the cable is landing. Why would Portsmouth be chosen if the European landfall would have to be moved to Belgium for example?

Aquind has historically pointed out that the financial implications are of utmost importance for this project; for example in the High Court when challenging his predecessors' decision. Even if the landfall was Hautot sur Mer/ Barnabos there are far shorter routes across the channel from France to connect to other substations further East of Lovedean. *(see LSA's previous submission regarding the logical siting of alternatives).*

## **2. Planned UK interconnector capacity now exceeds the 18GW Government target without Aquind**

In its recent Powering Up Britain: Energy Security Plan, the UK Government reiterated its target to increase interconnection capacity to 18GW by 2030. Compare that target to the following interconnectors which have been constructed or approved<sup>20</sup> and add up to nearly 17 GW:

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<sup>20</sup> "Interconnectors" Ofgem.gov.uk <https://www.ofgem.gov.uk/energy-policy-and-regulation/policy-and-regulatory-programmes/interconnectors>



## Existing and future interconnector projects

Below is a list of existing and future electricity interconnectors with GB regulatory approval. This doesn't include a pipeline of planned interconnectors that are under development but that we have not yet assessed.

As with other major infrastructure projects, future interconnectors face a range of challenges that can impact on timing of delivery. The estimated delivery dates shown below reflects our understanding in June 2021 of developers' plans.

Project name	Developers	Licensee	Connecting country	Capacity	Cap and floor regime?	Exemption?	Delivery date / estimated delivery date
IFA	National Grid Interconnector Holdings (NGIH) and RTE	National Grid Interconnectors Limited	France	2000MW	No	No	1986
Moyle	Mutual Energy	Moyle Interconnector Limited	Ireland	500MW	No	No	2002
BritNed	NGH and TenneT	BritNed Development Limited	Netherlands	1000MW	No	Yes (Second Package)	2011
EWIC	EirGrid	EirGrid Interconnector Designated Activity Company	Ireland	500MW	No	No	2012
Nemo Link	NGH and Elia	Nemo Link Limited	Belgium	1000MW	Yes	No	2019
IFA2	NGH and RTE	National Grid IFA 2 Limited	France	1000MW	Yes	No	2021
NSL	NGH and Statnett	National Grid North Sea Link Limited	Norway	1400MW	Yes	No	2021
ElecLink	Gelink	ElecLink Limited	France	1000MW	No	Yes	2022
Viking Link	NGH and Energinet	National Grid Viking Limited	Denmark	1400MW	Yes	No	2023
Greenlink	Element Power & Partners Group	Greenlink Interconnector Limited	Ireland	500MW	Yes	No	2023
GridLink	ICON Infrastructure Partners II, L.P.	GridLink Interconnector Limited	France	1400MW	Yes	No	2024
NeuConnect	Meridiam, Allianz and Kansai Electric Power	NeuConnect Britain Ltd	Germany	1400MW	Yes	No	2024
NorthConnect	Agder Energi, Lyse, E-CO and Vattenfall	NorthConnect Limited	Norway	1400MW	Yes	No	2025
FAB Link	Transmission Investment and RTE	FAB Link Limited	France	1400MW	Yes	No	2025

As outlined in our last submission of 28. April 2022 the target of 18 GW including the newly approved Lion Link interconnector between the UK and Netherlands would be met. Additionally Xlinks, another interconnector currently under discussion would provide 3.6 GW of renewable energy to the UK.

A recent business energy article<sup>21</sup> setting out the history and future of electrical interconnectors serving the UK (without Aquind) states:

<sup>21</sup> "Interconnectors: Giving the UK and EU a power boost" AquaSwitch



“As of 2023, the UK has eight interconnectors with France, Belgium, the Netherlands, Ireland and Norway, with a total capacity of 8.4 GW, which is roughly double the peak capacity of the UK’s largest power station, Drax.

Additionally, another seven interconnectors that will connect the UK with Denmark, Germany and Morocco (yes, the North African country’s excess solar energy output may come in useful) are proposed or under construction.

Once operational, the UK will have a capacity of 19.5 GW, which is equivalent to 5 Draxes and will be crucial to ensuring energy security, lowering prices and giving renewable energy new markets to tap into.”

The 7 new interconnectors are listed as:

Name	Developers	Connection to	Capacity (GW)	Commission date
Viking Link	National Grid, Energinet	Denmark	1.40	2023
Greenlink	Element Power, Partners Group	Ireland	0.50	2023
Gridlink	iCON Infra Partners	France	1.40	2024
NeuConnect	Meridian, Allianz, Kansai	Germany	1.40	2024
NorthConnect	Agder, Lyse, E-CO, Vattenfall	Norway	1.40	2025
FAB Link	Transmission Inv., RTE	France	1.40	2025
Xlinks	Intertek, Octopus	Morocco	3.60	2027







The above data makes it very clear that the 18 GW capacity target in the Government's Energy Security Plan will be comfortably met by the 2030 deadline by existing or approved interconnectors.

**LSA concludes that the Aquind Interconnector is not needed, consequently the environmental damage to Portsmouth and beyond is unnecessary and entirely avoidable.**

### **3. The Costs of Managing Overcapacity**

Now that the UK is a net exporter of energy<sup>22</sup>, the SoS has to be careful in balancing the energy market.

An article published on 31/5/23 in Energy Live News<sup>23</sup> pointed out the costs of overcapacity (emphasis added):

"Energy data firm EnAppSys has raised concerns about National Grid ESO's actions, stating that power is "being dumped into Belgium and the Netherlands".

According to EnAppSys, these countries currently have an excess of power, prompting **National Grid ESO to pay high prices to offload the surplus.**

Phil Hewitt, Director of EnAppSys, shed light on the situation, explaining that National Grid ESO cited it as an "energy action" taken to manage an oversupply of power and reduce generation and interconnector imports.

Mr Hewitt told Energy Live News: "The reason National Grid ESO gave yesterday (Monday 29th May) was that it was an energy action. This means **they had too much power and needed to reduce generation and interconnector imports.**"

Yesterday (Monday 29th May), National Grid ESO **spent £9.4 million on balancing the system by trading and using the balancing mechanism.**"

**LSA therefore asks: IS the SofS aware of this problem and does he agree that interconnector overcapacity can be costly?**

### **4. Why it is important not to underestimate the drop in energy use over the last few years**

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<sup>22</sup> "Britain is a Net Electricity Exporter for First Time in 44 years" UK Energy Research Centre 18/1/23

<sup>23</sup> "UK 'power dumping' raises concerns over energy management" Energy Live News 23/5/31



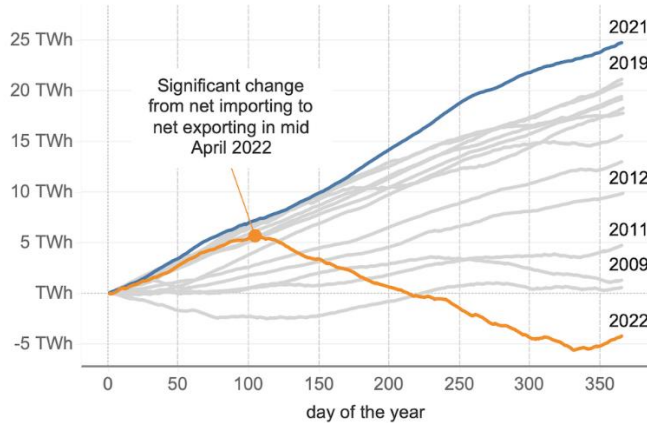


Another factor contributing to overcapacity is the recent drop in energy use, which was commented on by a recent article<sup>24</sup> published by the UK Energy Research Centre:

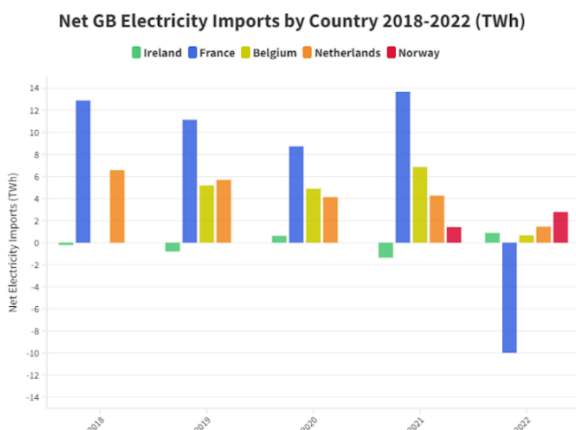
“Britain... saw a 4% drop in electricity demand from 2021 – that’s the third largest year-on-year reduction after 2008 (caused by the shock of the global financial crash) and pandemic-affected 2020. It takes Britain’s overall electricity demand back to values last seen in the 1980s, an 18% reduction from its peak in 2005... We believe the main factors for this drop were the significant increase in prices, the wider media attention on this, and the wider cost of living crisis.”

It noted that, in April 2022, Britain began exporting more than importing, and France took more energy from Britain than Britain took from France over the full year. As discussed in previous LSA submissions, this is partly as a result of the maintenance issues of the French nuclear estate, with 15 of its 56 reactors closed in 2022.

Cumulative sum of net electrical imports per year



Grant Wilson. Source: Data from Elexon and National Grid ESO



The article continues its analysis:

“So while Britain’s renewable generation was at a record level, its fossil fuel generation was also higher than in the previous year. Without the problems in France, 2022 could have been the first

<sup>24</sup> "Britain is a Net Electricity Exporter for First Time in 44 years" UK Energy Research Centre 18/1/23



year that Britain's wind, solar and hydro combined generated more electricity than its fossil fuels – a milestone that will happen anyway over the next couple of years.”

**This makes it clear that Britain has sufficient energy to supply the British energy market and solar, wind and hydro are be of huge importance, exactly what in our 10-point plan was required. This makes the Aquind Interconnector redundant.**

The fact that the UK will become a net exporter of energy, is discussed in the New Scientist<sup>25</sup>. “UK expects to produce more electricity than it needs by 2030 - New offshore wind farms built as part of the UK's Net Zero Strategy are expected to turn the country into a net exporter of electricity.”

There are problems associated with Interconnectors. DRAX warns of potential problems which need to be carefully considered<sup>26</sup>.

“Great Britain needs to be connected and have a close relationship with its European neighbours, but this should not come at the expense of its power supply, power price or ongoing decarbonisation efforts. Yet these are all at risk with too great a reliance on interconnection. To secure a long term, stable power system tomorrow, these issues need to be addressed today.”

1.” Since 2015 interconnectors have had the right to bid against domestic generators in the government's capacity market auctions. The Government uses these auctions to award contracts to generators that can provide electricity to the grid through existing or proposed facilities. The original intention was also to allow foreign generators to participate. As an interim step, the transmission equipment used to supply foreign generators' power into the GB market – interconnectors – have been allowed to take part. **In practice, interconnectors end up with an economic advantage over other electricity producers.”**

2. [Interconnectors are not required to pay to use the national transmission system](#) like domestic generators are. This charge is paid to National Grid to cover the cost of installation and maintenance of the substations, pylons, poles and cables that make up the transmission network. Plus the cost of [system support services keeping the grid stable](#). Interconnectors are exempt from paying these despite the fact imported electricity must be transported and balanced within England, Scotland and Wales in the same way as domestic electricity.

3.” interconnectors don't pay [carbon tax](#) in the GB energy market”

4. Interconnectors themselves do not emit carbon dioxide (CO<sub>2</sub>) in Great Britain, **but this does not mean they are emission-free**. France's baseload electricity comes largely from its low-carbon nuclear fleet, but the Netherlands and Ireland are still largely dependent on fossil fuels for power. “

<sup>25</sup> "UK expects to produce more electricity than it needs by 2030" New Scientist 18/5/22

<sup>26</sup> "Joined at the volts: what role will interconnectors play in Great Britain's electricity future?" Drax 14/6/18



5. Not being subject to the UK's carbon tax – only to the European Union's Emissions Trading System (EU ETS) which puts a much lower price on CO<sub>2</sub> – imported power can be offered cheaper than domestic, lower-carbon power. This not only puts Great Britain at risk of [importing higher carbon electricity in some cases, but also exporting carbon emissions](#) to our neighbours when their power price is higher to that in the GB market."

6. This prevents domestic generators from winning contracts to add capacity or develop new projects that would secure a longer-term, stable future for Great Britain. **In fact, introducing more interconnectivity could in some cases end up leading to supply shortages**, be they natural or market induced."

7. The contracts awarded to interconnectors in the capacity market auctions treat purchased electricity as guaranteed. But, **any power station can break down – any intermittent renewable can stop generating at short notice. Supply from neighbouring countries is just the same.**"

Another analysis by Aurora<sup>27</sup> reported in Watt Logic pointed out potential risks of interconnectors and should be taken into consideration:

"Aurora's analysis calls into **question the use of long-term historical average flows in determining de-rating factors since being secure on average does not ensure security during a rare 1-in-5 year event**. The report identified **a number of risks**, suggesting a more conservative approach should be taken in setting de-rating factors for interconnectors:

- Interconnector performance varies significantly from year to year in response to policy and market changes – for example, IFA's contribution to GB security of supply during winter peaks has been anywhere between 20% and 80% since 2010. **Interconnector imports during periods of peak demand in GB have consistently failed to match their de-ratings**, falling short as much as 50% of the time from France and close to all of the time in the case of the East-West link to Ireland.
- **Interconnectors can make a negative contribution to security of supply by exporting at times of high GB demand**, something that is not currently captured in the de-rating methodology. The fact that interconnectors can export as well as import means the range of possible de-rating is from -100% to 100%, rather than having a minimum of 0% as for generation assets. **The risk that interconnectors undermine system security by exporting at times of stress could increase in the future with the introduction of more generous capacity market remuneration in neighbouring markets, particularly since weather correlation means instances of system stress may well occur in interconnected markets at the same time.**
- **Interconnector dispatch based on half-hourly price differentials is difficult to forecast with any degree of certainty**, particularly since policy and technology change occur faster than data can be collected on extreme stress events, which are rare (there has yet to be a stress event in GB since the introduction of the Capacity Market). There are also questions around the extent to which the limited available data are relevant for future stress events, particularly after the introduction of the new Irish Capacity Market, with its substantial penalties for non-delivery of electricity from GB to Ireland during system stress.
- Policy developments in GB and other European countries have the potential to fundamentally alter the underlying economics on which current de-rating factors are based,

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<sup>27</sup> "Relying on interconnectors for security of supply carries risks" Watt Logic 27/5/18



for example, **the introduction of Capacity Markets in other European countries means that interconnectors could be “over-committed” in two different markets.** The 500 MW East-West interconnector is de-rated at 59% in the UK and 46.9% in Ireland – if it is exactly meeting its obligations in Ireland by delivering 46.9% of total capacity, its contribution to GB supply will be negative: an outflow of 46.9% of total capacity, which is a substantial 105.9% (529.5MW) in deficit on its GB obligations. **Differences in capacity market penalty regimes have the potential to distort interconnector behaviour during correlated stress events, while trade between Transmission System Operators in interconnected markets adds a further layer of uncertainty.**

- Increased reliance on renewables exacerbates the impact of low-wind periods across Europe – plausible future scenarios involving faster-than-anticipated renewables build-out, correlated renewables output, and higher interconnection between countries with correlated demand all compromise security of supply in GB.
- **Higher levels of interconnection call for lower de-ratings as the additional marginal unit of interconnection contributes less to security of supply. The existence of more interconnectors increases the likelihood of unexpected exports during periods of system tightness.**
- The risks described above are not independent, **increasing the uncertainty around the ability of interconnectors to deliver during stress events.** In plausible scenarios combining low wind output, high demand, and a harmonised carbon price, interconnector flows could easily fall to zero, or become negative (ie exporting).

**“Behaviour of TSOs may also threaten the use of interconnectors in times of system stress**

- **The price difference between the interconnected markets is the main driver of interconnector use, with electricity flowing from the lower priced to the higher priced market, however transmission system operators (“TSOs”) also engage in interconnector trading after gate closure, based on bilateral agreements whose terms are not public.**
- **[Weather correlation](#) between GB and its neighbours is fairly high, meaning that periods of high demand will often occur at the same time in nearby, interconnected markets.** If those markets have a higher level of temperature sensitivity than GB, as is the case with France, demand would rise faster in those markets, leading to pressure for the interconnectors to switch into export mode.
- Although TSOs are not generally responsible for security of supply, they are responsible for ensuring their systems are balanced, so when demand rises, it is the responsibility of the TSO to call on available capacity to meet that demand. It is far from clear that any TSO would allow exports to occur when its own supply and demand balance is tight.
- **“The reasons for this trading are opaque and it is therefore difficult to identify how the TSOs at either end would trade in the case of a system stress event.** Absent past data, it is conceivable that during a correlated system stress event, neither TSO would be willing to



export power and flows would fall to zero,”  
– Aurora Energy Research”

## **LSA’s Analysis of the “AQUIND INTERCONNECTOR Needs and Benefits Third Addendum” Submitted by Aquind Limited**

**Aquind portrayed their project to the UK customer as necessary, as the UK will need to import energy. We were made to believe that it is to our benefit to construct the Aquind interconnector.** In the “Needs and Benefit third Addendum”<sup>28</sup> Aquind highlights “In addition to addressing domestic energy security the Smart Systems and Energy Plan also highlights (page 41) that “further deployment of interconnection will help to position Great Britain as a potential future **net exporter of green energy**”.

“Britain needs and benefits from importing energy, now and in the future. **Our own energy production is also key to our export strategy** so that we can work with our friends and allies in securing a flexible and resilient market, even as we export these fuels to our neighbours.”

**The UK customer was told that this project is of National significance because the UK would need to import energy from France. Does Aquind not show with the above statement what it is really interested in? Would the SoS back in 2018 have granted NSIP status if this had been known? Does this now need to be reflected upon? Is this project of National significance? This is NOT the case in France and it seems that it is not the case in the UK either.**

**LSA asks the SoS if all those organisations who participated in the examination process, still would be happy with this project if they had known that Aquind seems very much interested in exporting energy? But at what cost?**

**Does the SoS not have the obligation to reassess these issues more deeply now, 2 &1/2 years after the original examination by the Planning Inspectorate?**

Aquind then deliberates on the procedure of NSIP and how important it is to make decisions faster and easier.

“Powering up Britain also emphasises the need to speed up the planning and delivery of development projects, with reference to the Nationally Significant Infrastructure Project (NSIP) Action Plan and consultation on revised energy NPSs (both addressed further below).”

“The Ministerial foreword to the Action Plan highlights that “improving energy security, achieving net zero and delivering the transport connectivity, water and waste management facilities this country needs demands investment in infrastructure” and that it is necessary to have a planning system fit to deliver it, noting the need for faster and more robust decision making to deliver the growing pipeline of critical infrastructure projects.”

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<sup>28</sup> Planning Inspectorate "AQUIND INTERCONNECTOR Needs and Benefits Third Addendum" Aquind Limited <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004933-Needs%20and%20Benefits%20Third%20Addendum.pdf>



**Is there not a danger that with faster and speedier processes for NSIPs the risk of inflicting massive environmental damage is increased? Will this not mean local authorities and therefore the residents themselves will have even less say in future? It was noted by the previous SoS that the "harms outweigh the benefits" Surely, this is the only matter of importance if we can prove that neither France nor the UK need the Aquind Interconnector.**

Aquind claims "This is reflected in the results for AQUIND Interconnector which demonstrate the project **would contribute to an increase in annual socio-economic welfare** (across the study area)"

**From the submissions to the SoS during the two-and-a-half-year battle against the Aquind Interconnector, it is very obvious that the local authorities, MPs, residents do not agree with this statement at all. On the contrary, they all feel threatened, worried and do not believe this company would bring benefits to the UK and its residents.**

**SOS, you must have seen the numerous documents by people, MPS, local authorities rejecting this project, explaining repeatedly why this project should be refused.**

Aquind reiterates that "The evidence supporting the need for AQUIND Interconnector, as demonstrated in the Needs and Benefits Report and first two addenda, is already overwhelming, as recognised by the Examining Authority in making its recommendation to grant development consent in June 2021. This need has become even stronger and more urgent in the intervening time period."

The analysis above clearly shows that this statement is no longer valid. The ExA 's recommendation needs to be reviewed. Blake Morgan have pointed out that errors were made by the ExA during the examination process, the previous SoS refused the application for DCO, the local authorities, MPs and residents show a strong objection, France refused the Aquind Interconnector, there is no need for this Interconnector in France or UK.

Are these not sufficient reasons to refuse the Aquind interconnector?

**The feasibility study by NGET to determine the connection point into the grid in 2014 is another mysterious and potentially misleading document. At the court hearing, Justice Lieven asked for this document to be supplied as nobody seemed to have seen it. We only hear from the applicant, Aquind, that National Grid chose Lovedean as the preferred location. We are told that this document contains confidential information. You, SoS, asked for sight of this document. What information did this document contain? Does the SoS have the authority to demand to see the documents relating to the connection at Lovedean substation? Are we all to simply to accept that the applicant's claim that the feasibility study overwhelmingly favoured Lovedean? Where is the evidence?**

**We must insist on greater transparency from National Grid. Is the Aquind Interconnector proposal of "National Interest"? Is this Interconnector crucial to National Grid's long term strategy for energy security for the UK? National Grid must be publicly involved and explain their decision for the choice of Lovedean. Furthermore, National Grid might want to revise their decision from 2014 as the circumstances have completely changed.**





## Conclusion

In 2023, as you have seen from the above analysis the energy situation has changed completely. The UK seems to be developing into an exporter rather than importer of energy. Why should Portsmouth and beyond suffer the unnecessary damage if this energy is EXPORTED? Why should we accept the damage to the second most densely populated city in the UK with already high air pollution? Why should the city and its residents suffer the chaos, the loss of habitats, the loss of tourism, increased pollution, harm to health, loss of business etc when Lovedean may not even be the best option for connection?

Let's Stop Aquind looked at Aquind's documents, in particular those focusing on mitigation. (Please refer to earlier documents from LSA)

Mitigation, when applied, is considered as not needed or negligible BUT the previous SoS referred to the harms of this project. LSA is inviting the SoS to look at these documents. The same phrases are applied to most habitats "mitigation negligible, not needed".

**Once again LSA needs to refer to the climate crisis and loss of biodiversity. The construction process alone would lead to an acceleration of these factors. According to BBC the temperature rise of 1.5 degrees will be reached by 2027 with Aquind still constructing their project (if given the green light).**



## SECTION 4: AQUIND LIMITED – AN UP-TO-DATE PERSPECTIVE

### Introduction

The decision, whether to allow Aquind Ltd. to build the 2 Gigawatt electrical connection linking France to England (the Aquind Interconnector), is in the hands of the Secretary of State at the new Energy Security and Net Zero (ESNZ) department. On the 23rd of May this year the latest documents were published on the planning inspectors' website. These documents, some 440 in total, are key to this decision. All interested parties have the opportunity, until the 20th of June, to study this new documentation and to respond to the Secretary of State.

### Understanding Aquind Limited – a Timeline and History

We should recall that this, the Aquind Interconnector project, began life around 2014. Aquind Ltd., a company born out of the North Sea oil and gas industry, began to investigate ways to diversify their business. Up to that point the company had been dormant with, according to Companies House records, no trading activity. In fact, Aquind had, until 2010, been called SLP Energy Ltd, another dormant company, not trading. SLP Energy Ltd changed its name to Aquind Ltd. in October 2010.

This name-change came just before the arrival of Kirill Glukhovskoy. He was appointed as a director of Aquind in January 2011. Throughout all this time, the ultimate controlling party was Equity Trust (BVI) Ltd, a company registered in the British Virgin Islands. Companies House records reveal that at June 2010 Aquind had a debtor owing by OGN, Offshore Group Newcastle Ltd., (formerly SLP Production Ltd). **Aquind's immediate parent undertaking was at this time OGN Ltd., while Equity Trust (BVI) was the ultimate controlling party.** This structure remained throughout 2011,2012 until 2013.

At this time, according to Companies House records, Aquind began trading. In previous years the company had been dormant. The activities of the company were to be undertaken in conjunction with other OGN group companies.

In June 2013, Aquind Ltd was awarded a grant of £4,500,000 from the Regional Growth Fund by the Secretary of State for Business, Innovation and Skills. **There is no record of this grant ever being drawn down. However, it is reasonable to ask why the award would be given to a company with no trading history. Might this be a consequence of the close relationship between one of the company's directors and those in high office in the Government of the time?**

It was at this point that a cross guarantee letter was issued from its parent company, OGN Ltd., and fellow subsidiary companies, confirming that inter-company financial support would be made available to allow the company to continue ongoing trading.

The following year's accounts show Aquind withdrew from the grant offer. There was little, if any, trading to the end of June 2014.





However, in 2014, recorded in 2015, Aquind's parent company, OGN Ltd, sold 100% of Aquind's shares to OGN Investment Partners Ltd, a company incorporated in the British Virgin Islands. Charges (in the form of property) were placed on OGN assets at this time. These charges were released almost immediately.

In Aquind's June 2015 accounts, published in March 2016, there is mention of a new business activity, an interconnector project to be known as the Aquind Interconnector. Around the same time, annual accounts for OGN Ltd. recorded what seems a good performance for the year, turnover £136 million, up £20 million from the previous year. The directors prepared a cash flow forecast which looked to June 2017 and noted that the majority shareholder had confirmed in writing to the directors of the company that "these loan amounts can be rolled over and extended until 30<sup>th</sup> June 2017." There are no signs that the company is in trouble.

They of course needed to secure new contracts but "Similar to many businesses in this sector, the significant reduction in the price of oil over the past 18 months, has led to a large reduction in the capital investment in North Sea Oil production facilities. ... pricing, competition and investment appetite pressures have restricted the Group from successfully engaging in new contracts since 30<sup>th</sup> June 2015."

Subsequent to the year end, the subsidiary company Aquind Ltd. issued to OGN Ltd. 333, 000 fully paid-up ordinary shares. In October 2015 OGN Ltd. sold 100% of shares in Aquind Ltd. to a related party of the company's immediate parent company, OGN Investment Partners Limited.

While this activity was taking place, OGN Ltd. was being closed down. The last page of the 2015 accounts has what seems a kind of valedictory postscript. Under the heading "Subsequent events", is the following statement: "**By February 2016 all production employees of the group had been made redundant**" and on 27<sup>th</sup> March 2017, UHY Hacker Young LLP were appointed administrators.

In the same accounts Aquind declared itself no longer dependent on its past and immediate 100% parent company, OGN Ltd or its fellow subsidiary companies. To cover the costs of the interconnector project, funding has and would be made by way of loans from its new 100% parent company, OGN Enterprises Ltd., a company registered in BVI. The directors still regarded Equity Trust (BVI) as the ultimate controlling party however.

**So, what appears to have happened? Why did OGN Ltd. go into liquidation?**

For OGN to have survived they said they needed

- (1) not to have had their loans renewed and extended: or
- (2) not to have obtained new contracts.

The major shareholder appeared to have guaranteed the loans (1) so the problem seems to have been (2), lack of contracts.





It would appear obvious that a company which has shed its workforce cannot be taken as a credible bidder for any new contracts within the offshore wind industry or other related projects. The direction of thrust for the directors of OGN Ltd and Aquind was now to be the interconnector project.

Aquind had been successfully saved from going the way of OGN Ltd. and was now set for survival by loans derived from OGN Enterprises. A majority shareholder now agreed to bankroll Aquind Interconnector. This business model appears to mirror OGN Ltd., by now defunct.

Alexander Temerko, said to be one of the current owners of Aquind, was appointed as a director of Aquind Ltd. on May 1st 2016. Martin John Callanan (Lord Callanan), a Conservative politician and life peer, was appointed as a director of Aquind at the same time. On 10<sup>th</sup> July 2017 Lord Callanan resigned from Aquind Ltd. **It is interesting to note that Lord Callanan has been appointed Parliamentary Under Secretary of State at the newly created Department for Energy Security and Net Zero, on 7<sup>th</sup> February 2023, following a cabinet reshuffle.**

#### **So where had Mr Temerko been all this time?**

Companies House has him as a director of OGN Ltd. from June 2008. He resigned from this failed company on 7<sup>th</sup> November 2017. It is clear from his own website that he had been courting the leaders of the Conservative Party to whom he donated substantial amounts.

#### **What about Viktor Fedotov, the other current owner of Aquind? Where had he been?**

According to Companies House, Mr Fedotov was appointed as a director of OGN Ltd, in September 2008. He resigned September 2009. He dropped off the radar. He was afforded a form of anonymity enabling him to avoid connection to any business activity carried out in the UK. More about Mr. Fedotov later.

Going back to 2014 then, it was full speed ahead for Aquind to try to get planning permission for its interconnector project having abandoned, it seems, other offshore interests. They enquired Initially of the local authorities which would be impacted by its construction. Portsmouth City Council quickly recognized the damaging effect that the city would be subjected to should this project go ahead. They rejected it out of hand.

The route proposed for the interconnector cables up to Lovedean involved other local councils. They too were quick to recognize the damage that would be done and turned down the project. Frustrated at being unable to persuade local councils to allow this project to proceed, Aquind turned to the national planning inspectorate to get a development consent order, a DCO.

This would impose upon local councils the obligation to allow the project to be constructed and to assist in its construction. For this to be successful the project needed a change of status - from a simple engineering project to one which would be awarded the status of Nationally Significant Infrastructure Project, an NSIP. This would require the planning act of 2008 to be applied, by direction of the then Secretary of State at the energy department, Greg Clark. Normally this NSIP status would apply to generating stations, wind farms or solar projects. Exceptionally, Aquind was granted the nationally significant infrastructure project, (NSIP), status.





Aquind's accounts show that they borrowed millions of pounds in order to assemble a convincing body of evidence in favour of the Aquind interconnector to place before the Planning Inspectorate (PINS). They employed specialist contractors to carry out feasibility studies in preparation for an examination of their application for DCO (Development Consent Order).

It appears that OGN Enterprises, a company registered in the British Virgin Islands was the source of the funding to pay for this phase of the project at the beginning of the project. With the status of an NSIP assured, their application was successful- the examination by PINS started September 2020.

However, on 15<sup>th</sup> February 2019 100% of the company was sold to Aquind Energy SARL, a company registered in Luxemburg. OGN Enterprises continued to provide funding and agreed to roll-over each loan and extend them. Aquind SAS (France) was registered on 31<sup>st</sup> May 2019 for the purposes of developing Aquind Interconnector in France.

In May 2021 Project Finance Group SA (registered in Luxemburg) consolidated most of the outstanding loans, extended them for 5 years, facilitated a further loan for the same period and provided a "letter of comfort", guaranteeing continued financial support for the next 12 months. Prior to this Viktor Fedotov surrendered his right to anonymity and was found to be behind Project Finance Group which was allotted 17million shares in Aquind.

**Is it correct then that the owner of Aquind Ltd. was lending to himself in the guise of a Luxemburg finance company? Had this structure been in place during the downfall of OGN Ltd. in 2017? Had the (anonymous) Mr Fedotov been behind OGN Enterprises Ltd., having once been a director at OGN Ltd.?**

LSA is not suggesting any wrong-doing in any of these activities - we are just putting the company timeline, gleaned from its accounts published on Companies House, into the public arena. We trust that all parties to the decision will satisfy themselves that Aquind Ltd. is capable of managing and funding a project that would bring great harm to the City of Portsmouth. No-one would like open trenches to be abandoned half way through a project because the funding had dried up or the workforce made redundant.

**At present, then, we hope that the Secretary of State at the Energy Security and Net Zero department has a good appreciation of why we, at Let's Stop Aquind, have severe reservations about the Aquind Interconnector. We find it difficult to trust a company that wanted, it seems, to conceal the identity of a director, that relies on overseas sourced funding moved at will around the banking system, that was born out of an organisation that failed to survive despite good trading revenue and that has no experience of leading such a project.**



## **The Background to a Conundrum**

In November 2019 Aquind applied for a development consent order, a DCO. This required that the project be examined by the Planning Inspectorate (PINS). The applicant, Aquind, prepared the application. It was accepted for examination December 2019. From January 2020 PINS started the process of gathering information about the project -the examination proper started on September 8<sup>th</sup> 2020. Soon after this Let's Stop Aquind was founded.

Put simply, PINS held the examination over the next 6 months and delivered its recommendation on 8<sup>th</sup> June, 2021. PINS sent their recommendations to the department for Business, Energy and Industrial Strategy (BEIS). The Secretary of State at BEIS decided to refuse the DCO January 2022. Aquind subsequently applied to the High Court to have this decision reviewed. This took place November 2022 when the decision was quashed and the BEIS, soon to be abolished and replaced by the Energy Security and Net Zero (ESNZ) department, was instructed to look again at the project. All those involved were invited to put forward their special evidence for inclusion in this review. We now have until June 20<sup>th</sup> 2023 to submit our evidence, after which the SoS at ESNZ will make his decision.

Throughout this drawn-out process Aquind Ltd. has undergone many changes of funding and ownership. The names may not have changed (much), despite anonymity status, but the location of the source of funding has migrated from the offshore tax havens of the Caribbean to Luxembourg. We, at Let's Stop Aquind, are not sufficiently informed or advised to be able to offer an accurate current analysis of the funding or company structure of Aquind Ltd. Nor can we comment on the £1 million+ donations made to the Conservative Party by some of those associated with Aquind Ltd.

We sincerely trust the Secretary of State will have regard to these matters during his review/deliberation of the project over the next few weeks.

**Let's Stop Aquind awaits the decision of his review with optimism.**

### **The mysterious, misleading case of the missing millions (an attempt to decipher the riddle)**

Is it any wonder that we are still awaiting a decision about the Aquind Interconnector? We have read millions of words, looked at hundreds of pictures and images and listened to days of recorded or live spoken words. Are we any nearer to understanding the truth about this Project?

Does our confusion not start with the company itself, with Aquind? Are not the complexities of ownership and funding so intricate as to beg the question: are we meant to understand? Are we being misled?

Would forensic analysis of the company's structure lead to better comprehension or are we to live in the land of smoke and mirrors and put our trust in those involved? Best not forget that our constituency MP, Penny Mordaunt, has been threatened by one of those involved. Is this the way to inspire trust?





**And what of those millions, those missing millions? Where has the money, that has financed the project so far, come from?** A reading of Companies House Records, looking for an answer, is a job for someone with plenty of time and a sense of the absurd. It seems that someone, a shareholder, has been happy, over the years, to lend millions upon millions of pounds from a location in the Caribbean in the hope/understanding that these loans will be repaid. High interest will of course be added. Repayment will be at some unspecified time in the future once the interconnector has been built. What business owner would not wish for such a generous investor?

**Is Aquind's aim to pump money in and out of the UK and in and out of France in the form of electrical energy simply to facilitate repayment of these loans amounting to millions and millions of pounds? Will it be we consumers who ultimately pay off these debts?**

**Were we not told that 2 million Watts of electricity would be coming our way from a France happily offloading its surplus energy? Was this not a very misleading scenario? What is the reality?**

**Over the past years, we have sent as much of our precious energy to France as France has sent to us. We are missing millions of Watts for our consumption whenever we send electricity out of the country down existing interconnectors- do we want another means of sending yet more millions out of the country? Do we need another Interconnector?**

**Is it not a reasonable assumption that we are being fed misleading information (we would benefit from extra energy) to influence us into approving the project?**

In the current situation are we not supposed to embrace the idea of home-grown sustainable energy and become more self-reliant? At best Aquind Interconnector would bring no net electrical energy gain when export/import totals are equal- at worst we will have net loss when export totals exceed import totals. How misleading!

Were we not shown diagrams that could have misled us? Did not leading participants in the examination stage or judgment in court come to the wrong conclusions because of diagrams that were misleading? Could we have thought that the cable arriving from France had originated somewhere near Le Havre? Do we not remember a map that showed the interconnector cable leaving France just north of Le Havre? Is there not a diagram or map showing that there are only 10 possible connection points on the south coast of England? Only 10 that would suit the cable originating in France near Le Havre? Were we not told through this diagrammatic evidence that the shortest route for the cable had been chosen for cost implications? Are we to trust that all parties who have power in the decision-making process had clear understanding of all diagrams, maps and charts?

### **Conclusion – the Cost to Portsmouth of a Decision Taken on Misleading Evidence**

What is the cost to the city of Portsmouth should persons, charged with the decision, approve this interconnector project on the basis of misleading evidence? If we take the best case, mitigation is supposed to reduce damage and harm to the environment, to the residents, to the wildlife. At worst, proposed mitigation could be ineffective. Is this not too high a cost for a project that we know we do not need? What of the missing millions? Will the shareholder, some 50 million pounds owed to



him, be able to survive this loss should the interconnector not be built? What of the millions of Watts that would flow back and forth along this interconnector cable? Will we be able to survive without them?

What is certain is that, without the disruption, the damage and the harm of this project, Portsmouth and beyond, Normandy from the coast to Barnabos, will do just fine. **Should we not go back to these possibly misleading diagrams, charts and maps? Should we not readdress the issue of best route, best point of connection, best for the residents, best for the environment? Should we not prioritise what is best for the city, the residents and the environment.**

Priority should certainly not be given to what's best for the company, but to what is best for the city and its environment - the interconnector must not be built. The citizens of Portsmouth will not tolerate being misled.



## SECTION 5: THE CASE AGAINST THE FIBRE OPTIC CABLE

### Introduction

It seemed obvious from the beginning that Aquind wanted to bury a subsidiary telecommunications project within the energy project, Aquind Interconnector. The application for the project to be treated as an NSIP, a Nationally Significant Infrastructure Project, contained the seemingly innocent phrase "together with any development associated with it".

By itself the Aquind Interconnector should never have been treated as an NSIP: it was incorrectly compared to a two Gigawatt power-generating station when in fact it does not generate any electricity at all. It is merely a cable along which electricity can flow. It is nothing like a power-generating station. To include a Telecommunications System under this associated development umbrella should never have been approved by the Examining Authority.

LSA is convinced that Greg Clark, the Secretary of State at the time NSIP status was given, should not have authorised this fibre optic system. Indeed, the Planning Act 2008 does not provide the correct legal framework for a telecommunication system. It is in the field of Energy that Aquind Interconnector would appropriately seek a DCO, a Development Consent Order.

### Associated Development and Commercial Use

Focusing now on the innocent phrase "together with any development associated with it", what seems to have been the intention of Aquind was to conceal, literally, both underground and under-sea, a telecommunication system alongside the power cables. HVDC systems, like Aquind Interconnector, require minimal FOC (fibre optic cable) capacity to control and monitor their operation. They do NOT require a Telecommunications System of the massive capacity planned by Aquind, far in excess of the capacity required to control and monitor the Interconnector.

Aquind openly declared that this surplus capacity would be available for commercial use by third parties. What is alarming is that this FOC became embedded in the main element of the project. From a nebulous and vague idea, "associated development", the Telecommunication System became an accepted reality. That was what Aquind wanted.

Indeed, The Planning Inspectorate, gave unequivocal support for the Telecommunications System in its Recommendation to the SoS at the end of the examination of the project.

In its Recommendation, the ExA elevated the "associated development" (FOC) to be a fundamental part of Aquind Interconnector such that should DCO be granted, a commercial telecommunication system would be constructed alongside the HVDC cables. This system became an integral part of the project.

What this would mean is that a substantial part of Fort Cumberland carpark would be the subject of a compulsory purchase order, leading to a loss of access to this area for the life of the business. Portsmouth City Council have repeatedly resisted such an action on the part of Aquind.





## HVDC Cables and Optical Regeneration Station Requirements

We should be aware that HVDC cables of much greater length than that proposed by Aquind have been built. One such cable is the North Sea Link between Norway and the UK. It is 720km long, 3 times the length of Aquind's proposed cable. This longer cable also requires control and monitoring through FOC. There can be no on-shore Optical Regeneration Stations along its sub-sea FOC. There must be another way, perhaps in-line, to ensure the delivery of a successful control and monitoring function.

LSA member David Langley recently contacted GridLink Technical Director, David Barber, asking specifically whether Optical Regeneration Stations would be necessary for their interconnector project. The response leaves no doubts.

*From: David Barber [REDACTED]  
Date: Fri, 11 Jun 2021, 15:43  
Subject: RE: GridLink Interconnector - Contact Form EN - "Fibre Optic cable"  
To: [REDACTED]*

*"Hello David*

*Thank you for your inquiry.*

*A small fibre optic cable is included within the subsea cable bundle to provide monitoring of the cable and help measure performance and detect any potential damage to the cable. The fibre optic cable is installed with the two subsea cables and then connects together with the power cables into a converter station at each end. The converter stations are designed to link the cables to the national grids, and also provide the location for operations and control of the whole system. "Optical regeneration stations to enable sufficient FOC capacity" are NOT required or included in the GridLink project.*

*I hope that this answers your question.*

*Best regards David"*

When pressed as to why an Interconnector project might be considering enhancement of the FOC performance the 2<sup>nd</sup> response from GridLink was more explicit:-

*"Hi David*

*Just to clarify, we do not need optical regeneration of the FO cable to compensate for degradation of the signal because our cable route length is about 150km. When the cable route length reaches 230km+ (like AQUIND), then the stations may be necessary so that is the most likely reason why they are included in the AQUIND project. This is especially necessary if the FO cable may be used for commercial data transfer as well.*

*Regards David"*







## **Conclusion**

LSA contends that, putting together the fact that an HVDC sub-sea cable, 3 times as long as Aquind Interconnector, can be laid without possible on-shore ORS enhancement along its submarine length and the fact that GridLink did not require ORS but that commercial data usage might require ORS enhancement, there is no justification for compulsory purchase of land at Fort Cumberland carpark.

**It would appear, then, that the FOC should never have been admitted into the Aquind scheme in the first place. Furthermore, it is not needed UNLESS there is a Telecommunication System planned for commercial data transfer.**

**LSA trusts that the SoS at the ESNZ department will consider this evidence and give weight to it in his refusal to grant DCO to Aquind Interconnector.**

## SECTION 6: LSA'S ANALYSIS OF THE SUBMISSIONS BY HAMPSHIRE COUNTY COUNCIL, WINCHESTER CITY COUNCIL, SPORT ENGLAND AND PORTSMOUTH CITY COUNCIL ON 28<sup>TH</sup> APRIL 2023

### **Hampshire County Council**

Requests updates and considerations relating to environmental information re the 4 areas listed here:

- the planning application made to WCC re installation of solar farm and battery storage facility with associated infrastructure at Lovedean
- progression of the Ladybridge roundabout
- progression of Transforming Cities Fund works on A3 south of Ladybridge roundabout
- position on requirements to update the Transport Assessment base, considering the impact of the proposed development

Essentially, a traffic management plan is required before commencement of works at Lovedean, as various key works will be happening alongside potential Aquind developments. It is clear that there will be a great deal happening in this area in the near future, aside from Aquind's potential plans. This could cause a great many issues with movement of traffic over a considerable period of time, making life very difficult for residents and commuters in the area.

'Mitigation measures [as listed above] must be put in place to minimise impact of the development during construction.'

### **Winchester County Council**

The council asks, as the location on the Normandy coastline has changed, should the landfall location/Eastney be reconsidered?

This key question is also raised in a number of other submissions, including that of Let's Stop Aquind. As Hautot Sur Mer, 50km to the north east of Le Havre, is now being mooted, the cable routing from there to Portsmouth would certainly not be the shortest or cheapest.

In any case, it is stated in a number of key submissions to the PI that the French have thus far remained resolute in refusing Aquind's project. Blake Morgan's submission on behalf of the Carpenters and PCC are particularly detailed in this respect.

Community action to stop the AQUIND interconnector





Potential problems with HGV daily movements being exceeded by the combined Enso solar farm and Aquind substation developments are pointed out in WCC's submission, along with a request for the Grampian requirement.

### **Sport England**

With the sale of St John's playing fields at Farlington, Sport England's concerns focus on the protection of existing playing fields, stating that 'even temporary development will cause disruption.' SE states that a review of usages and demand needs to be carried out by Aquind.

In this island city, green spaces for sport and recreation are at a premium. Sport England would be in dereliction of duty if they did not point this out.

### **Portsmouth City Council**

With regard to the response from Portsmouth City Council to the request for information from the Secretary of State of 3rd March 2023.

I am writing in support of PCC's submission.

#### **1.1**

In addition to providing background information and reminding the SofS of "key important contextual matters which the Council considers should aid and form the basis for his reconsideration of this DCO application", Ian Maguire (PCC Assistant Director Planning & Economic Growth) points to new information and significant changes, which mean that thorough scrutiny and a reappraisal of Aquind's application for a DCO are vital.

Ian Maguire points out that Aquind's submission and the ExA's report are deeply flawed; they are based on inconsistencies, contradictions and misinformation.

He reminds the SofS that our island city is one of the most densely populated cities in the country, surrounded by designated protected habitats and "is particularly sensitive to any development pressures."

#### **1.4**

He then addresses some of the potential adverse effects of the proposed DCO as identified by the ExA's report and also those planning harms highlighted by the former SofS, stating that "the Secretary of State's analysis and the conclusions he drew - that due to the combination of adverse impacts from the proposed route through a very densely populated urban area the selected application route resulted in material harm - remain unimpeachable."

#### **1.5.**

Other harmful impacts that may have been overlooked ...

In addition, "the Council has consistently identified other harmful impacts, which we consider did not receive sufficient recognition in the ExA's final conclusions and seemingly may have been overlooked by the Secretary of State despite being clearly identified by the ExA."

"We refer in particular to the potential disruption and loss of use of allotments at the Eastney and Milton Piece Allotments in the event of bentonite breakout during subsoil HDD drilling and construction works which was recognised by the ExA but then seemingly dismissed without sufficient reason."

#### **1.6**





“It appears to the ExA to be difficult to judge the risk of a breakout accurately and there would therefore be the potential for one or more to occur.”

1.7

The ExA then however asserts nevertheless that “remediation measures secured through the Recommended DCO would mean that the level of disruption would be minimal and the effects reversible” despite being unable to assess the level of risk accurately and thereafter describing it as a “small risk and minor inconvenience”

This “runs directly in the face of their earlier conclusions” and the “questionable approach by the ExA” clearly casts doubt on the ExA’s report.

1.11

The fibre optic cables (FOC)

Aquind’s position that certain spare capacity with the fibre optic cables (FOC), which would be laid within the cables in order to monitor the interconnector DCO scheme, “could be lawfully used for a separate commercial telecommunications purpose unrelated to the principle DCO development”, and that this use would qualify as “associated development”, has a bearing on the size of the Optical Regeneration Station (ORS) they propose to built on PCC land.

We understand that Aquind have said they have dropped their plans for the commercial telecommunications system. But they have not said they will also reduce the size and capacity of the ORS. How can anyone be sure they will not reintroduce the data cable at a later stage?

1.20

“it appears clear to PCC that the DCO needs to be amended to remove the FOC commercial telecommunications element.

This again also clearly raises the issue of the justification for the compulsory acquisition (CA) of the land said to be required for the ORS given as above two thirds of the size of the ORS relates to the FOC use which must be excluded.”

Surely action should be taken to ensure that Aquind cannot introduce a new commercial telecommunications system through Portsmouth, the home of the Royal Navy? It was never part of the original application and was added later, claiming it is an ‘associated development’ when it is not.

Consideration of alternatives - Mannington

I am very pleased that PCC are still insisting the Feasibility Study requested from NGET in December 2014 be included within the relevant studies you have requested. Aquind has resisted sharing this key document and I trust that you will finally bring it to light, nine years later.

I am similarly happy to note PCC are asking whether feasibility assessments dated January 2016 are sufficiently up to date to be a basis for decision in 2023. Also that PCC is concerned that over 7 years later the basis for that feasibility work is likely to have significantly changed.

2.4

“A significant example of such change is that the original criteria for the scheme, which gave important weight to minimising the length of cable and other factors, led to a location near Le Havre for the landfall in France. This matter was principal in the consideration of the facts in the judgment of Lieven J (see paragraph 9 of the





judgment dated 24 January 2023)."

"PCC accepts this could be reasonably described as the shortest marine cable route from a landfall in Portsmouth."

Since that feasibility work, however, the preferred French landfall location has relocated 50km further to the east, to Hautot-Sur-Mer outside of Dieppe.

"This new landfall location adds a significant increase in the marine cable length and also raises queries as to whether the appropriate area for search for UK landfall should also be reconsidered and encompass locations to the east of that considered in 2014/16 in order to ensure the cable route is indeed the shortest one."

So JUSTICE LIEVEN'S DECISION to overturn the former SoS's decision to refuse Aquind's DCO WAS PARTIALLY BASED ON MISINFORMATION, a false premise. Surely this must be challenged? Might it even be the basis for a further JR?

3.

North Portsea Island Coastal Defence Scheme (NPICDS)

3.1

This work is now expected to be completed before Aquind works start (IF they start) But if there are unforeseen delays and the NPICDS programme be delayed to 2025 "then the previous conflict risks would still be very much applicable"

3.3

"The remaining risk to the NPICDS from the Aquind project is the direct impact to the completed works" There are strict measures that must be followed "to avoid any impact to the loading of the new sea wall" There are also obligations regarding the maintenance of planting.

4

French Licenses and Consents

A succession of Aquind's appeals against regulatory refusals are detailed in this section. They were successful in only one of these (ACER's Board of Appeal) but that was of no use to them in isolation. A few salient points that have made our campaign group see that the Aquind scheme is now a cable to nowhere. ....

4.7.

" there have been a number of judgments from the courts of the European Union where the Applicant has repeatedly lost appeals challenging important and relevant regulatory refusals."

4.8

" .... the high level of risk that the French government considers inherent to the AQUIND scheme in comparison with other interconnector projects."

"finding that AQUIND had overstated its claim to commercial confidentiality in a number of regards and permitting those aspects to be released.

Extracts from this Order indicate that AQUIND is seriously considering alternate landfall points in other EU Member States due to apparent legal and consenting difficulties in France:"

"Indeed, the Secretary of State is asked to note the General Court's statement at para 65 that 'The reason why the Commission did not include the proposed AQUIND interconnector in the [PCI list] relates to the French





Republic's opposition to that project...’ If the considered view of the General Court is that the French Republic opposes the continental half of this scheme, not only as a Member State of the EU but as a matter of domestic policy, this can only be fatal to the Applicant's ambitions. It would be no wonder if the Applicant is considering other EU Member States to host the continental half of the interconnector”

“FATAL TO THE APPLICANT’S AMBITIONS”

4.15

“In light of the foregoing position of the French government set out in EU court records, it would seem preposterous to continue to argue that the French central government has any intention of declaring the project to be in the public interest.”

4.16.

“The Secretary of State in PCC’s submission should also investigate as a matter of urgency whether the continental route of the project is or is not as stated in the application before him.”

“INVESTIGATE AS A MATTER OF URGENCY WHETHER THE CONTINENTAL ROUTE OF THE PROJECT IS OR IS NOT AS STATED IN THE APPLICATION BEFORE HIM”

4.21

“The AQUIND interconnector project has stumbled at virtually every regulatory hurdle set by the EU institutions and the French government.”

4.22

“This clearly affects the rationale for the Applicant’s consideration of alternatives, which it placed before the Examining Authority and the Secretary of State (as well as the Court).”

4.25

“PCC submits that there are now fundamental changes to the circumstances of this project which mean that the application can be shown to be entirely flawed.”

The French continue to say “non” to Aquind, at local and national level.

5

Environmental Information

The SoFS has asked for an update on any new environmental information since the former SoS’s decision.

PCC points out there are now “two significant projects occurring in proximity to the proposed scheme route.”

5.3

“The first is the A 49.9MW solar development which is currently under consideration on land directly overlapping the termination of the Interconnector Project in Winchester/East Hampshire”

“Secondly, the Council would also draw to attention another DCO project, which will intersect with the AQUIND project. Southern Water are currently undertaking the preapplication steps for the Hampshire 'Water Transfer and Water Recycling Project'. Whilst the application is likely not be submitted to the Planning Inspectorate until Q1 2025, Southern Water have been engaging with the public and relevant stakeholders through a number of consultation exercises and it is clear that the two schemes would conflict in north Portsmouth.”





The evidence is overwhelming, the former SoS's decision was unimpeachable and Aquind must be stopped. LSA wholeheartedly supports Portsmouth City Council in its unequivocal rejection of the Aquind interconnector project.

**LSA cannot stand by and silently watch a project, which is recognised as being harmful. The Aquind Interconnector is not needed. Kwasi Kwarteng got it right. He refused the project.**

**Grant Shapps, the ball is in your court now. LSA implores you...  
DO NOT FAIL TO DO THE RIGHT THING. STOP AQUIND.**

**Comments from Interested Parties on the matters contained in the request of 03 March 2023 and the information contained in the Applicant's response dated 28 April 2023**

The Need for the Aquind Interconnector?

In order to get an understanding whether the Aquind interconnector is needed or not, the following issues need investigating:

1. The original decision to give the Aquind Interconnector the NSIP status (to treat it as a Nationally Significant Infrastructure Project)
2. Changed circumstances since this decision in 2018

1. The original decision to give the Aquind Interconnector the NSIP status

"The Department for Business, Energy and Industrial Strategy ('BEIS') has today (Monday 30<sup>th</sup> July 2018) announced that AQUIND Interconnector is to be treated as a Nationally Significant Infrastructure Project."



**Interconnectors had never before been a Nationally Significant Infrastructure Project.**

IN "DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE AQUIND INTERCONNECTOR" it is stated that "The proposed Development does not currently fall within the existing definition of a "nationally significant infrastructure project" and therefore it is appropriate to consider use of the power in section 35 of the Act"

([https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000013-Section%2035%20Direction%20notice%20AQUIND%20Interconnector\\_30July2018.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000013-Section%2035%20Direction%20notice%20AQUIND%20Interconnector_30July2018.pdf))

The wording had to be very carefully phrased "**TREATED as a NSIP**".

**This decision in itself is worthy an investigation, At this point local democracy no longer is central to the decision making process. Local authorities are obliged to comply with planning inspectors' oversight.**

**Should a national body have the right to take away local decision making when clearly the local authorities have the knowledge about their local environment?**

Aquind first approached our local authorities who strongly rejected this scheme for many reasons. Fundamentally, from a local perspective, the harm far outweighed the benefit. Aquind applied to the energy department BEIS for a change of status for their project to a NSIP.



The Times newspaper ran an article on the 6. August 2020 about a meeting between an Energy Minister, Claire Perry O' Neill and A. Termerko. This meeting took place sometime around end of June /beginning of July.

“Mr Termerko, 53, is a director of Aquind Ltd, which wants to build the £1.2 billion electricity interconnector. He was a senior figure in a Russian arms firm and a Russian oil company before fleeing to the UK in 2004. Since obtaining British citizenship in 2011 he, or companies he co-directs, have contributed £1.3 million to the Tory party.” (The Times, 6. August 2020)

**It has been noted that there are no minutes of this meeting but the Times published:**

“The note relating to the meeting in June 2018 has been obtained after a three-month freedom of information battle. In its response the department said “there are no minutes from the meeting as there were no officials in attendance” and that the meeting was “primarily a political one”.

“On July 30 Greg Clark, then business secretary, directed that the project be considered for approval by ministers rather than local authorities and the Marine Management Organisation.”

**Could this meeting have helped in the decision-making process in 2018?**

These huge infrastructure projects should be in the interest of the public. What if this is not the case? What if this project has not the well-being of UK citizens at its heart but profits for the owners and the company?

It is worth noting that:

“The Secretary of State is **of the opinion** that the proposed Development, known as the AQUIND Interconnector, is of national significance having taken into account in particular that:

“The two giga-watt capacity of the proposed Development is similar in terms of electrical capacity to a generating station that would qualify to be considered under the Planning Act 2008 process as nationally significant.”

**Two issues are noted:**

1.The SoS is of the “**opinion**” that the proposed development is of national significance. **Can we base our decisions on an opinion? Should not objective evidence be the key to making a decision of this scale? Are there minutes of the meeting at which this “opinion” was formed?**

2.For the then SoS to say that it is similar to a generator station, means that this interconnector is capable of producing/delivering 2 GW of energy in the same way as a UK based generating station of 2 GW capacity. **Clearly the interconnector itself does not produce electricity, what it does, it transmits energy.** In the likely case that the Aquind Interconnector will export as much of our energy as it is likely to import, there is certainly **no national significance** in this instance, particularly after **Brexit.**

**The Aquind Interconnector actually aims to import and export to the commercial advantage of the privately owned company and does not contribute to national benefit.**

One simple arithmetic calculation is enough:

Aquind claim they will provide energy (“, for example: consumption by millions of households.”) One paper suggested 5 million households.

(<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-000479-5.1.1A%20Consultation%20Report%20-%20Appendix%201.1A%20Example%20FAQ%20on%20Project%20Website.pdf>)

Our current capped price per household is something over £ 2000 per year.

So, 5mill X £ 2000 = £ 10 billion . This is the energy transported in pound value at current rates. Little wonder then that Aquind are keen to steamroller their way through Portsmouth.

## **2. Changed circumstances since 2018**

### **Blake Morgan on behalf of the Carpenters:**

“13. Since the High Court decision in January 2023, the circumstances have moved even further on. There is now no actual need for this Project. This is because in February 2023, the General Court of the CJEU (Second Chamber) in Case T-295/20 in Appendix J, dismissed the claim by DCO applicant company (Aquind Ltd) and its related companies seeking to reinstate the status of the DCO interconnector project as a “Project of Common Interest” (“PCI”). The Court described significant benefits to projects from that status: 3. The proposed Aquind interconnector was placed on the list of ‘projects of common interest’ (‘PCIs’) of the European Union by Commission Delegated Regulation (EU) 2018/540 of 23 November 2017 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest (OJ 2018 L 90, p. 38), and was thus considered to be a fundamental project in the infrastructure necessary for the completion of the internal energy market. “

“14. The Court described the evaluation of the DCO project by the French Energy Regulator as follows: 29. ... The Commissioner for Energy stated, first, that the French Republic considered that the four projects linking the United Kingdom and France **would lead to overcapacity**, secondly, that that Member State was of the opinion that the proposed Aquind interconnector **was considered to be the most uncertain** and, thirdly, that that Member State had accordingly requested that the project at issue **should not be included in the new list of PCIs**. The Commissioner for Energy stated that the Member States were entitled to approve projects which concerned their territory and that the Commission was required to respect that right... 52. ... **[T]he Commission de régulation de l’énergie (Energy Regulatory Authority; CRE), opposed the inclusion of that project in the final regional list.**”

**The French government pointed out that the Aquind Interconnector would lead to overcapacity, it is the most uncertain of all proposed interconnectors and the loss of its PCI status means it is therefore no longer considered to be a fundamental project in the infrastructure of the European energy market.**

“119. In essence, the evidence of fact in the EU Judgment evidences to the Minister that: a) There is no actual need for the envisaged interconnector (regardless of the notional need described in NPS EN-1); b) The French Republic has evaluated that to proceed with the envisaged interconnector would result in **“over capacity”, because there are 4 other interconnectors that are less risk projects than that of Aquind and that are being carried out currently;** c) He can rationally evaluate that the **loss of status of the envisaged interconnector as a PCI would result in it losing all of the financial and stream lined authorisation benefits attendant on PCI status .....**”( Blake Morgan)

**Consequently, as pointed out by Blake Morgan another 4 interconnectors would result in overcapacity which raises the question if the Aquind Interconnector is indeed needed. The Prefet Seine Maritime has refused the Aquind Interconnector in 2021 and this refusal, as to the knowledge of PCC, Blake Morgan Solicitors, and Non a Aquind is still steadfast.**

**The following Interconnectors are already connecting GB and France**

**IFA - 2 GW , IFA 2 – 1 GW , Eleclink – 1GW**

**A further two interconnectors have been approved:**

**Gridlink -1.4 GW , FAB link – 1.4GW**

( <https://www.ofgem.gov.uk/energy-policy-and-regulation/policy-and-regulatory-programmes/interconnectors>)

**France also has interconnectors with Belgium (IFB), Germany (IFD), Italy (IFI), Spain (IFE) and Switzerland (IFS)**

[REDACTED]

**A further interconnector between Ireland and France, capacity 700Megawatts and a Project of Common Interest, has been confirmed between French energy regulator CRE and their Irish counterpart CRU. (10.11.2022)**

(from: [REDACTED])

“PCC considers “it is clear that the French government is not in favour of this project proceeding in France. This is of significant relevance to the scheme as a whole, let alone the fact that the Applicant asks the Secretary of State to allow the DCO and thereby blight English land for a project that has no clear continental footing”

**PCC clearly suggests that if the French government is refusing the Aquind Interconnector then the whole project needs to be refused.**

“4.23 Further, PCC highlight again that AQUIND is persisting with an application for development consent through Portsmouth to Lovedean, **despite having conceded in the EU courts that it may not even land in France and there are doubts over precisely where in France the Applicant intends to**

**land.** At worst, its feasibility and environmental studies produced to the Secretary of State under this 'Request for Information' will be wholly unreliable. At best, no credence can now be given to the Examining Authority's simple dismissal of this issue by suggesting that it was not even necessary for a requirement to be imposed on the DCO preventing commencement of the landward development until French consents are secured [11.3.62 of the ExA report]. The commercial orthodoxy behind the Examining Authority's reasoning is not something that the Applicant can be assumed to adhere to. The Applicant is seeking to blight English land without a clear path to ever realising its development, contrary to the long-established and demanding requirements of compulsory acquisition. The application should be refused.

(RE: Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project - Response of Portsmouth City Council and Coastal Partners as Interested Parties to the Secretary of State's 3 March 2023 Request for Further Information)

**Doubts are expressed whether the Aquind Interconnector's landfall will be in France at all! France is rejecting this project because of the above- mentioned reasons. Surely, the SoS cannot grant DCO if there is any doubt as to where the cable is landing. Why would Portsmouth be chosen if the European landfall would have to be moved to Belgium for example?**

**Aquind pointed out that the financial implications are of utmost importance for this project. Even if the landfall was Hautot sur Mer/ Barnabos there are far shorter routes across the channel from France to connect to other substations further East of Lovedean.**

**(Please see Let's Stop Aquind's last submission regarding alternatives)**

**Planned interconnector capacity exceeds the 18GW UK Government target without Aquind**

In its recent Powering Up Britain: Energy Security Plan, the UK Government reiterated its target to increase interconnection capacity to 18GW by 2030.

The following interconnectors have been constructed or approved and add up to nearly 17 GW

## Existing and future interconnector projects

Below is a list of existing and future electricity interconnectors with GB regulatory approval. This doesn't include a pipeline of planned interconnectors that are under development but that we have not yet assessed.

As with other major infrastructure projects, future interconnectors face a range of challenges that can impact on timing of delivery. The estimated delivery dates shown below reflects our understanding in June 2021 of developers' plans.

Project name	Developers	Licensee	Connecting country	Capacity	Cap and floor regime?	Exemption?	Delivery date / estimated delivery date
IFA	National Grid Interconnector Holdings (NGIH) and RTE	National Grid Interconnectors Limited	France	2000MW	No	No	1986
Moyle	Mutual Energy	Moyle Interconnector Limited	Ireland	500MW	No	No	2002
BritNed	NGIH and TenneT	BritNed Development Limited	Netherlands	1000MW	No	Yes (Second Package)	2011
EWIC	EirGrid	EirGrid Interconnector Designated Activity Company	Ireland	500MW	No	No	2012
Nemo Link	NGIH and Elia	Nemo Link Limited	Belgium	1000MW	Yes	No	2019
IFA2	NGIH and RTE	National Grid IFA 2 Limited	France	1000MW	Yes	No	2021
NSL	NGIH and Statnett	National Grid North Sea Link Limited	Norway	1400MW	Yes	No	2021
ElecLink	Getlink	ElecLink Limited	France	1000MW	No	Yes	2022
Viking Link	NGIH and Energinet	National Grid Viking Limited	Denmark	1400MW	Yes	No	2023
Greenlink	Element Power & Partners Group	Greenlink Interconnector Limited	Ireland	500MW	Yes	No	2023
GridLink	iCON Infrastructure Partners III, L.P.	GridLink Interconnector Limited	France	1400MW	Yes	No	2024
NeuConnect	Meridiam, Allianz and Kansai Electric Power	NeuConnect Britain Ltd	Germany	1400MW	Yes	No	2024
NorthConnect	Agder Energi, Lyse, E-CO and Vattenfall	NorthConnect Limited	Norway	1400MW	Yes	No	2025
FAB Link	Transmission Investment and RTE	FAB Link Limited	France	1400MW	Yes	No	2025

As outlined in our last submission of 28. April 2022 the target of 18 GW including the newly approved Lion Link interconnector between the UK and Netherlands would be met.

Xlinks, another interconnector currently discussed would provide 3.6 GW of renewable energy to the UK.

In” **Interconnectors: Giving the UK and EU a power boost”** it says clearly

“Once operational, the UK will have a capacity of 19.5 GW, which is equivalent to 5 Draxes and will be crucial to ensuring energy security, lowering prices and giving renewable energy new markets to tap into.”

“As of 2023, the UK has eight interconnectors with France, Belgium, the Netherlands, Ireland and Norway, with a total capacity of 8.4 GW, which is roughly double the peak capacity of the UK’s largest power [station Drax](#).

Name	Developers	Connection to	Capacity (GW)	Commission date
IFA	National Grid, RTE	France	2.00	1986
Moyle	Mutural Energy	Ireland	0.50	2002
BritNed	National Grid, TenneT	Netherlands	1.00	2011
East-West	EirGrid	Ireland	0.50	2012
Nemo Link	National Grid, Elia	Belgium	1.00	2019
IFA-2	National Grid, RTE	France	1.00	2021
North Sea Link	National Grid, Statnet	Norway	1.40	2021
ElecLink	Gerlink	France	1.00	2022

Additionally, another seven interconnectors that will connect the UK with Denmark, Germany and Morocco (yes, the North African country’s excess [solar energy](#) output may come in useful) are proposed or under construction.

Name	Developers	Connection to	Capacity (GW)	Commission date
Viking Link	National Grid, Energinet	Denmark	1.40	2023
Greenlink	Element Power, Partners Group	Ireland	0.50	2023
Gridlink	iCON Infra Partners	France	1.40	2024
NeuConnect	Meridian, Allianz, Kansai	Germany	1.40	2024
NorthConnect	Agder, Lyse, E-CO, Vattenfall	Norway	1.40	2025
FAB Link	Transmission Inv., RTE	France	1.40	2025
Xlinks	Intertek, Octopus	Morocco	3.60	2027

**This makes it very clear that the 18 GW capacity demand is met by the deadline 2030.**

The existing or approved interconnectors would be more than sufficient to meet the government’s target set in its Energy Security Plan. **The Aquind Interconnector is not needed, the environmental damage for Portsmouth and beyond is unnecessary and avoidable.**

**On the contrary, the SoS has to be careful balancing the energy market.**

**An article published on 31.May 2023 in the Energy Live News pointed out the following problem:** Energy data firm EnAppSys has raised concerns about National Grid ESO's actions, stating that **power is "being dumped into Belgium and the Netherlands"**.

According to EnAppSys, these countries currently have an excess of power, prompting **National Grid ESO to pay high prices to offload the surplus.**"

"Phil Hewitt, Director of EnAppSys, shed light on the situation, explaining that National Grid ESO cited it as an "energy action" taken to **manage an oversupply of power and reduce generation and interconnector imports.**

Mr Hewitt told Energy Live News: "The reason National Grid ESO gave yesterday (Monday 29th May) was that it was an energy action. This means **they had too much power and needed to reduce generation and interconnector imports.**"

"Yesterday (Monday 29th May), National Grid ESO **spent £9.4 million on balancing the system by trading and using the balancing mechanism.**"

[REDACTED]

**Too much power can be costly and the SoS must be made aware of this problem.**

**Another factor not to underestimate is the drop in energy use over the last few years.**

"Britain (we talk about Britain and not the UK, as Northern Ireland is part of an integrated Irish electricity grid) saw a 4% drop in electricity demand from 2021 – that's the third largest year-on-year reduction after 2008 (caused by the shock of the global financial crash) and pandemic-affected 2020. It takes Britain's overall electricity demand back to values last seen in the 1980s, an 18% reduction from its peak in 2005."

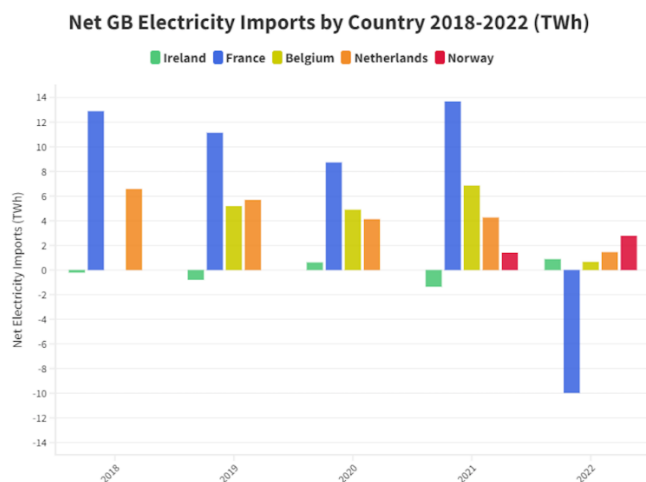
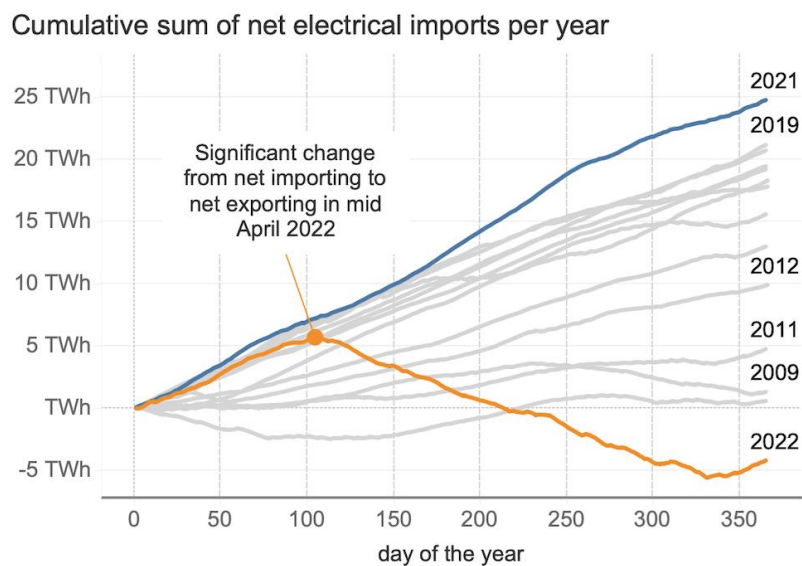
"We believe the main factors for this drop were the significant increase in prices, the wider media attention on this, and the wider cost of living crisis."

[REDACTED]

Article: Britain is a Net Electricity Exporter for First Time in 44 years)



In April 2022, Britain began exporting more than importing.  
 Grant Wilson. Source: Data from Elexon and National Grid ESO



France took more energy from Britain than Britain took from France.

France had huge maintenance problems with their nuclear power stations in 2022. 15 of the 56 reactors were closed.

“So while Britain’s renewable generation was at a record level, its fossil fuel generation was also higher than in the previous year. Without the problems in France, 2022 could have been the first year that Britain’s wind, solar and hydro

combined generated more electricity than its fossil fuels – a milestone that will happen anyway over the next couple of years.”

This makes it clear that Britain has sufficient energy to supply the British energy market and solar, wind and hydro are be of huge importance, exactly what in our 10 point plan was required. This makes the Aquind Interconnector redundant.

The fact that the UK will become a net exporter of energy, is discussed in the New Scientist. “UK expects to produce more electricity than it needs by 2030

New offshore wind farms built as part of the UK’s Net Zero Strategy are expected to turn the country into a net exporter of electricity.”

(  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

There are problems associated with Interconnectors. DRAX warns of potential problems which need to be carefully considered.

“Great Britain needs to be connected and have a close relationship with its European neighbours, but this should not come at the expense of its power supply, power price or ongoing decarbonisation efforts. Yet these are all at risk with too great a reliance on interconnection. To secure a long term, stable power system tomorrow, these issues need to be addressed today.”

1.” Since 2015 interconnectors have had the right to bid against domestic generators in the government’s capacity market auctions. The Government uses these auctions to award contracts to generators that can provide electricity to the grid through existing or proposed facilities. The original intention was also to allow foreign generators to participate. As an interim step, the transmission equipment used to supply foreign generators’ power into the GB market – interconnectors – have been allowed to take part. **In practice, interconnectors end up with an economic advantage over other electricity producers.”**

2. [Interconnectors are not required to pay to use the national transmission system](#) like domestic generators are. This charge is paid to National Grid to cover the cost of installation and maintenance of the substations, pylons, poles and cables that make up the transmission network. Plus the cost of [system support services keeping the grid stable](#). Interconnectors are exempt from paying these despite the fact imported electricity must be transported and balanced within England, Scotland and Wales in the same way as domestic electricity.

3.” interconnectors don’t pay [carbon tax](#) in the GB energy market”

4." Interconnectors themselves do not emit carbon dioxide (CO<sub>2</sub>) in Great Britain, **but this does not mean they are emission-free**. France's baseload electricity comes largely from its low-carbon nuclear fleet, but the **Netherlands and Ireland are still largely dependent on fossil fuels for power.** "

5." Not being subject to the UK's carbon tax – only to the European Union's Emissions Trading System (EU ETS) which puts a much lower price on CO<sub>2</sub> – imported power can be offered cheaper than domestic, lower-carbon power. This not only puts Great Britain at risk of [importing higher carbon electricity in some cases, but also exporting carbon emissions](#) to our neighbours when their power price is higher to that in the GB market."

6." This prevents domestic generators from winning contracts to add capacity or develop new projects that would secure a longer-term, stable future for Great Britain. **In fact, introducing more interconnectivity could in some cases end up leading to supply shortages**, be they natural or market induced."

7. "The contracts awarded to interconnectors in the capacity market auctions treat purchased electricity as guaranteed. But, **any power station can break down – any intermittent renewable can stop generating at short notice. Supply from neighbouring countries is just the same.**" ( [REDACTED]

Another analysis by Aurora pointed out potential risks of interconnectors and should be taken into consideration.

[REDACTED ]

"Aurora's analysis calls into **question the use of long-term historical average flows in determining de-rating factors since being secure on average does not ensure security during a rare 1-in-5 year event**. The report identified a **number of risks**, suggesting a more conservative approach should be taken in setting de-rating factors for interconnectors:

- Interconnector performance varies significantly from year to year in response to policy and market changes – for example, IFA's contribution to GB security of supply during winter peaks has been anywhere between 20% and 80% since 2010. **Interconnector imports during periods of peak demand in GB have consistently failed to match their de-ratings**, falling short as much as 50% of the time from France and close to all of the time in the case of the East-West link to Ireland.
- **Interconnectors can make a negative contribution to security of supply by exporting at times of high GB demand**, something that is not currently captured in the de-rating methodology. The fact that interconnectors can export as well as import means the range of possible

de-rating is from -100% to 100%, rather than having a minimum of 0% as for generation assets. **The risk that interconnectors undermine system security by exporting at times of stress could increase in the future with the introduction of more generous capacity market remuneration in neighbouring markets, particularly since weather correlation means instances of system stress may well occur in interconnected markets at the same time.**

- **Interconnector dispatch based on half-hourly price differentials is difficult to forecast with any degree of certainty**, particularly since policy and technology change occur faster than data can be collected on extreme stress events, which are rare (there has yet to be a stress event in GB since the introduction of the Capacity Market). There are also questions around the extent to which the limited available data are relevant for future stress events, particularly after the introduction of the new Irish Capacity Market, with its substantial penalties for non-delivery of electricity from GB to Ireland during system stress.
- Policy developments in GB and other European countries have the potential to fundamentally alter the underlying economics on which current de-rating factors are based, for example, **the introduction of Capacity Markets in other European countries means that interconnectors could be “over-committed” in two different markets.** The 500 MW East-West interconnector is de-rated at 59% in the UK and 46.9% in Ireland – if it is exactly meeting its obligations in Ireland by delivering 46.9% of total capacity, its contribution to GB supply will be negative: an outflow of 46.9% of total capacity, which is a substantial 105.9% (529.5MW) in deficit on its GB obligations. **Differences in capacity market penalty regimes have the potential to distort interconnector behaviour during correlated stress events, while trade between Transmission System Operators in interconnected markets adds a further layer of uncertainty.**
- Increased reliance on renewables exacerbates the impact of low-wind periods across Europe – plausible future scenarios involving faster-than-anticipated renewables build-out, correlated renewables output, and higher interconnection between countries with correlated demand all compromise security of supply in GB.
- **Higher levels of interconnection call for lower de-ratings as the additional marginal unit of interconnection contributes less to security of supply. The existence of more interconnectors increases the likelihood of unexpected exports during periods of system tightness.**
- The risks described above are not independent, **increasing the uncertainty around the ability of interconnectors to deliver during stress events.** In plausible scenarios combining low wind output, high demand, and a harmonised carbon price, interconnector flows could easily fall to zero, or become negative (ie exporting).

**“Behaviour of TSOs may also threaten the use of interconnectors in times of system stress**

- The price difference between the interconnected markets is the main driver of interconnector use, with electricity flowing from the lower priced to the higher priced market, however transmission system operators (“TSOs”) also engage in interconnector trading after gate closure, based on bilateral agreements whose terms are not public.
- **Weather correlation** between GB and its neighbours is fairly high, meaning that periods of high demand will often occur at the same time in nearby, interconnected markets. If those markets have a higher level of temperature sensitivity than GB, as is the case with France, demand would rise faster in those markets, leading to pressure for the interconnectors to switch into export mode.
- Although TSOs are not generally responsible for security of supply, they are responsible for ensuring their systems are balanced, so when demand rises, it is the responsibility of the TSO to call on available capacity to meet that demand. It is far from clear that any TSO would allow exports to occur when its own supply and demand balance is tight.
- **“The reasons for this trading are opaque and it is therefore difficult to identify how the TSOs at either end would trade in the case of a system stress event. Absent past data, it is conceivable that during a correlated system stress event, neither TSO would be willing to export power and flows would fall to zero,”**  
– Aurora Energy Research”

## **Joint response from NGET and NGESO**

**( <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004818-Sarah%20Wood%20-%2028%20April%202023.pdf> )**

“2.1 Feasibility of Mannington substation as an alternative, including any relevant correspondence or studies, and an explanation of whether or not Mannington is a feasible alternative location for the substation.”

It is clearly stated that the connection to Mannington is feasible and “substations to the west of Lovedean (including Mannington 400 kV) required all or nearly all of the same network reinforcements as a connection at Lovedean.”

**What about substations to the East? If the SoS refers back to LSA’s documents, it is clear that substations to the East have not been thoroughly considered as alternative connection points. Some of the maps, diagrams and parabolas we have been shown seem to be somewhat misleading.**

**LSA noticed that all substations will need to be upgraded including Lovedean. Therefore, the SoS Must take a look at all those diagrams, parabola and information again. Even the Judge assumed in her final document Le Havre to be the landfall in France.**

”Givent these reinforcement works, the timescales involved in providing a connection at the Mannington 400 kV substation are significantly increased ..”

**Considering the damages for the city of Portsmouth and beyond – timescale should not play a crucial role. The best options have to be found and thoroughly investigated. This project is already delayed and as explained above, circumstances have changed.**

“2.2.2 There would also be an impact on the Developer’s works if there were to be a change in connection site.”

**Yes, there would be an impact on the developer’s work. Are we to accept the best financial option for the developer at the expense of a city and several villages? Is it really acceptable to sacrifice our environment, the few wild habitats of our city, the SSSI, Ramsar site, nature reserve, green spaces etc for the benefits of a company when according to our research this is not necessary? Are the government papers: Environmental Improvement Plan just empty words or are we to put these plans into action?**

**NGET has not given us an answer why Lovedean was chosen but merely why Mannington is “feasible” and would require more time and effort to develop. We stress that Justice Lieven in the High Court demanded sight of this evidence. The SoS has asked for this himself. Where is the evidence that Lovedean is the best option? NGET’s response needs to be challenged and the missing information be provided. Considering the huge financial benefits of a project of this scale to a privately owned company, Aquind should be prepared to look at other less damaging options.**

## **Analysis of AQUIND Limited AQUIND INTERCONNECTOR Needs and Benefits Third Addendum**

**Aquind sold their project to the UK customer as necessary, as the UK will need to import energy. We were made to believe that it is to our benefit to construct the Aquind interconnector.**

In the "Needs and Benefit third Addendum" Aquind highlights "In addition to addressing domestic energy security the Smart Systems and Energy Plan also highlights (page 41) that "further deployment of interconnection will help to position Great Britain as a potential future **net exporter of green energy**".

"Britain needs and benefits from importing energy, now and in the future. **Our own energy production is also key to our export strategy** so that we can work with our friends and allies in securing a flexible and resilient market, even as we export these fuels to our neighbours."

**The UK customer was told that this project is of National significance because the UK would need to import energy from France. Does Aquind not show with the above statement what it is really interested in? Would the SoS back in 2018 have granted NSIP status if this had been known? Does this now need to be reflected upon? Is this project of National significance? This is NOT the case in France and it seems that it is not the case in the UK either.**

**LSA asks the SoS if all those organisations who participated in the examination process, still would be happy with this project if they had known that Aquind seems very much interested in exporting energy? But at what cost?**

**Does the SoS not have the obligation to reassess these issues more deeply now , 2 &1/2 years after the original examination by the Planning Inspectorate?**

**Aquind then deliberates on the procedure of NSIP and how important it is to make decisions faster and easier.**

"Powering up Britain also emphasises the need to speed up the planning and delivery of development projects, with reference to the Nationally Significant Infrastructure Project (NSIP) Action Plan and consultation on revised energy NPSs (both addressed further below)."

"The Ministerial foreword to the Action Plan highlights that "improving energy security, achieving net zero and delivering the transport connectivity, water and waste management facilities this country needs demands investment in infrastructure" and that it is necessary to have a planning system fit to deliver it, noting the need for faster and more robust decision making to deliver the growing pipeline of critical infrastructure projects."

**Is there not a danger that with faster and speedier processes for NSIPs the risk of inflicting massive environmental damage is increased? Will this not mean local authorities and therefore the residents themselves will have even less say in future? It was noted by the previous SoS that the "harms outweigh the benefits" Surely, this is the only matter of importance if we can prove that neither France nor the UK need the Aquind Interconnector.**



Aquind claim “This is reflected in the results for AQUIND Interconnector which demonstrate the project **would contribute to an increase in annual socio-economic welfare** (across the study area)”

**From the submissions to the SoS during the two and a half year battle against the Aquind Interconnector, it is very obvious that the local authorities, MPs, residents do not agree with this statement at all. On the contrary, they all feel threatened, worried and do not believe this company would bring benefits to the UK and its residents.**

**SOS, you must have seen the numerous documents by people, MPS, local authorities rejecting this project, explaining repeatedly why this project should be refused.**

Aquind reiterates that “The evidence supporting the need for AQUIND Interconnector, as demonstrated in the Needs and Benefits Report and first two addenda, is already overwhelming, as recognised by the Examining Authority in making its recommendation to grant development consent in June 2021. This need has become even stronger and more urgent in the intervening time period.”

**The analysis above clearly shows that this statement is no longer valid. The ExA ‘s recommendation needs to be reviewed. Blake Morgan have pointed out that errors were made by the ExA during the examination process, the previous SoS refused the application for DCO, the local authorities, MPs and residents show a strong objection, France refused the Aquind Interconnector, there is no need for this Interconnector in France or UK.**

**Are these not sufficient reasons to refuse the Aquind interconnector?**

**The feasibility study by NGET to determine the connection point into the grid in 2014 is another mysterious and potentially misleading document. At the court hearing, Justice Lieven asked for this document to be supplied as nobody seemed to have seen it. We only hear from the applicant, Aquind, that National Grid chose Lovedean as the preferred location. We are told that this document contains confidential information. You, SoS, asked for sight of this document. What information did this document contain? Does the SoS have the authority to demand to see the documents relating to the connection at Lovedean substation? Are we all to simply to accept that the applicant’s claim that the feasibility study overwhelmingly favoured Lovedean? Where is the evidence?**

**We must insist on greater transparency from National Grid. Is the Aquind Interconnector proposal of “National Interest”? Is this Interconnector crucial to National Grid’s long term strategy for energy security for the UK? National Grid must be publicly involved and explain their decision for the choice of Lovedean. Furthermore, National Grid might want to revise their decision from 2014 as the circumstances have completely changed.**

**In 2023, as you have seen from the above analysis the energy situation has changed completely. The UK seems to be developing into an exporter rather than importer of energy. Why should Portsmouth and beyond suffer the unnecessary damage if this energy is EXPORTED? Why should we accept the damage to the second most densely populated city in the UK with already high air pollution? Why should the city and its residents suffer the chaos, the loss of habitats, the loss of tourism, increased pollution, harm to health, loss of business etc when Lovedean may not even be the best option for connection?**

**Let’s Stop Aquind looked at Aquind’s documents, in particular those focusing on mitigation. (Please refer to earlier documents form LSA)**

Mitigation, when applied, is considered as not needed or negligible BUT the previous SoS referred to the harms of this project. LSA is inviting the SoS to look at these documents. The same phrases are applied to most habitats "mitigation negligible, not needed".

Once again LSA needs to refer to the climate crisis and loss of biodiversity. The construction process alone would lead to an acceleration of these factors. According to BBC the temperature rise of 1.5 degrees will be reached by 2027 with Aquind still constructing their project (if given the green light).

LSA cannot stand by and silently watch a project, which is recognised as being harmful .The Aquind Interconnector is not needed. Kwasi Kwarteng got it right. He refused the project.

Grant Shapps, the ball is in your court now-

**DO NOT FAIL TO DO THE RIGHT THING. STOP AQUIND**

Viola Langley

LSA





**Comments from Interested Parties on the matters contained in the request of 03 March 2023 and the information contained in the Applicant's response dated 28 April 2023**

The Aquind Interconnector needs to be refused once and for all. Reading the documents by Blake Morgan, Portsmouth City Council, Sport England and many residents there is no doubt there is a strong opposition to this project.

Common grounds for rejection are the following:

1. The environmental damage and devastation this project would cause are huge. Many organisations have repeatedly expressed their concerns. During the examination process some organisations were convinced by mitigation that this project would benefit the country, the emphasis on Net Zero and carbon neutral. Local authorities and residents know about their local conditions and have highlighted again and again that the second most densely populated city with high air pollution CANNOT be the right route for this project. We have very few green spaces and sports facilities. This route would affect the recreational facilities and have a huge impact on mental and physical health of people. The previous SoS stated this clearly "the harm outweighs the benefit".

Has Aquind ever analysed the carbon foot print of construction? Mitigation is "negligible" we are made to believe. What about later repair works? The cables are proposed under very heavy traffic laden roads and junctions and in green areas. Can you imagine the disruption for the city and beyond? I still to this date cannot understand how this particular route could have been chosen.

HDD ( Horizontal Directed Drilling) is proposed for the allotments, Milton Nature Reserve and at Farlington. These areas are part of our important green spaces in the city.

Inadvertent releases are possible at any time. Nobody can predict them. The allotments are a haven for our wildlife. Here we can still find slow worms, lizards, a number of insects and butterflies, frogs, even great crested newts, and many more. Passion for this place and the environment has led me to start the Let's Stop Aquind grassroots movement.

The UK is one of the most depleted countries of wild life. We are living in a biodiversity crisis. Over 70 % of insects are threatened.

We have a chance to change this. Let me give you an example. Milton Common, once a landfill site is now thriving. We have bats, cetti warbles, sky larks, swans, cormorants, goldfinches, green finches and many more species of birds, NOT just the migratory birds. Aquind proposes not to build during the migratory season BUT what about the birds which come to us during the summer. What about butterflies, dragon flies, insects, invertebrates. These small creatures are crucial for our well- being, without those humanity will not survive.

Scientific evidence is only now discovering the importance of soil and the thriving living organisms in it.

What impact would this project have on the soil, insects etc?

Entomologists have not been consulted. I could enlist more and more environmental reasons but they have been highlighted before.

## 2. Landfall in France

The refusal of the French authorities is still valid. If there is no landfall in France, it is ludicrous to grant DCO here in the UK.

3. Judge Lieven at the High Court was still under the belief the landfall in France would be Le Havre. The proposed landfall is Hautot sur Mer/ Barnabos, much further east. Has the SoS looked at the diagrams, maps provided by LSA? There are better and shorter cable routes to the East considering the changed landfall in France e.g. Ninfield, Dungeness and others. Why were we misled?
4. France rejects this project for the following reasons:
  - a) Over capacity
  - b) Most uncertain project
  - c) Not any longer Project of Common Interest

Why would you, SoS, grant DCO when this project is not needed?

5. Is this project really needed for the UK?

The white paper stated that 18 GW of Interconnector capacity will be needed by 2030. The planned and already existing interconnectors, including X link add up to 19.5 GW. The Aquind Interconnector is not needed.
  6. Over capacity is an issue for UK. **An article published on 31.May 2023 in the Energy Live News pointed out the following problem:** Energy data firm EnAppSys has raised concerns about National Grid ESO's actions, stating that **power is "being dumped into Belgium and the Netherlands"**.

According to EnAppSys, these countries currently have an excess of power, prompting **National Grid ESO to pay high prices to offload the surplus.**
  7. National Grid's feasibility study to decide for Lovedean as suitable substation has never been seen by any Interested Party. This study must be made available.
  8. The original decision to treat this Aquind Interconnector as a Nationally significant Infrastructure project was mainly based on the idea the UK needs to import energy but the circumstances have changed. Even Aquind admits that the UK would be able to export energy. Perhaps this decision needs to be looked at afresh?
9. The examination process back in 2020 seemed to be biased towards the applicant. LSA has produced a document in which these matters are addressed.
10. The commercial use of surplus FOC capacity has always been controversial. Only recently did Aquind withdraw this aspect of the project. However, the Optical regeneration stations are therefore unnecessary.

11. During the exam process the solicitors of the Carpenters and Jeffries have repeatedly questioned the viability of Aquind as a company, risen out of OGN and SLP. Did not both companies go into liquidation?
12. Who owns this company? Where does the money come from? Why were there more than £ 1.5 million in donations given? Why did 2 ministers have to recuse themselves from this project?
13. Why are our 2 MPs for Portsmouth against this project? The leader of the House of Commons calls it a threat to our National Security.

These are only some issues, summarised. I have previously explained the many issues involved. Why are we still even considering the possibility of the Project?

There is only one decision to take. Stop the Aquind Interconnector.

Viola Langley



Jonathan Walker

31 May 2021

The Planning Inspectorate, National Infrastructure Planning  
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**Stage 1 Complaint regarding the conduct of The Planning Inspectorate's National Infrastructure Planning Examination of the AQUIND Interconnector Ref EN020022**

Dear Customer Team

I am making a complaint about:

- The conduct of the Examining Authority (ExA) staff and the standard of service provided to me and other members of the public objecting to the Development Consent Order (DCO) applied for by Aquind Limited (the Applicant) with regards to the AQUIND Interconnector, ref EN020022.
- Specific actions (and lack of action) taken by Examining Authority staff in the course of the examination process for the DCO sought by the Applicant.

At the heart of my complaint is the consistent bias shown towards the Applicant by ExA staff throughout the examination process and the failures of ExA staff to take specific action to protect the public from the Applicant's abuses of the DCO application process.

I will demonstrate this by referring to:

1. The numerous ways and occasions during the process that the ExA allowed the Applicant leeway not afforded to the objectors and improperly applied its discretion to disallow submissions from myself and other objectors, specifically:
  - a) By failing to mitigate for the imbalance of resources and public ignorance of specialist planning law
  - b) By failing to mitigate for the effect of the COVID-19 pandemic on participation in the Examination
  - c) The bias shown towards the Applicant during the process, leading to mismanagement of the Examination process by the ExA
2. Patronising, dismissive, confusing and illogical and communications between ExA staff and members of the public objecting to the DCO.
3. Lack of action by Examining Authority staff leading to catastrophic failures of the examination process, specifically:
  - a) Failure to inform the public of the full implications of the DCO or engage the business community
  - b) Failure of ExA staff to adequately examine and censure the Applicant's dishonest abuse of process both within and without the examination
  - c) Failure of the ExA to adequately examine the suitability of the Applicant to fund and manage a major international engineering project such as the Interconnector
  - d) Failure of senior officials of the ExA to protect the public from cronyism and corruption

**1. The numerous ways and occasions during the process that the ExA allowed the Applicant leeway not afforded to the objectors and improperly applied its discretion to disallow submissions from myself and other objectors.**

The applicant was allowed generous leeway by the ExA to develop and amend its proposal throughout the process while objecting voices were stifled and struggled to be heard. ExA staff have therefore biased the process in favour of the Applicant in contradiction of transparent government and natural justice. For example:

**1a. Lack of mitigation for the imbalance of resources and public ignorance of specialist planning law**

The Applicant had access to vast legal resources (such as a QC) and in-depth planning expertise (such as a team of planning lawyers) while the individual citizens of Portsmouth and the South Downs did not have access to equivalent resources. The ExA made no allowance for the imbalance of resources with which to engage in the process, despite the huge implications of the DCO for the environment, peaceful enjoyment of property and human rights of the public. The examination process was legalistic, arcane (to the public at least) and relied on a mountain of documentation that was only realistic for a team of planning experts to decipher. The [document library contains 1,914 documents](#), and even the [library index runs to 143 pages](#), illustrating the complex nature of the proceedings.

In order to maintain a fair balance between views for the purposes of natural justice, the ExA should have looked for ways to redress the obvious imbalance of resources between the Applicant and the public, but its behaviour had the opposite effect. Instead of treating the views of the objectors group "Let's Stop Aquind" (LSA) as having equal value to those of the Applicant, opposing views were sidelined by legal "loopholes" as a result of the lack of legal training or planning experience on the part of the objectors. These factors, which weighed heavily in favour of the better resourced Applicant, should not be decisive in an examination of this scale and importance.

Consequently my first complaint is that ExA staff showed bias towards the Applicant by making no allowances for the (by necessity) "amateur" approach of objecting members of the public.

It is unrealistic to expect members of the public, untrained in planning law, to be aware of the arcane provisions of the Planning Act 2008 (as amended) referring to the admissibility of submissions by Interested Persons only at the ExA's discretion. The 2008 Act was quoted to me in an email from National Infrastructure Planning Case Manager Hefin Jones (attached) as the justification for disallowing my 23/12/20 submission alongside submissions from a significant number of others such as Susan Caffrey, Stephanie Tweed, Emma Goodwin, Mike Chivers, Joanne Easby and Rob Milner.

These submissions were from members of the public attempting to engage in a planning process for a project that will directly affect their lives, property, health and wellbeing. Mine was a response to comments submitted for Deadlines 4 and 5, properly titled, formatted and submitted by the relevant deadline. It was no different in that respect to the many other submissions seemingly arbitrarily accepted by the ExA, including those from similarly non-registered parties. By using its discretion to reject my submission, and a significant number of others, on the grounds that those submitting had not registered by the appropriate October 12 2020 deadline, the conduct of the ExA staff showed significant bias towards the Applicant.

Mr Jones and others amongst the ExA staff pointed out to objectors on numerous occasions that the October 6 deadline was extended by 6 days to allow for additional comments and the subsequent registration of Interested Persons, but this did not make a material difference to the widespread ignorance in Portsmouth of the Aquind Interconnector proposal, the DCO or its broad implications. This can be illustrated by the growth of the [Lets's stop Aquind](#) protest group, which has nearly doubled to 3278 members since the October 12 deadline. Regardless of the fig leaf of public consultation claimed by the Applicant (put into context later on in this complaint), the plain fact is that there was scant interest, understanding, knowledge or awareness of the Interconnector proposal throughout the route by October 12 2020.

This is mainly because the citizens of Portsmouth have a reasonable expectation that their local authority will be the main arbiter of planning decisions, however strategic, affecting the city. They expect to be able to take part in those decisions in the normal way (i.e. by submitting written views during an ongoing planning hearing) and not have valid submissions rejected on the grounds of obscure planning law.

It is clear that the ExA did not make sufficient allowance for the fundamental issue of widespread local ignorance of the scheme and adding 6 days to a deadline few people knew about made no material difference. Is it not the case that the Inspectorate allowed the 6 day leeway precisely because very few submissions had been received as a result of this public ignorance? (*cf comments on the Aquind consultation process in section 3a*). If so, how can allowing an additional 6 days to register objections be considered adequate for such a complex scheme covering miles of coastline and countryside, requirements for huge buildings, issues of private land ownership and access, traffic management and multiple route options?

All of this played out in favour of the Applicant, which was able to forge ahead with plans that risk damaging the local environment, cause enormous local disruption, traffic issues, pollution and noise with minimal objections, enabled by the ExA's over-zealous and unnecessary usage of a legal "loophole" to minimise public participation in the process.

### **1b. Lack of mitigation for the effect of the COVID-19 pandemic on participation in the Examination**

Except for the first few days, the examination took place during COVID-19 public health restrictions throughout, leaving the objectors legally unable to organise outdoor or public events, for example, along the proposed route. Objectors were left with no other medium to communicate than the internet, which many of those affected by the proposals cannot access (some do not even own a computer). Despite changes made to statutes, laws and regulations in every other aspect of public life (such as [taxation](#), [housing](#) and [employment](#)) to allow for the difficulties caused by COVID-19, the ExA showed no willing to adapt its policies or timetable to adjust to the biggest and most disruptive public health crisis in generations.

In this context, where public participation in the examination was already hampered by its off-putting legalistic and technical nature, every other branch of government having made significant allowances for the impact of COVID-19 and traditional methods of organising events to demonstrate objection made temporarily unlawful, would it not have been reasonable to expect the ExA to give objectors more leeway than simply extending Deadline 1 by a mere six days?

In fact by rejecting numerous submissions and requests such as:

- My response to comments submitted for Deadlines 4 and 5 and those from the others listed above
- Portsmouth City Council's request regarding [leeway to submit written transcripts of examination Hearings](#) made on 3/12/20
- Viola Langley's submission regarding Aquind Limited's finances made on 5/3/2021

the ExA showed that it was consistently unwilling to make any allowances for the COVID-19 pandemic, the obscure and overly technical nature of the enquiry or the acute imbalance in resources between the Applicant and other participants. By contrast, the ExA allowed the Applicant maximum leeway throughout the process.

### **1c. Bias shown towards the Applicant and mismanagement of the Examination process by the ExA**

During the course of the examination the Applicant submitted two major Change Requests to the DCO (on [3/11/20](#), [14/12/20](#) and [25/1/2021](#)) plus an [Additional Land application](#), all of which were accepted by the ExA, despite the Applicant having had years to prepare for the Examination and taking no account of the difficulties objectors and public bodies faced when addressing these numerous last-minute changes. The scope of the last-minute Additional Land application alone was breath-taking, involving 25,000 square metres of precious woodland on the South Downs in two plots. How could the Applicant require two such large plots at short notice given the lengthy timescales for the development of the project?

Furthermore, the ExA exercised its discretion to accept Additional Submissions to support all of the the above requests. In fact, the ExA simply could not have been more accommodating to the Applicant in any and all circumstances, regardless of the consequences to others involved in the Examination, and in stark contrast to its treatment of objectors outlined above.

The Applicant consistently submitted documents late in the process and issued numerous revisions to these documents once submitted. For example in February 2021, the final full month of the examination, the ExA accepted no less than 9 Additional Submissions (on 3,15,22 and 23 Feb) and one amendment to an Additional Submission (on 5 Feb) from the Applicant. This was criticised by Portsmouth City Council (PCC) as a practice that gave objectors and other bodies little time to prepare responses to often lengthy technical documents.

The lack of awareness of these late Change Requests and Additional Submissions and the lack of time to prepare objections to them was so inadequate that it raises serious questions over the integrity of the process. In [this email submitted to the ExA on 18/12/2020](#), the Applicant suggests that publishing newspaper notices on 23 and 24 December and re-publishing them on 30 and 31 December is sufficient to raise awareness of a series of complex changes to the Interconnector Project, when the readership on these dates are at their lowest as a result of their proximity to the Christmas holidays, which would themselves have occupied the minds of most of the relevant Examination participants. Naturally, the ExA allowed the Applicant to publish the notices without questioning the absurdity of the timetable.

The DCO application itself was drawn up in the widest possible terms, relying on the "Rochdale Envelope" approach which allows developers to be less than specific with certain elements and details of a project in the name of flexibility, where designs and plans can be changed even after the project has been approved. Given the risks of environmental damage caused by last minute changes,

the ExA should have been much more cautious with the Applicant's last-minute requests and more forgiving of the public's desire to engage and be informed.

The extent of the leeway allowed to the Applicant is probably best illustrated by the somewhat bizarre [request made on 3/5/21 for the Applicant to prove itself a solvent business](#). Surely it reasonable to ask why did the ExA only request this crucial information on the final week of the 6-month Examination and not in the first week, or even before the Examination started? Even a lay person in planning matters would know that any question of the solvency of a company seeking to undertake a £1.24billion international engineering project over 5-7 years should have been resolved before the DCO is examined.

The failure of the ExA to carry out basic due diligence on the Applicant's financial status in advance is astonishing, but the timing of the request to prove solvency is highly suspicious. By leaving the request for such vital information to the latest possible stage in the Examination, no other bodies were able to comment on, or make relevant submissions on, the response from the Applicant as the Examination closed immediately afterwards. In fact, the Applicant's response to this highly significant question was only published on the ExA website on the final day of the 6-month Examination. The timing of the request and the subsequent lack of opportunity to respond to the answer are clear examples of the mismanagement of the Examination which must now be investigated.

Overall the conduct of the ExA towards the Applicant was to allow any and all submissions, regardless of their timing, nature and significance, but giving only limited time for external review and objection by a narrow group of registered Interested or Affected Persons. Indeed, on the critical question of the Applicant's solvency no time at all was allowed for external review of the relevant submission. As I have shown above, the ExA's treatment of public views and submissions was entirely different and amounts to favourable treatment of the Applicant in comparison to others, thus putting the legitimacy of the process in question.

In short, the ExA's conduct was anything but even-handed and the civil servants responsible have therefore failed in their duty to protect the integrity of the process. Furthermore, the ExA's acceptance of the Change Requests and Additional Submissions was so entirely uncritical and the handling of the submissions timetable so one-sided in favour of the Applicant that it amounts to mismanagement of the entire process.

## **2. Confusing, patronising and inconsistent communications between ExA staff and members of the public objecting to the DCO**

My response to Deadlines 4&5 (attached), was initially rejected by Jake Stevens (by email on 24/12/20) "in the interests of fairness to all parties". This was highly confusing, as I have shown above that rejecting it served only the interests of the Applicant.

All rejected objections were further dismissed as repetitious in the [11 January letter from Andrew Mahon to All Parties](#) with no specific justification. The letter included a patronising reminder that Examination Timetable deadlines "are for specific purposes and not an opportunity to repeat previous submissions...submissions are expected to be relevant to the stage that the Examination is at" even though my submission was unique, was not written in concert with any other party and was submitted for the specific purpose of commenting on documents submitted for Deadlines 4&5 and developed upon, rather than repeating previous submissions.

Mr Mahon goes on to say “we continue to actively encourage persons with similar views to come together to provide a single representation at the appropriate stage” which blatantly avoids the key issues of the lack of public understanding of the project; the failure of the Applicant to properly inform the public; the failure of the Examination to engage the public or business and the failure of the ExA to offer any mitigation for COVID-19, which I referred to in my submission.

LSA is not a public body, it has no budget other than a handful of public donations, it had no legal representation in the process and the vast majority of its members were disenfranchised by the rules of the process before they were even aware of the threat the project posed to Portsmouth.

Members could not even legally meet in person for 99% of the duration of the Examination, so how could Mr Mahon expect members in these circumstances to co-ordinate their responses and present them in the same neat way as, for example, the Applicant’s legal team? Surely in the interests of natural justice and broad representation it would have been better to engage a greater number of people at the expense of some potentially overlapping submissions, thus lending legitimacy to the process? Mr Mahon’s letter made clear that he treated genuine submissions from members of the public as nothing more than an irritation and his attitude fell below the standards expected of a public body.

To add insult to injury to those numerous objectors who wanted their voices heard at Deadlines 4 and 5 (23/12/20) but whose submissions were rejected as they were not registered persons, the ExA exercised its discretion to accept 5 submissions from people not registered as Interested Parties at Deadline 8. Clearly there is no consistency here – all the objectors that been told their submissions were “out of time” obviously felt that there was no further opportunity for them to be involved in the Examination. This can be demonstrated by the lack of any subsequent published submissions from myself or Susan Caffrey, Stephanie Tweed, Emma Goodwin, Mike Chivers or Joanne Easby, all of whom had submissions rejected on 23/12/20 and took no further part in the process.

Much as I was pleased to see that some comments by people not registered as Interested Parties had been accepted, this decision by the ExA was illogical and contradictory. What justification was there to accept these submissions but not the many others rejected at previous deadlines? The public has a reasonable expectation of a public body to act consistently and logically. The effect of the ExA’s actions was to disenfranchise those whose responses were originally rejected, who were told by email (twice in my case) and in the letter from Mr Mahon referred to above, that their comments were repetitious and superfluous. Their views were clearly unwelcome and consequently they did not return to the process. The voices who were silenced in this way all opposed the Applicant’s plans, so again the actions of the ExA created bias in favour of the Applicant.

### **3. Lack of action by Examining Authority staff leading to catastrophic failures of the examination process**

The final area of my complaint highlights the various ways in which inaction by ExA staff has led to catastrophic failures of the examination process, which are so serious as to question the validity of the entire Examination.

#### **3a Failure to inform the public of the full implications of the DCO or engage the business community**

As the Applicant’s plans emerged during the Examination and were publicised by LSA and others, it is self-evident from the shock felt by many citizens of the affected area along the length of the

proposed Interconnector route, that there simply was not sufficient knowledge of the project for people to be able to properly engage with the process. Were the examiners aware that the Examination has taken place with only a fraction of the people affected aware of what Aquind is, what the Interconnector is intended to do and what the granting of the DCO could mean for Portsmouth and the South Downs?

Why did the ExA proceed with the Examination under these circumstances? Was the additional time granted for submissions in October 2020 a response to the realisation that the Examination was essentially taking place in a vacuum, with only the Applicant, public bodies and a handful of landowners aware of the implications of the project?

There are 7000 businesses in Portsmouth alone, all of which will be severely affected by the traffic chaos caused by the Applicant's plans should the DCO be granted, thanks to the cable route disrupting the high traffic corridor on the east of the island (A2030). However, aside from landowners, there was not been a single response (positive or negative) from businesses along the route. This is shocking and represents a catastrophic failure of the Examination – leading to many questions of the examiners conduct:

- How can the ExA have confidence that it has attracted views from across the whole community in these circumstances?
- Have the examiners ever discuss this glaring omission from the submissions and if so, how did they consider it could be mitigated?
- Is it ethical for the examiners to proceed with a decision on the DCO when the process has failed to engage a significant sector of society directly affected by the plans? (e.g. Portsmouth Football club, The Pompey Centre, Portsmouth Enterprise Centre, Voyager Park, Ocean Retail Park etc)

The Examiners failed to carry out due diligence on the Applicant's claims of adequate public engagement and consultation. [The Applicant's website boasts of a total of 155 responses](#) in all methods to its consultation along the entire route but this is a pitifully low number in comparison with other recent projects proposed in the area, for example:

- The plans to build a new sports facility at Bransbury Park, Portsmouth (on the proposed route) attracted [1800 responses in an online only survey in December 2020 by PCC](#)
- The "Preferred Options" consultation to the Southsea Coastal Scheme in 2018 (adjacent to the proposed route) [attracted 1427 online and written responses](#)

In the context of these consultations, affecting smaller areas than the Interconnector plans, why did the ExA accept the Applicant's evidence of public engagement when that evidence was wafer-thin?

### **3b. Failure of ExA staff to adequately examine the veracity of the Applicant's claims regarding the Fibre Optic Communications Network within the Interconnector, and a failure and censure the Applicant's dishonest abuse of process both within and without the Examination**

The public has a right to expect the ExA not simply to accept claims made by the Applicant at face value in the course of a consultation – for example where the Applicant sought to mislead the Examiners regarding the true commercial potential of the Fibre Optic Communications (FOC) included within the Interconnector.

It is astonishing that the Examiners did not see how big the FOC element of the project was in terms of value to the Applicant. The entire project from its original consultation to its [final public notices](#) is



described as an “underground High Voltage Direct Current (HVDC) bi-directional electric power transmission link” when the reality is that the fibre optic cables that will be installed alongside the power cables are equally as important in commercial terms.

The Applicant initially requested that the Secretary of State directed that the Interconnector project was treated as [development for which development consent under the Planning Act 2008 Act is required, on the basis that the “Development is in the field of energy”](#).

The Applicant’s has consistently maintained that the fibre optic cable and associated infrastructure constitutes “Associated Development” to the HVDC, and refer to the FOC being required for [“cable protection, control, monitoring using Distributed Temperature Sensing \(‘DTS’\) and communication purposes”](#). The Applicant even allows that that it intends to [“utilise the spare FOC capacity for commercial use”](#), which the ExA enquired about at any early stage of the Examination.

What the ExA appears to have missed is the extent of the FOC, which is, in effect, hidden within the “Trojan Horse” of the HVDC. The applicant’s own documents show that [“the industry standard single Fibre Optic Cable \(FOC\) has up to 192 fibres, but the number of fibres required for cable protection purposes is less than this.”](#) The Applicant’s procurement documents to deliver this aspect of the project define the intended FOC capacity as [“Two circuits of... Fibre Optic Cables \(up to 192 Fibres, one per circuit\)”](#). This should be compared to the capacity of the Crosslake CrossChannel Fibre project connecting Slough and Paris scheduled to complete construction later this year which contains [96 fibre pairs, each providing over 20 Tbps of capacity throughput](#). The intended FOC component of the Interconnector is therefore on twice the scale of the most recent subsea communications network built between France and England. How could the ExA have overlooked this and continued to treat the FOC aspect as “Associated Development” when it is clearly a separate commercial project in its own right and should be treated as such? The “sleight of hand” required to shoehorn a massive commercial communications network into an HVDC cable project amounts to dishonest abuse of the Examination process by the Applicant, and my complaint is that the Examiners do not seem to have been aware how easily they were misled.

As with other aspects of the Examination, the ExA also seem to have taken on trust the quality of the Applicant’s planning notices around Portsmouth, such as those shown on the attached photos. At first glance the Applicant may have appeared to have conformed to the minimum requirements for notices, but in reality, they were damaged and in many cases sited in an entirely inappropriate way, as the notices were double sided and the siting only allowed for access for one side to be read.

Again this is an abuse of process by the Applicant which went unmentioned on by the ExA, whose uncritical behaviour in respect of questioning and examining the Applicant’s submissions falls below the required standard for senior civil servants.

### **3c. Failure of the ExA to adequately examine the suitability of the Applicant to fund and manage a major international engineering project such as the Interconnector**

[The accounts of Aquind Limited](#) show that the sole shareholder is a Luxembourg registered parent company Aquind Energy S.a.r.l. The accounts show that Aquind Limited has no assets and does not generate any income from its own activity, but relies entirely on loans from OGN Enterprises (a company registered in the British Virgin Islands), without which it would be insolvent. The latest statement filed on 1/6/2020 for accounts made up to 30/6/2019 showed the amount owed to



creditors falling due after more than one year is £25,435,815 and the Going Concern section of the statement explains that all loans from OGN Enterprises will be extended up until 1/6/2021 (the day after the submission date of this complaint). Aquind Limited has never managed an international engineering project of any kind, or any infrastructure projects of national significance at all. It is, in effect, a shell company funded by a British Virgin Islands based creditor of unknown ownership, with funds of unknown origin.

For comparison, the most recent Interconnector project under construction, [the ElecLink Interconnector](#), is owned by Getlink S.E., a European public company based in Paris with a [revenue of 816 million Euros in 2020, available cash reserves of 629 million euros](#) and a [market capitalisation of over 7 billion Euros](#) at the time of writing.

Contractors on the project include Balfour Beatty PLC and Prysmian Group, both publicly quoted companies with extensive experience in international engineering projects and annual revenues of £8-10 billion.

Clearly Aquind Limited is not in this league, but at no point in the Examination did the Examiners publicly carry out due diligence in the ownership, funding, corporate governance or relevant engineering experience of the Applicant. The public has a right to be protected from inappropriate businesses operating in the energy market and carrying out public works. How can the complacent behaviour of the Examiners be justified when faced with the vast contrast between the complete obscurity of Aquind Limited and businesses delivering equivalent international infrastructure projects?

The overall failure of the ExA to adequately examine the suitability of the Applicant to fund and manage a major international engineering project such as the Interconnector must be investigated and reviewed urgently.

### **3d. Failure by the senior officials of the ExA to protect the public from cronyism and corruption**

On the face of it at least, the Applicant is entirely unsuited to managing international infrastructure projects on the scale of the Interconnector project. As discussed it lacks experience in, and visible sources of funding for, anything on this scale. However, one area it has considerable experience in, and has [dedicated substantial funding to, is patronage of the Conservative Party](#), whose ministers will be making the ultimate decision on the DCO.

[One of the directors of Aquind is a longstanding high-profile member of the Conservative Party](#) and both the Applicant and its current and previous directors have a long history of giving financial support to the [Conservative Party, individual ministers, and MP's](#).

Given the Applicant's inexperience in delivering nationally significant infrastructure projects and their well-known and deep political connections, it is reasonable to assume that the ExA was fully aware of the possible conflict of interest faced by ministers, some of whom seem to have already [made their mind up about the outcome of the Examination](#).

However, despite the risk of cronyism and corruption posed by the Applicant's financial support of the governing political party, no special effort was made to protect the public. How is it possible that professional civil servants did not ensure that the process was seen to be accessible, transparent and free from undue external influence?

As I have detailed above the opposite seems to be the case:

- There was no mitigation for the imbalance of resources between the Applicant and objectors, and no allowance made for public ignorance of specialist planning law (as shown in section 1a of this complaint)
- There was a lack of mitigation for the effect of the COVID-19 pandemic on participation in the Examination (as shown in section 1b of this complaint)
- On numerous occasions, and in numerous ways, the ExA allowed the Applicant procedural leeway not afforded to the objectors and improperly applied its discretion to disallow submissions from objectors, amounting to bias towards the Applicant and mismanagement of the Examination (as shown in section 1c of this complaint)
- ExA staff drew up confusing, patronising and inconsistent communications with members of the public objecting to the DCO (as shown in section 2 of this complaint)
- Furthermore, there was a lack of action by Examining Authority staff leading to catastrophic failures of the Examination process (as shown in section 3 of this complaint), specifically:
  - A failure to inform the public of the full implications of the DCO or engage the business community (as shown in section 3a of this complaint)
  - A failure to adequately examine the veracity of the Applicant's claims regarding the Fibre Optic Communications Network within the Interconnector, and a failure and censure the Applicant's dishonest abuse of process both within and without the Examination (as shown in section 3b of this complaint)
- An overall failure to adequately examine the suitability of the Applicant to fund and manage a major international engineering project such as the Interconnector (as shown in section 3c of this complaint)
- Taken as a whole, in displaying consistent bias towards the Applicant and failing to engage the public or businesses, the ExA has shown no regard to the obvious political sensitivity of the Applicant's relationship with the governing party

I believe the serious failures above leave the Examination process at risk of lacking authority or legitimacy and the individuals concerned must be held to account for their actions (and inaction, as described above). I believe these failures may be serious enough to warrant legal action. Consequently, it is a matter of urgency that this complaint be taken seriously and investigated thoroughly before a final recommendation on the DCO is made.

Please immediately acknowledge receipt of this complaint (and attachments) and advise me on your timescales for investigation.

I look forward to hearing from you.

Yours faithfully,

**Mr Jonathan Walker** 31/5/2021

Enc:

PDF copy of the complaint

Email thread showing email correspondence between Jonathan Walker, Hefin Jones and Jake Stephens regarding response Deadline 4 & 5 submission and rejection

5 photos of Aquind planning notices showing damaged notices, improper positioning and illegible wording