



RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST DATED 14/7/23 FOR COMMENTS ON THE MATTERS CONTAINED IN THE PORTSMOUTH CITY COUNCIL AND NATIONAL GRID DOCUMENTS 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 27/7/23.

LSA COMMENTS ON THE JOINT NATIONAL GRID ELECTRICITY TRANSMISSION PLC ("NGET") AND NATIONAL GRID ELECTRICITY SYSTEM OPERATOR LIMITED ("NGESO") SUBMISSION TO SOFS DESNZ GRANT SHAPPS REQUEST FOR INFORMATION DATED 28/4/23

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LSA COMMENTS ON THE JOINT NATIONAL GRID ELECTRICITY TRANSMISSION PLC (“NGET”) AND NATIONAL GRID ELECTRICITY SYSTEM OPERATOR LIMITED (“NGESO”) SUBMISSION TO SOFS DESNZ GRANT SHAPPS REQUEST FOR INFORMATION DATED 28/4/23

SECTION 1: INTRODUCTION

It is abundantly clear that the joint NGET/NGESO submission document from the National Grid dated 28 April 2023 is of critical importance to the Examination, Interested Parties such as Portsmouth City Council and of course the SofS himself. The Planning Inspectorate (PINS) is responsible for competent and transparent management and publication of all documents without favour to any party and appears to have failed in its responsibility to the SofS, Interested Parties and the public in each of these respects.

The error in naming this document, leading to it being overlooked in publication, only came to light by chance, and although it is now being examined by the relevant bodies, PCC and others have not had the opportunity to make a full submission as a result.

LSA feels that the lack of care taken by PINS with regards to this key document and others further undermines public trust in the planning process. Does the SofS agree that this lack of care and professionalism hinders both the SofS and Interested Parties from having a full understanding of (and time to respond to) relevant information and therefore favours the Applicant? This feeds into the bias consistently shown by the ExA towards the Applicant, documented initially by the detailed formal complaint by LSA member Jonathan Walker dated 31/1/2021 (which is inexplicably still to be responded to by the Department two and half years later) and in our subsequent submissions.

Is it not time for PINS to address, once and for all, these issues of incompetence and apparent bias in the Examination of the Aquind Interconnector? Does the SofS not agree that the Department has dramatically underperformed against its published standards in this respect, letting Interested Parties and the public down as well as the SofS himself, to the detriment of public confidence in major planning decisions?

Despite the obvious importance of the Mannington issue (and optioneering in general), the NGET/NGESO document that has now come to light is a disappointingly brief and vague summary of the original feasibility study made several years ago, before numerous changes integral to the context of the Applicant's DCO request.

These changes include several developments in Government policy; major enhancements in the efficiency and capacity of offshore wind power and other interconnector projects; changes in the French landfall site of the cable itself; changes to the number of UK households that it is claimed will benefit from the project; changes to the cost of power in France and continental Europe; changes in the productivity of the French nuclear estate and



subsequent changes to the overall purpose of the Aquind Interconnector which is now revealed to be as much about exporting to, as importing energy from, France.

Does the SofS not agree that, in the interests of fairness and common sense alone, a new feasibility study should be carried out which takes these fundamental changes into account?

LSA believes that the NG document makes claims that cannot be verified without the release of the assessment it refers to, and that this raises concerns about the accuracy of vital information put before the Examining Authority (ExA) by the Applicant during the evaluation process. LSA feels that NG's statement that Mannington would take longer than the Applicant's proposed Lovedean scheme is both unfair and irrelevant, given that NGET and the Applicant have focused on Lovedean alone, while alternative sites that should have been examined and developed at the outset of the project were ignored.

NG's document also refers to "more recent assessments," but these have not been identified, and it is unclear if they are (or will ever be) publicly available for scrutiny. The document also only discusses "possible connections in the South West area of the transmission system" despite the current landing site of Dieppe suiting connections more than 100 miles to the east?

It has long been argued by the Applicant that connection at Mannington is not technically feasible but the document now confirms that it is. Is it not highly unusual and harmful to due process that the full assessment has only ever been seen by the Applicant and has yet to be provided to any Interested Party or the SofS himself?

Does the SofS not agree that the secrecy around this study favours only the Applicant, rides roughshod over the rights of Interested Parties to respond and is placing the Applicant's expectations of "commercial confidentiality" above even the SofS's authority to determine the matter with the full facts at his disposal?

Furthermore, does the SofS agree that the discussion of a vital optioneering document (which is itself only a summary of an assessment that has never seen the light of day) at such a late stage in the planning process is frankly absurd, and that basic planning principles, natural justice and good government require that siting options are fully and publicly reviewed at the start of any planning process?

The accompanying document (Appendix 1) shows that another critical error, again fundamental to establishing the facts around optioneering, may have been made by the Judge presiding over the Judicial Review of the previous SofS's decision, as a result of incorrect information provided by the Applicant during the trial. If the basic facts about the landfall sites on either side of the English Channel cannot yet be established, how can the SofS be adequately informed to approve the Applicant's DCO?



Finally, does the SofS agree the Examination into the Aquind Interconnector DCO is now fatally undermined by the issues above and may open his ultimate decision to further legal challenge should he not put an end to the DCO once and for all and **STOP AQUIND?**





SECTION 2: THE MISSING FEASIBILITY STUDY BY NGET/NGESO

LSA unreservedly adds its support to PCC' position regarding the missing feasibility study of 2014/2015. The importance of this document has been highlighted repeatedly by various Interested Parties during the examination process and beyond. During the Judicial review Judge Lieven asked the Applicant to provide this document which has never been seen by any other Interested Party but the applicant. Has the SoS received this document? Have Interested Parties had access to it? The confidentiality of this document has been highlighted on various occasions.

A further consideration is that this document was published over 9 years ago. Has the validity of this document today to be questioned? The economic situation has changed: Brexit, Aquind lost PCI status, UK was a net overall exporter of electricity to France in 2022, more interconnectors have been built and/or have approval. (Does this not ridicule Aquind Interconnector status of NSIP when it will likely lead to a loss of energy from the UK rather than a gain?)

Does the SoS not need to have sight of this feasibility study which led to the decision to have Lovedean as a connection point? Aquind admitted that other substations had been considered in the process of application for a DCO and that all these substations would have needed an upgrade, including Lovedean. Why was Lovedean the preferred choice? Why was Eastney considered to be the landfall for the UK?

LSA gave an opportunity to the SoS at the former BEIS department on the 15. December 2021 deadline to investigate the applicant's/NG's choice of Lovedean as connection point. James Greenhalgh was seconded to the BEIS at the time that the SoS was considering the DCO application by Aquind. Prior to this secondment we believe that he had been the director of operations at National Grid at the time of the 2014/2015 feasibility study. His replacement at National Grid, Gregg Hunt, did not respond to our enquiry requesting information about this connection decision.

We approached the BEIS directly in our submission of the 15/12/2021 so that they could internally seek answers to this dilemma.

Please refer to examination library at PINs website David Langley "Response to the Secretary of State's consultation of 4 November 2021, published 17/12/2021"
Considering the importance of this matter we suggest now that the archived minutes of any dealings between James Greenhalgh, when embedded in the BEIS, are made available to the current SoS at the new Net Zero Department and considered in his considerations of the Aquind DCO application.



NGET and NGESO **now** say clearly “Connecting Aquind into Mannington Substation is technically feasible”. In order to do so, certain assessments need to be completed “Works would also be required at Mannington Substation to facilitate a connection. A detailed assessment would be required to determine the full extent of the works which would be required to realise this and would need to consider factors such as the operational footprint, suitability of substation design and power system studies.”

It is clearly stated that all substations would need reinforcement:” When the connection options for the Aquind Interconnector were first assessed, 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.”

We are reminded that “Given these reinforcement works, the timescales involved in providing a connection at the Mannington 400 kV substation are significantly increased compared to a connection to Lovedean 400 kV substation.”

How do NGET and NGESO get to the conclusion that 2037 would be the earliest time to connect the Aquind Interconnector to Mannington?

Furthermore, NGET and NGESO admit that more recent assessments have been made and it was pointed out that:

“More recent assessments of possible connections in the South West area of the transmission system (as indicated by system studies for recent connection applications at adjacent substations to Mannington such as Nursling, Fawley and Chickerell) indicate that for a connection in that area today the reinforcement works would also include a new double 400kV circuit in the South West area and reinforcement of the existing Fawley”

The UK exported to France last year for the first time more energy than imported. Aquind themselves point towards export of energy rather than import in their latest document.

The following conclusions can be drawn from the above statements:

1. The original feasibility study which led to the decision of connection point Lovedean is still missing
2. New assessments seem to be necessary for this development considering the feasibility study dates from 2014/15
3. All substations need upgrading / network reinforcements
4. Mannington is still a viable option
5. The UK national electricity grid needs upgrading
6. Portsmouth is chosen as the cheapest and fastest option for the Applicant at the expense of the environment of the city and beyond.



SECTION 3: UNRESOLVED CONCERNS

3A: HOW MANY HOUSEHOLDS IN BRITAIN WOULD BENEFIT FROM THE AQUIND INTERCONNECTOR?

Very confusing and contradictory information around the number of UK households that would benefit from the Aquind Interconnector has been published, such as:

BBC: January 2021

"Aquind maintains the proposed link would provide up to 5% of Great Britain's annual electricity consumption - enough to power **5m homes.**"

<https://www.bbc.co.uk/news/uk-england-hampshire-64401370>

Hampshire Live: July 2021

"With the ability to transmit up to 5% of Great Britain's annual electricity consumption – enough to power nearly **5 million** British homes "

<https://www.hampshirelive.news/news/hampshire-news/aquind-portsmouth-protesters-march-route-5615655>

Aquind : July 2018:

"...and enough to keep the lights on in up to **four million** British households."

<http://aquind.co.uk/news/aquind-interconnector-to-be-considered-as-a-nationally-significant-infrastructure-project/>

Aquind's claim of providing energy for 4/5 million homes appears to be a gross exaggeration. Was this exaggeration influential in Greg Clark's, the then SoS, decision to award NSIP status to the Aquind Interconnector Project? Was the SoS misled? Can the current SoS trust a company which has provided us with these contradictory figures?

It is worth noting that more recent claims by Aquind have given us a more realistic assessment:

Portsmouth News in May 2023

"**Aquind** said the £1.3bn interconnector would have a capacity of 2GW, enough to power **1.4m homes**"

<http://aquind.co.uk/news/aquind-interconnector-to-be-considered-as-a-nationally-significant-infrastructure-project/>

In comparison, **National Grid** on their website state that:

"We already have interconnectors linking us to France, Belgium, Norway and the Netherlands, and each year they power five million homes"



<https://www.nationalgrid.com/national-grid-ventures/interconnectors-connecting-cleaner-future>

National Grid's current interconnectors provide energy for 5 million homes according to their website. Therefore, it seems unlikely that Aquind's claim relating to 4 million homes can be trusted.

It seems that during the process of application for DCO Aquind was economical with the truth. Is it not legitimate to have lingering doubts about other Aquind's claims?

3B: IMPACTS IN CONNECTION WITH PROPOSED HORIZONTAL DIRECTIONAL DRILLING AT MILTON ALLOTMENTS

LSA remains concerned about the accuracy of Aquind's assessment of the risks to allotment users by the use of HDD. Our concerns focus on the drilling fluids. On page 45 point 13.5. and 13.7. of Applicant's Response to IP responses to SoS 14. June 23, Aquind confirm "that the drilling fluids which are to be used are constructed of naturally occurring bentonite".

LSA's concern is what else is added to bentonite in this construction process to produce the drilling product. LSA would like to know whether there is any risk associated with the additives? We say that HDD industry literature points out that there are risks.

3C: FORT CUMBERLAND CARPARK – COMPULSORY ACQUISITION

Further comments from PCC in their document dated 4/7/23 (in point 9) offer the SoS an opportunity to ask for the feasibility study and related correspondence. Furthermore, PCC noted that the Applicant, Aquind, had acceded to request from Interested Parties. LSA now have a request of the applicant: **Would Aquind please clarify its position on commercial telecommunications and the Fibre Optic Cable?**

Portsmouth News published an extract from an interview they had with Aquind stating that: "The company has confirmed initial plans to include fibre optic capability alongside it have been dropped." (30/5/23)

<https://www.portsmouth.co.uk/news/environment/aquind-new-deadline-set-as-the-government-considers-controversial-plans-for-the-cross-channel-energy-cable-4163500>

In section 5 of Applicant's Response to IP responses to SoS 14. June 23, "The Removal of the FOC, Consultation and Assessment", Aquind appears to be unrepentant in their insistence on constructing a Telecommunication System





that would provide for commercial telecommunication operations in the future. It seems they have taken no account of their own intention to remove this from the DCO application. What is the truth about this matter?

In conclusion, Fort Cumberland Car Park should be kept in public ownership and not Subject to compulsory acquisition order for the construction of ORS buildings. LSA note that the need for ORS is only vindicated by Aquind because of its Choice of "Monopole" as opposed to "Bipole" technology for its Converters.

Analysis of industry best practice would suggest that Bipole technology is superior in many ways. Above all it does not require such strict control and monitoring. ORS would not be required.





SECTION 4: QUESTIONING “FACTS” AS RECORDED IN THE HIGH COURT JUDGEMENT DOCUMENT

LSA wishes to reiterate its concern about the level of understanding (or misunderstanding) of the proposed development by Justice Lieven. In the approved judgement following the hearing at the High Court 22/23 November 2022, points 9 to 22 are given as the “facts”.

“Fact 9:

The interconnector is intended to **bring electricity from France to link into the UK network**. The nature of the project is that neither end point is fixed. In broad terms the elements of the project are the exit point on the French coast; the subsea cable; the landfall site in the UK; and the substation which allows the interconnector to link into the UK high voltage power network. **Two important considerations in the planning of the scheme were the cost of the cable, and therefore the desirability of minimising length;** and the need to minimise the crossing of busy shipping lanes. These factors, amongst others, **led to a location near Le Havre for the landfall in France.”**

These facts were supported by what could be considered as misleading evidence such as plate 2.2 in the Applicant’s Environmental Statement Volume 1 page 2-8 (which we refer to in LSA’s previous submission dated 28 April).

The import of energy into the UK is highlighted whereas in reality the export of energy is as important to the Applicant as import.

Aquind portrayed their project to the judge as a matter of urgency that the UK was in need of additional electrical supply.

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**”. On this point Justice Lieven appears to have misunderstood or been misled.

Regarding the cost of the cable and minimising the length the relocation of the proposed connection point from le Havre to Pourville/Hautot sur Mer would point to a connection to Ninfield or nearby. This would minimise length and cost of the cable, two of the criteria on which Justice Lieven made her judgment.

Those present in court during the hearing clearly registered Aquind’s failure to correct Justice Lieven’s seeming misunderstanding on these key issues. Scrutiny of the transcript of the Court Proceedings would verify this.





Aquind pointed out the financial viability for other options was not in their interest. Yet the profitability of this project in the long term is out of the question. If Aquind were to put more investment upfront, surely this would be retrievable in later years. Why should the most densely populated city outside London be forced to accommodate this damaging project when the environmental harms outweigh the benefits?





APPENDIX 1: LETTER FROM LSA MEMBER JAN DENNIS TO PINS DATED 26/7/23

Dear Inspectors,

I write further to the Secretary of State's request on 23 May 2023 for any comments from Interested Parties to matters contained in his request of 3rd March 2023 and the information contained in AQUIND Ltd's response dated 28th April 2023.

I fully support Portsmouth City Council's latest submission dated 4th July 2023. I would like to further underline one issue in particular.

Throughout the two-day High Court hearing in November 2022 several of us from the campaign group, Let's Stop Aquind, heard Mrs Justice Lieven refer repeatedly to Le Havre as the French landfall, a crucial error that was not contradicted by Aquind's lawyers at any point. Aquind have in the past claimed they chose to land their cable at Portsmouth as it was the shortest route from Le Havre but at least two years ago Aquind had decided that Pourville-sur-Mer near Dieppe, 50miles east of Le Havre, would be the French landfall. Fecamp, which lies approximately midway between Dieppe and Le Havre, was also considered back in 2015.

Aquind's Response to the Responses of Interested Parties, dated June 2023 states, and I quote:-

'3.1 The landfall for the Project has consistently been identified by the Applicant as being at Pourville-sur-Mer in the commune of Hautot-sur-Mer in Seine-Maritime Department of the Normandy region in northern France, or at nearby Dieppe where a landfall was also considered during optioneering.

3.2.4 A landfall location in France near to Dieppe was first explained publicly in the UK during the first round of consultation undertaken on the Proposed Development in January 2018.

3.3 It is correct that reference was made to Fecamp as being used in early 2015 as an assumed French Landfall for the purpose of facilitating an assessment of the technical, geographic and environmental considerations relevant to the three shortlisted substations in the UK The same paragraph identifies that the assumed UK landfall for the purpose of facilitating this assessment was East Wittering.' End of quote.

Pourville-sur-Mer to Portsmouth is definitely not the shortest route; from the Dieppe area that would be Ninfield, north of Bexhill-on-Sea.





Why then does Mrs Justice Lieven refer to the landfall as Le Havre during the hearing and also in her judgement? Why was this not corrected? Where did that misinformation come from? Was it stated in the mountain of documentation submitted to Justice Lieven by Aquind's lawyers? Was this a genuine error on Aquind's part or misleading? Either way the judgement was based on a false premise. Does this not invalidate it? Please see point 9 of the Aquind Judicial Review judgement. I quote:-

'The Facts

9. The interconnector is intended to bring electricity from France to link into the UK network. The nature of the project is that neither end point is fixed. In broad terms the elements of the project are the exit point on the French coast; the subsea cable; the landfall site in the UK; and the substation which allows the interconnector to link into the UK high voltage power network. Two important considerations in the planning of the scheme were the cost of the cable, and therefore the desirability of minimising length; and the need to minimise the crossing of busy shipping lanes. These factors, amongst others, led to a location near Le Havre for the landfall in France.' End of quote.

As shown, Aquind's intended French landfall is actually Pourville-sur-Mer, 50 miles east of Le Havre, far from the shortest route. Above all, neither Fecamp nor Pourville-sur-Mer are Le Havre!

Therefore, is Justice Lieven's decision to overturn the previous Secretary of State's decision not seriously flawed?

Yours faithfully
Jan Dennis

