

**From:** [viola langley](#)  
**To:** [Aquind Interconnector](#)  
**Subject:** Aquind Interconnector  
**Date:** 09 November 2023 18:06:26  
**Attachments:** [Lets Stop Aquind book of evidence for SofS Claire Coutinho 9.11.23\[14752\].pdf](#)  
[Lets Stop Aquind letter to SofS Claire Coutinho to accompany evidence book 9.11.23\[14751\].pdf](#)

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Dear Jake,

Please find attached an open letter to the Secretary of State for the Department of Energy Security and Net Zero for publication on the PINS website.

We include our book which contains a compendium of evidence of our research.

Many Thanks,  
Viola Langley  
Let's Stop Aquind



**OPEN LETTER TO CLAIRE COUTINHO, SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO,  
FROM LET'S STOP AQUIND**

Portsmouth, Hampshire  
9 November 2023

Dear Ms Coutinho,

Welcome back to your role as Secretary of State for Energy Security and Net Zero. As you will be aware, one of the items in your in-tray is the re-determination of the application by Aquind Limited for development consent for the proposed Aquind interconnector.

The original application was received by the Planning Inspectorate on 14 November 2019 when Andrea Leadsom was SoS BEIS, who was quickly followed by Alok Sharma, who had to recuse himself from the Aquind interconnector decision in favour of Kwasi Kwarteng, who was followed (briefly) by Jacob Rees-Mogg and finally Grant Shapps. With the exception of Mr Kwarteng, who took the decision not to allow the DCO application, all of your predecessors lasted only months in the role and may not have had time to study the details of the case.

Given that no less than six Secretaries of State have presided over this application, is it not astonishing that nearly 4 years later, the basic facts have still not been established?

Are you confused that the French government is still implacably opposed to the scheme, that the company proposing this £1.3 billion project has had no trading income since its inception, and that even the route has yet to be fully established? Statements made by Aquind's representatives at the High Court regarding the French landfall site were subsequently contradicted by documentation they later submitted to Grant Shapps. We have even found documentation that casts doubt on Aquind's long held stance that Lovedean is the only connection site that National Grid has ever proposed to them.

It's a bizarre situation so late into an exceptionally long planning process and these key points surely require clarification before you make your decision. Consequently, we enclose a compendium of the evidence Let's Stop Aquind submitted to Grant Shapps this year, which will hopefully shed light on these anomalies and also give you a sense of the depth and breadth of opposition to this ill-conceived project.

You will see that the objections and evidence we presented fit into four broad categories: the threat the project poses to our environment (both natural and built); route optioneering (both in the UK and France); changes in UK and French energy needs since the DCO application was originally made (some of which have subsequently been reflected in changes to UK Government policy); and issues related to the Applicant's unsuitability (and likely inability) to deliver the project.

Community action to stop the AQUIND interconnector

[www.stopaquind.com](http://www.stopaquind.com)



The fundamental argument against the application is the damage it would cause to the environment of the second most densely populated city in the UK, for no (or at best fractional) gain to the residents affected. The green spaces on Portsmouth's eastern seaboard along the proposed trenching route are the lungs of the city, home to numerous protected species of migratory birds, shoreline waders, insects, rare plants and fragile marine plants such as seagrass. Consequently, these habitats are designated as a Ramsar site (Wetland of International Importance), a Site of Special Scientific Interest and a special area of conservation within an SSSI Impact Risk Zone.

The area directly affected by the route has a special importance to the health of our residents. It contains leisure amenities such as several football pitches, cricket pitches, sailing clubs, public parks, a skate park, a popular scenic viewpoint, a public car park, cycle paths and protected monuments. Most worryingly, our research shows that the route maps exactly to historic deposits of toxic waste such as asbestos. In fact the proposed landfall site has been subject to health and safety issues caused by asbestos, which led to nearby dwellings being evacuated. The proposed mitigation of the loss of amenities and the risks of disturbing toxic waste is pitifully sparse.

Furthermore, the citizens of Portsmouth know that any construction project that entails disturbing the traffic flow through one of the only three routes onto the island is madness, as disruption, additional costs and loss of trade will impact business throughout the city. Gridlock would even affect the ambulance station on Eastern Road and journey times to Queen Alexandra Hospital, where the only A & E department in the city is sited.

The traffic congestion and pollution caused by the works and the hundreds of heavy vehicle movements required will choke the city and worsen our already dangerously poor air quality. Your predecessor determined that the route could not be justified in this urban setting, nor could he "conclude... that the need for and benefits of the proposed development would outweigh its impacts" and nothing whatsoever has changed. However, additional complications along the route continue to surface (for example at Ladybridge roundabout in Purbrook), demonstrating the complexities of industrial trenching through a heavily built environment. The Applicant continues to mislead the public as to the impact this would have on their lives, with their representative recently describing the interconnector building works merely as "a ditch" on BBC TV (Politics South 24/9/23).

Although you will look primarily at the planning aspects of the Application, surely you will be aware of its wider context, for example the dramatic changes in the energy market since 2019. The French nuclear estate suffered from serious maintenance issues, decimating its assumed glut of low-cost electricity, and the invasion of Ukraine led France to change its focus from exporting power to fulfilling domestic demand and commitments to its EU partners. The UK became a net exporter of electricity for the first time last year, and all of these changes make the original business case for the Aquind interconnector highly questionable.

Community action to stop the AQUIND interconnector

[www.stopaquind.com](http://www.stopaquind.com)



Where Aquind originally planned to exploit the difference in price between UK electricity and cheaper French nuclear power, made even more attractive by the lower carbon unit cost of the European Union's Emissions Trading System compared to UK carbon tax, it has now pivoted to become an exporter of UK power to France. Such a business plan may generate Aquind greater profits, but offers even fewer benefits to UK citizens than the original proposals.

Your department has since announced a clear policy of backing home grown renewable sources of power (wind, solar & tidal) to ensure energy security, and supported multi-purpose interconnectors in order to "reduce the impact on coastal communities and the environment". Taken alongside the Prime Minister's recently stated goal to "give every community a say" in energy infrastructure, is it not the case that forcing the Aquind interconnector on Portsmouth in the face of such fierce community opposition would contradict the Government's objectives?

Finally, you will be aware of the many questions around the history, funding and political connections of Aquind Limited. Much of this debate has been stifled by legal threats made to The Portsmouth News and other newspapers. Let's Stop Aquind believes that these threats have had a significantly chilling effect on the level of public discourse around the company and the proposal, and welcomes the Government's recent amendments to the Economic Crime and Corporate Transparency Bill to tackle Strategic Lawsuits Against Public Participation (SLAPPs).

Both Portsmouth MP's have highlighted the threat to national security posed by this project and we are sure you are aware of the threats made to Penny Mordaunt (MP for Portsmouth North and Leader of the House) related to her opposition to the Aquind interconnector.

The Aquind interconnector would cause chaos in our city and would devastate the precious green spaces of Portsmouth and the 25km cable route into the South Downs. It is opposed by every MP and every local authority along the route, and unanimously by every city councillor of every political stripe. It is unwanted (both here and in France), unneeded and ill-conceived. We hope our evidence will persuade you that the case against the Aquind interconnector is even stronger than when your predecessor originally denied the DCO. We urge you to make the right decision for our city and for our environment – **STOP AQUIND**.

Viola Langley and Paula Ann Savage  
Co-founders Let's Stop Aquind  
[langleyviola1@hotmail.com](mailto:langleyviola1@hotmail.com)



**COMPENDIUM OF LET'S STOP AQUIND'S RESPONSES TO GRANT SHAPPS, THE FORMER SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO, PRESENTED TO CLAIRE COUTINHO, SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO 9/11/23**

**TABLE OF CONTENTS**

**PART ONE: Page 2**

**RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST FOR INFORMATION AND UPDATES DATED 3/3/23, SUBMITTED 28/4/23**

**PART TWO: Page 60**

**ADDITIONAL RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST FOR INFORMATION AND UPDATES DATED 3/3/23 - UNANSWERED QUESTIONS RAISED BY THE CONDUCT AND FUNDING OF AQUIND LIMITED, ITS OWNERS AND DIRECTORS, AND THE HISTORY OF THE AQUIND INTERCONNECTOR NSIP, SUBMITTED 28/4/23**

**PART THREE: Page 77**

**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 AND TO THE INFORMATION CONTAINED IN THE APPLICANT'S RESPONSE DATED 28/4/23 - COMMENTS ON DOCUMENTS SUBMITTED TO HIS PREVIOUS REQUEST FOR INFORMATION, ADDITIONAL MATTERS AND ISSUES NOT PREVIOUSLY RESOLVED, SUBMITTED 20/6/23**

**PART FOUR: Page 146**

**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, SUBMITTED 27/7/23**



**PART ONE: RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST FOR INFORMATION AND UPDATES (DATED 3/3/23) FROM VIOLA LANGLEY AND IAN DAYE (INTERESTED PARTIES IN THE MATTER OF THE AQUIND INTERCONNECTOR DCO PROPOSAL), SUBMITTED ON BEHALF OF LET'S STOP AQUIND BY EMAIL 28/4/2023**

*WITH ADDITIONAL CONTRIBUTIONS FROM LET'S STOP AQUIND MEMBERS PAULA ANN SAVAGE, JAN DENNIS, DAVID LANGLEY, PAUL GONELLA (STRONG ISLAND MEDIA) AND JONATHAN WALKER. FURTHER RESEARCH PROVIDED BY JEAN NICHOLAS AND DONALD BRUMENT OF NON A AQUIND, OUR FRENCH COUNTERPARTS.*

**NOTE TO THE PLANNING INSPECTORATE – THIS DOCUMENT CONTAINS A SUBSTANTIAL AMOUNT OF NEW INFORMATION AND ORIGINAL RESEARCH NOT PREVIOUSLY SUBMITTED**

**TABLE OF CONTENTS**

INTRODUCTION: LET'S STOP AQUIND

SECTION 1: CONSIDERATION OF ALTERNATIVES

- **Why Ninfield should be considered as a genuine landfall option**
- **How misleading material presented by the Applicant has restricted the range of options under consideration**
- **Misunderstanding with regards to the French landfall site during Aquind's judicial review**
- **A new emphasis on the export of electricity?**
- **Conclusion - Alternative connections points have not been adequately considered therefore the application should be refused**

SECTION 2: FRENCH LICENCES AND CONSENTS

- **Refusal of the Project by the Prefet of Seine Maritime**
- **Loss of PCI status**
- **A new law "Zero Net Artificialization" would not support the construction of the Aquind Interconnector**
- **Environmental damage in France**
- **The socio-economic effects of Aquind in France**
- **Interconnectors already in place in France**



### SECTION 3A: ENVIRONMENTAL INFORMATION - TOXIC WASTE ON THE PROPOSED ROUTE

- **The risks of disturbing asbestos and toxic waste**
- **The health dangers of asbestos**
- **Historical evidence of asbestos contamination on the proposed route**
- **Non-conformance with the UK Government Environmental Improvement Plan 2023**
- **Why industrial, marine and military waste was dumped on eastern side of Portsea Island**
- **Locations along the proposed Aquind Interconnector route**
- **Focus on Eastney and the 'Glory Hole'**
- **Focus on Milton Common**
- **Conclusion - Let's not open a 'Pandora's Box' of contaminants**

### SECTION 3B: ENVIRONMENTAL INFORMATION - TRAFFIC AND AIR QUALITY ISSUES

- **Examining the true adverse effects of the proposed on-shore construction corridor**
- **Highways and onshore traffic**
- **Air quality**
- **Fort Cumberland**
- **Milton Common**
- **Sports, leisure and recreational effects**
- **The size of the problem in numbers**
- **Secondary sea defence bunds at Milton Common**
- **Conclusion – the scale of negative impacts on the city of Portsmouth is too great**

### SECTION 3C: ENVIRONMENTAL INFORMATION – VISUALISATION OF THE IMPACT OF THE AQUIND INTERCONNECTOR

- **Introduction**
- **Figures 1 & 2: Impact of cable route on Eastney Beach – loss of Fort Cumberland car park and Grade II listed building, blight from development of two Optical Regeneration Stations, each up to 4m high for the proposed Fibre-Optic Communications network**
- **Figures 3 & 4: Impact of cable route on Milton Locks Nature Reserve, Langstone Harbour SSSI and Bransbury Park public space and skate park**
- **Figures 5 & 6: Impact of cable route on allotments, University of Portsmouth facilities, Moorings Way and the natural environment of, and toxic waste buried under, Milton Common**
- **Figure 7: Impact of cable route on car passengers, bus users, commercial vehicles and cyclists on Eastern Road, students and staff at Portsmouth College, response**



times at Eastern Road Ambulance Station, shoppers at Ocean Retail Park, football fans travelling to Fratton Park, businesses based in Southsea or Burrfields Road Industrial Estate, users of the Outdoor Activity Centre and football pitches on Eastern Road

- **Figures 8 & 9: Impact of cable route on Farlington Marshes Nature Reserve, wading birds on Farlington Marshes seagrass meadows and Langstone Harbour SSSI, users of Farlington Marshes car park, sports pitches at Farlington and shoppers at Farlington Sainsbury's**
- **Figures 10 & 11: Impact of cable route on road users and residents in Farlington and Drayton, loss of public viewing point and parking for open space on Portsdown Hill**
- **Figures 12 & 13: Impact of cable route and compulsory purchase of property and disruption to residents and road users in Purbrook, Widley and Waterlooville**
- **Figures 14 & 15: Impact of cable route on local communities, businesses, road users and Fire Station response times in Waterlooville**
- **Figures 16 & 17: Impact of cable route on businesses, road users and retail shoppers in Waterlooville and Denmead and blight on green space, farmland, land values, and environmental issues caused by the works**
- **Figures 18 & 19: Impact of cable route green space and farmland, permanent loss and compulsory acquisition of land, loss of privacy and blight from development of 26m high Converter Station at Lovedean, with permanent impacts on farm owners, residents and the visual environment of the South Downs**

#### SECTION 4: ANALYSIS OF PLANNED, APPROVED & PROPOSED INTERCONNECTOR CAPACITY AND THE NET EXPORT OF UK ELECTRIC POWER

- **Planned interconnector capacity exceeds the 18GW UK Government 2030 target without Aquind**
- **In 2022, the UK became a net exporter of electricity to France**

#### SECTION 5: CONCLUSION

- **The importance of the French landfall site in relation to optioneering**
- **Has the Fibre-Optic Communications network been hidden within a Trojan Horse?**
- **The economic and social case for the Aquind interconnector - that was then but this is now**
- **Nothing has changed in one important respect – the harms still outweigh the benefits**





## **INTRODUCTION: LET'S STOP AQUIND**

Let's Stop Aquind (LSA) is a grassroots action group formed in 2020 by Viola Langley and Paula Ann Savage to protect Portsmouth and the South Downs from the threat of the Aquind Interconnector.

LSA campaigns on [Facebook](#) (where it has 4100 followers), [stopaquind.com](http://stopaquind.com) (900 users pm), [Instagram](#) (800 followers) and [Twitter](#) (600 followers). It is recognised as the leading community opposition to the Aquind Interconnector by local and national media, all the MP's affected by the route as well as Portsmouth City Council, Winchester City Council and other local authorities. LSA membership across all channels, and involvement with our campaigns, continues to grow as we raise awareness of the dangers of the Aquind Interconnector.

LSA liaised with its counterpart [Non A Aquind](#), with regards to the French aspects of this submission.



**SECTION 1: CONSIDERATION OF ALTERNATIVES**

**Why Ninfield should be considered as a genuine landfall option**

NPS-EN1 is very clear about the issue of alternatives, as pointed out by the Planning Inspectorate’s Recommendation Report. Point 5.4.5 of the Recommendation report states:

*“Alternatives that are not among the alternatives studied by the Applicant, as reflected in the ES, should only be considered if they are believed to be important and relevant to the decision. If an application gives rise to adverse impacts, alternative options could be important and relevant considerations.”*

Ninfield Substation (North-East of Bexhill on Sea) is such an alternative. It was not forwarded by the Applicant for consideration by the Planning Inspectorate. The reason it was excluded by the Applicant remains a mystery. It offers a much shorter sub-sea route (about two thirds of the distance of the proposed route), and once ashore a distance one third that of the distance proposed for connection at Lovedean.

**In short, for a project continually stressing the need for the shortest, most effective and suitable route to be used, the omission of Ninfield defies logic.**

**7.2 Methodology**

As reactive power is a local problem in its nature, the voltage studies only focus on the local areas where the interconnectors are to be connected. Table 10 lists four studying areas and corresponding substations (all substations within a two-substation range of the connection points) to be considered in the following studies.

Studying Area	Area 1	Area 2	Area 3	Area 4
<b>Interconnectors</b>	<b>Gridlink</b>	<b>Neu Connect</b>	<b>North Connect</b>	<b>Aquind/OGN</b>
<b>Connection Points</b>	Kingsnorth	Grain	Peterhead	Lovedean
	Tilbury	Tilbury	Kintore	Fleet
	Grain	Kingsnorth	Blackhillock	Bramley
	Singlewell	Kemsley	Persley	Botley Wood
	Northfleet East	Singlewell	Craigiebuckler	Chilling
	Barking	Northfleet East	Keith	Fawley
<b>Substations in the local areas</b>	Littlebrook	Littlebrook	Tealing	Marchwood
	Coryton South	Coryton South	Kincardine	Nursling
	Ryleigh Main	Ryleigh Main	Knocknagael	Mannington
	Warley	Warley		Chickerell
	Kemsley	Rowdown		Bolney
		Cleve Hill		Ninfield
		Canterbury		

**Table 10: Definition of studying areas for the interconnectors proposed**



Ninfield is included in the above list of substations offering possible connections points for the Aquind Interconnector (amongst others) published by National Grid ([SO Submission to Cap and Floor](#)). The document, in which this list was published (on page 25), dates from 2017 and concerns technical matters which relate to Aquind and other interconnectors. This inclusion infers that Ninfield is capable of and may be impacted by connection to Aquind Interconnector. If this is the case in 2017, why was Ninfield not considered at an earlier stage of the Applicant's optioneering. Why has it disappeared off the radar?

When one considers the location of the landfall in Normandy, near Dieppe, the mystery of not even offering Ninfield for consideration becomes more baffling. Bexhill is the nearest point of Southern England to Dieppe. The cable length would be much shorter. Why not investigate Ninfield?

In fact, Aquind has responded to this suggestion at an earlier date by referring to advice from National Grid. They say that the additional power load by connection to Aquind connector at Ninfield could not be evacuated from the substation. That is why substations need to be upgraded along the length of the South East 400kv line. Ninfield would of course need reinforcing and yes, it would cost money. But the reductions in on-shore, and particularly off-shore, cable length would represent a huge cost saving to the Applicant.

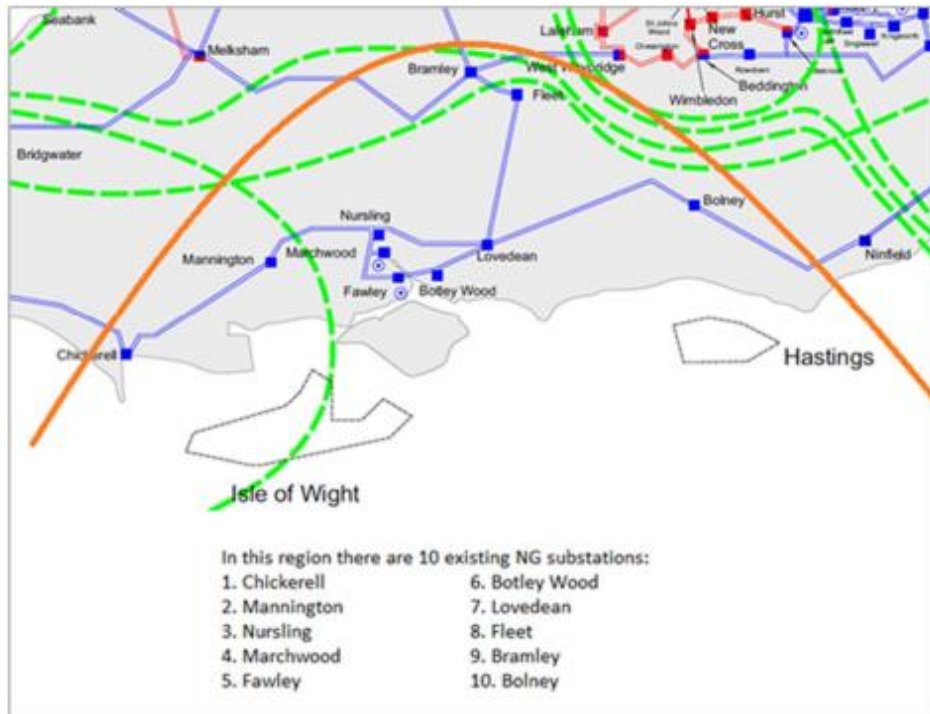
However, it would appear that Lovedean, near Portsmouth, has been Aquind's target from the inception of the project. When Mannington was freed from the Navitus connection obligation, Aquind did not feel it necessary or perhaps desirable to investigate the possibility of connection there. In the Royal Court of Justice, in November 2022, Aquind's barrister called Mannington "a dead duck". Mannington was disregarded from 2015/2016 even though it became "live" as soon as the connection to Navitus windfarm was revoked.

### **How misleading material presented by the Applicant has restricted the range of options under consideration**

We submit that Aquind has continually guided/pressed us all to accept a connection at Lovedean by way of Eastney and a route through Portsmouth. We suggest that misleading material was used to prevent us from appreciating the illogical disregarding of alternatives other than those presented by Aquind. Our attention was fixed on Lovedean as was Aquind's. We were consistently guided towards Lovedean by the Applicant's visual material.



In particular, we are referring to the diagram below, which is repeatedly used to illustrate the limit of the availability and suitability of connection points to the National Grid on the south coast of England.



**Plate 2.2 - England South Coast Map showing the region and ten connection sites identified**

This diagram, Plate 2. 2 in the [Environmental Statement Volume 1](#) (PINS Ref.: EN020022) Chapter 2, page 2-8, is a map-like illustration representing part of the South coast of England. On closer inspection it is, in fact, rather confusing, having the word “Hastings” floating off-shore, nowhere near where Hastings actually would be on the map! Likewise, the Isle of Wight appears to be adrift!

This diagram/map has a parabola superimposed over it. The parabola encloses Portland Bill to the west and Eastbourne and Beachy Head to the East. The area within the parabola contains, we are invited to accept, those substations (10 in number), deemed suitable for the Aquind Interconnector to use as a connection point into the 400kv grid.

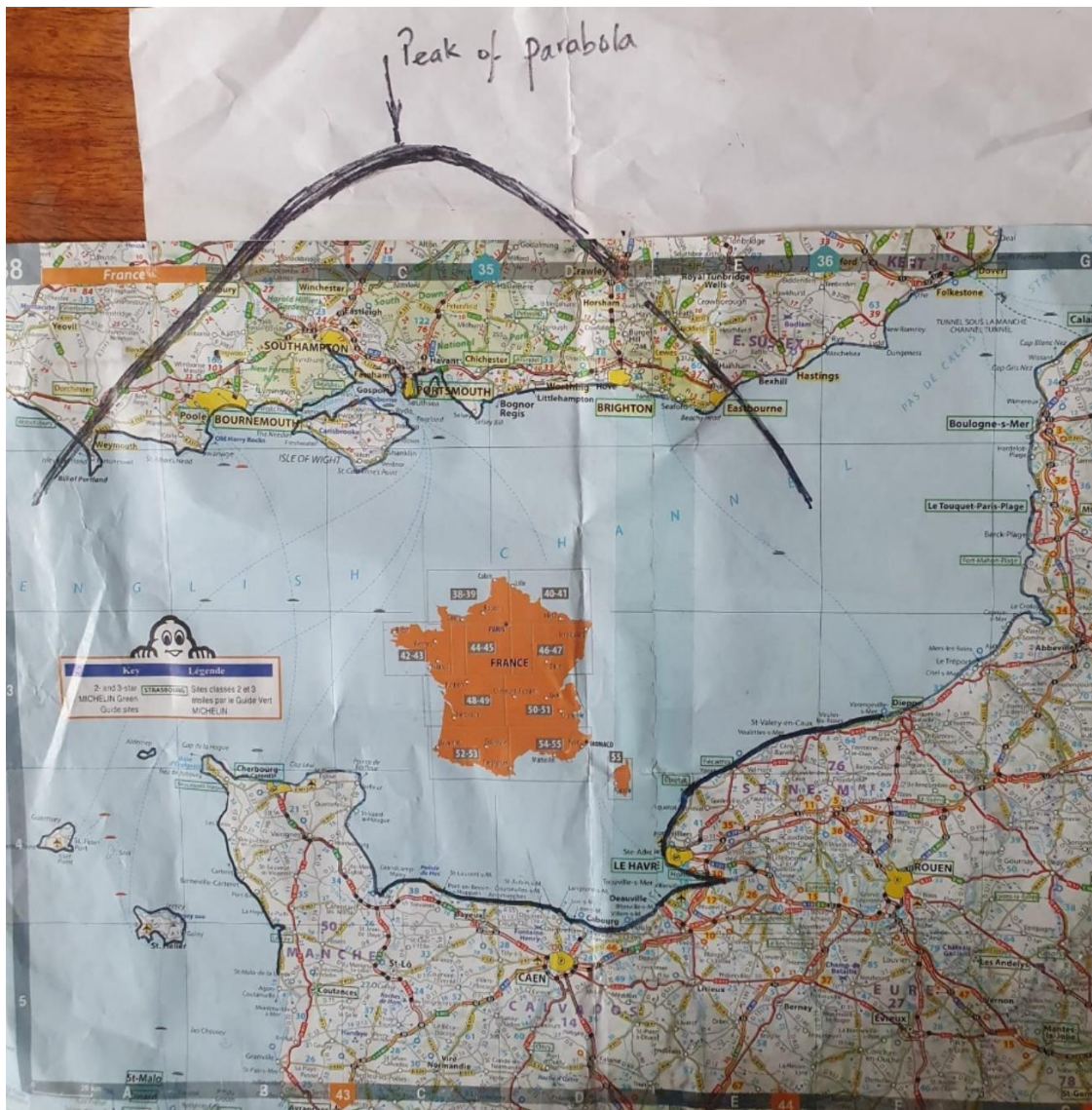
By implication, **substations outside this limited area are to be considered either not suitable, not viable or simply not to exist.** This misleading diagram has been used for all



formal analysis; by the planning inspectors, by BEIS and by the Judge at the examination of the BEIS' decision in the Royal Courts of Justice.

We have all been presented this Plate 2.2 as an accurate illustration of the project's limits. It has been used to inform parties which have the power and authority to grant or refuse a project which carries huge harmful impacts.

This parabola excludes, among others, one substation which could be far more suitable for connection into national grid lines, namely Ninfield.



The area covered by Plate 2.2 superimposed over a map of the English Channel

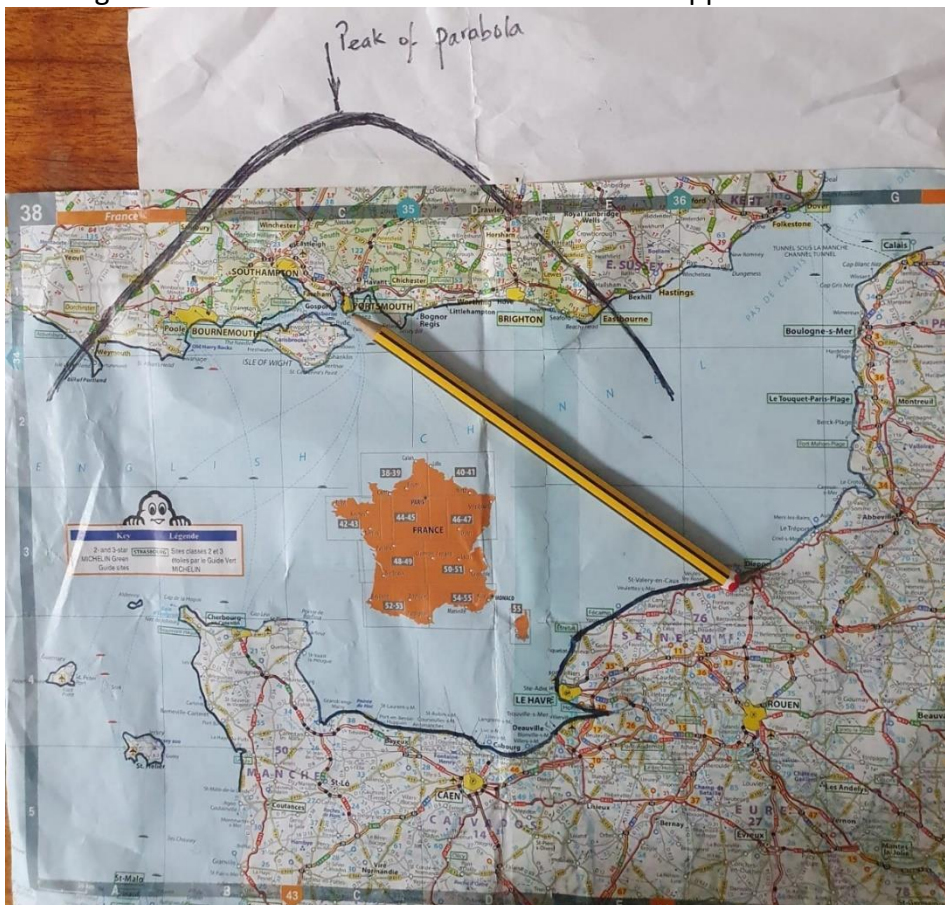


The misleading nature of Plate 2.2 is clearly evident when it is laid over a map showing the English Channel and the North coast of France from Calais in the east to Cherbourg in the West (see above). Such an overlaying clearly indicates the way in which misunderstanding is planted in an observer's mind.

It is possible that Plate 2.2 was drawn up at the same time that Aquind presented a diagram indicating that the landfall on the French side was in the Baie de la Seine near Le Havre. It is conceivable that Aquind did not think it necessary to redesign their presentation material, Plate 2.2, after the connection point in France had been moved Eastwards to just outside Dieppe.

**Had the same parabola been used with Dieppe as the departure point on the French coast, different substations along the South Coast of England would have been included in the optioneering.**

Compare the length of the off-shore cable routes between Dieppe and Portsmouth below...



**Yellow pencil indicating direct cable route from Dieppe to Portsmouth**



... with the length of the direct cable route from Dieppe to Ninfield shown here:



**Grey pencil showing shorter direct cable route between Dieppe and Ninfield**

We suggest that a revision to Plate 2.2 with France to the South, including substations to the East of Bolney and showing correct orientation in relation to the connection point near Dieppe, would have been a more true representation of the options for landfall on the south coast of England. Could it be that the planning inspectorate, the BEIS and the High Court Judge were all being guided by visual material that was misleading?



**Misunderstanding with regards to the French landfall site during Aquind's judicial review**

Indeed, in the High Court Judge Lieven said she understood that the Aquind Interconnector came to land near Le Havre. We were present in the Royal Court of Justice when **she made the clear statement that landfall was to be at Le Havre.**

She used this understanding to form an opinion that the route chosen represented the shortest and most cost-effective route on offer! She formed this understanding having available to her the 2 misleading (incorrect) diagrams presented to her by Aquind. One, Plate 2.2 and the other, showing landfall near Le Havre. She did not have an accurate, real-life illustration on which to base her understanding.





We maintain that alternative connection points, not just those chosen by Aquind, should have been considered; Ninfield, Dungeness and more besides. For a project as harmful and as unneeded as Aquind Interconnector to be allowed to proceed without considering all alternatives is unthinkable, potentially illegal.

We reiterate: National Policy Statement EN-1 is clear on this issue, as pointed out by the Planning Inspectorate's Recommendation report. Point 5.4.5 of the Recommendation states:

*"Alternatives that are not among the alternatives studied by the Applicant, as reflected in the ES, should only be considered if they are believed to be important and relevant to the decision. If an application gives rise to adverse impacts, alternative options could be important and relevant considerations".*

Ninfield is such an un-investigated alternative. The availability of an alternative connection point, although not considered suitable by the Applicant, must be thoroughly investigated. The harm of a route via Portsmouth and beyond is reason enough to look to Ninfield.

Ninfield has been brought to the attention of BEIS and Aquind, but we think insufficient due diligence was given to the proposal. It is worth noting that in 2017 Ninfield was included in a document published by NG relating to Cap and Floor considerations facing a number of interconnectors. Aquind was included in this study for comparison but Ninfield was in the list of substations relevant to future connection into the grid.

In addition, just to the East of Ninfield is Dungeness. Could this not offer another connection point for the Aquind Interconnector? Another alternative. And are there not others further to the East? **Aquind appears to have been fixated on Lovedean as the ONLY possible connection point. BUT WHY?**  
**A new emphasis on the export of electricity?**

One reason, which is hidden among the documentation, is that Lovedean offers Aquind the best access to home produced electricity for export TO France. Put simply, the cheapest and easiest way to sell our home-produced energy, is to give straightforward access to Lovedean from the North where most of our electricity is generated. This would suit Aquind just fine. Exempted from price regulation and connected in the most efficient way to enable export of our scarce energy. Is this good enough reason to be wary of granting the DCO?

The Aquind Interconnector would simply sell our home-produced energy into France and onward to the European market. This does not look good. We are encouraged to continually think of this project as enhancing UK Energy Security. Far from it. This privately-run, privately owned business, unregulated, could be anything but an enhancement to our



energy needs. Aquind would make huge profits--- We do not want profits for a private company to trump the needs of the UK and its residents.

**Conclusion - Alternative connections points have not been adequately considered therefore the application should be refused**

The application for DCO was refused by our government. They got it right. There is much evidence to show that refusal must be given to a project causing huge harm and damage when alternatives have not been diligently assessed. Alternatives, outside the list furnished by the Applicant, must now be considered as both relevant and important.

**The SoS of the Energy Security and Net Zero department must have the same courage as his predecessor at the BEIS department. Throw this application into the wastebin as it cannot be approved.**



## SECTION 2: FRENCH LICENCES AND CONSENTS

### **Refusal of the Project by the Prefet of Seine Maritime**

As of today, it seems that Aquind has received neither licences nor consents to start the process of a DCO (or equivalent) in France - on the contrary, France has clearly rejected the application.

The Prefet of Seine Maritime came to the conclusion that Aquind did not meet the necessary standards and conditions such a project would require. Considering the damage this project would cause in the French countryside and the effects it would have on the residents, the Prefet found there were too many negative concerns. A document by Non A Aquind, a non-profit organisation set up in January 2019, fully recognised as an interlocuter between the mayors, deputes, senators, specialised organisations as well as the French government via the Prefet, is set out below. This document explains clearly the devastation this project would have on their local environment and its residents. The 15 mayors of the affected areas are united in their opposition to this project. (from: <https://www.non-a-aquind.org/a-propos>).

The [statement confirming the refusal of this project by the Prefet in 2021 can be downloaded here](#). According to the Secretary of the Prefet, as of March 2023, Aquind had not launched any appeal. Therefore, this decision is up to date and Aquind has not got a licence nor a consent for the Aquind Interconnector in France.

### **Loss of PCI status**

Europe refused to renew Aquind's status as an EU "Project of Common Interest" in 2021 and 2023, even though Aquind appealed against this decision. A judge at the EU Court of General Justice has dismissed Aquind's challenge to keep the interconnector plan on the list of PCI's.

(from: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62020TJ0295> which is summarised here: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-02/cp230023en.pdf>)

### **A new law "Zero Net Artificialization" would not support the construction of the Aquind Interconnector**

The objective of "Zero Net Artificialization" is to suspend any net increase in the total amount of artificial surfaces at a time of ecological emergency, protecting biodiversity and the natural soil. It stresses the importance of protecting large rural areas, together with their biodiversity and wild life habitats.



### **Environmental damage in France**

The Aquind Interconnector threatens to damage the beach of Pourville sur Mer. The cables would then continue along roads for 30 km, passing through 15 villages near schools, homes, campsites, shops or sensitive buildings. All the works/amenities carried out by the municipalities along the roads over several years could be destroyed. The 320 000 Volt cables would be laid 1.20 m deep in sand, representing a health threat to the population, fauna and flora. The 15 mayors involved are firmly against this project. At the end of the route (30 kms), Aquind wants to build two enormous Converter Halls, each measuring 70 meters long, 50 m wide and 22 m high, on a plot of 12 to 15 hectares of agricultural land as well as siting electrical equipment of substantial size. These would be constructed near homes in the villages of Varneville-Bretteville and Bertrimont. This would be connected to the Barnabos substation, which was built in the 1960s and 1970s to receive electrical output from the Penly and Paluel nuclear power stations, which already cause disturbance to local residents.

### **The socio-economic effects of Aquind in France**

The communities are extremely concerned about the effects this project would have for them during and after construction. Non A Aquind, a local officially recognised group set up in 2019, represents the concerns of the residents of the area affected by this project. Non a Aquind has worked and corresponded with local and national governmental representatives to point out the harmful effects of this project. This proposal has already put enormous stress on their mental and physical health.

### **Interconnectors already in place in France**

France has already 3 existing Interconnectors connected with the UK:

1. IFA - 2 GW
2. IFA 2 – 1 GW
3. Eleclink – 1GW

A further two interconnectors have been approved:

1. Gridlink -1.4 GW
2. FAB link – 1.4GW

(from <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)

(from: <https://www.services-rte.com/en/learn-more-about-our-services/access-to-french-interconnections.html#:~:text=France%20is%20interconnected%20with%206%20European%20countries>)

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: <https://www.euractiv.com/section/electricity/news/france-to-expand-electricity-interconnections-with-ireland-italy/>)

**Considering the existing and planned future interconnectors, the question arises if the Aquind Interconnector is needed in France's energy supply.**

- Would the Aquind Interconnector threaten the cost/benefit balance of the other interconnectors?
- What is the public benefit of the Aquind Interconnector, run by a privately owned company, not having the status of Project of Common Interest?
- The harms and benefits of this project have to be carefully considered, particularly taking into account climate emergency and biodiversity loss. Do the harms of this project to the local environment (30 km inland) outweigh the benefits (energy supply for a relatively short period of time in human history)?
- Is this approach not very short-sighted long term, especially if there are numerous interconnectors already approved or currently under construction?



## SECTION 3: ENVIRONMENTAL INFORMATION

### SECTION 3A: ENVIRONMENTAL INFORMATION (TOXIC WASTE ON THE PROPOSED ROUTE)

#### **The risks of disturbing asbestos and toxic waste**

*This section has been researched by Paula Ann Savage, who has direct experience of the devastating effects to health that asbestos can cause. Paula has this to say about her loss:*

“I write to you with the hope that you will make the right decision with regards to the Aquind Interconnector project.

After losing my own father to asbestosis a few years back, I am extremely concerned about the trenching and disturbance of contaminated land known to contain many toxic chemicals, one being Asbestos. After witnessing the horrific decline of health and heart-breaking death of my father, I urge you to seriously consider the consequences this project could subject the people of Portsmouth to. I’ll never forget my father saying that “It feels like my lungs are made of brittle plastic”.”

According to the UK Asbestos Training Association (UKATA), [asbestos remains Britain's biggest workplace killer](#). There are over 5,000 asbestos-related disease deaths per year.

Inhalation of asbestos fibres can cause cancers such as mesothelioma and lung cancer, and other serious lung diseases such as asbestosis and pleural thickening.

**2,544** mesothelioma deaths in 2020, **with a similar number of lung cancer deaths** linked to past exposures to asbestos.

**530** deaths in 2020 mentioning asbestosis on the death certificate (excluding deaths that also mention mesothelioma).

The cable is intended to take a north bound route tunnelling through historical landfill known to contain (Asbestos). Under the Town and Country Planning (General Development Procedure) Order 1995, planning authorities have to consult with the (Environment Agency) to develop land within (250) meters of landfill sites, including any land that has been used as a landfill site within the last 30 years or likely to be used as one in the near future.

The area in and around where the cable is going is a great concern of mine for this reason. This project was turned down by the (local authority) initially, then the Government decided to grant the project NSIP status (Nationally Significant Infrastructure Project). At this point the decision was taken out of local hands and given to the Secretary of State.



It is a daunting probability that while this project is going ahead, it will disturb extremely dangerous substances currently in the ground which will be released, becoming seriously detrimental to the health of all of those living and working in and around the city of Portsmouth.



**The areas in pink above are historical landfill sites - some are known to contain asbestos – the proposed route of the cable passes directly through many of these sites**

The cable will be tunnelling through areas known as the “Glory Hole” pictured below.

W. J. C. L. S. 5  
1966

## OF SHANTY TOWN

EN 10.10.1966

Continued from opposite page.

houseboats to the shores of Eastney Lake and Milton Locks moored their dinghies, or built their shacks.

They could look out from their cosy homes across water or mud according to the state of the tide, reflecting that this was their little world.

Perhaps it was a world not to everyone's taste. It was rough and tough, fraught with uncertainty, and the sun did not always shine; but it was a life of their own choosing, a career for "We salt ourselves" kind of life, a life for men and women of independent spirit.

Another civilization has crept up on Shanty Town, brought to their doorsteps on a tide of respectable progress, against which some of them have revolted, but which they know they cannot keep back.

They look to the south and see the life with its salt tinge which they love; they look back over one shoulder and see the new homes of Long Shore Way and over the other to the onward march of battalions of council houses.

Four or five years ago they got their own marching orders. They received notices to quit.

### Marina plan

They stayed on but the death knell of the shacks had been rung. The land on which they fashioned their timber homes is being sold "with vacant possession" to the Corporation.

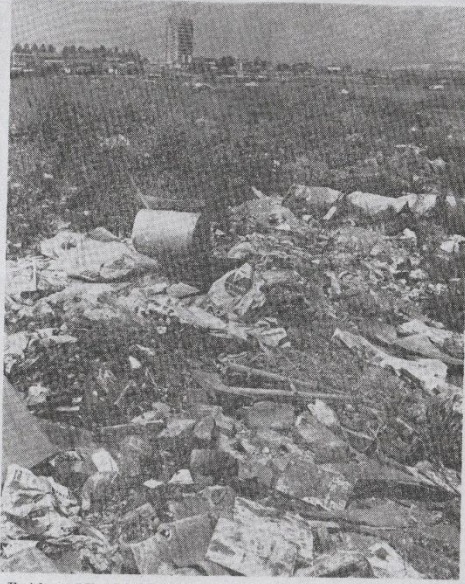
Then came the Eastney Lake marina scheme—for them the final bitter blow.

The yachts of the rich would come sailing into their lake, displacing their houseboats and craft. Most of the houseboats were too old to be moved, anyway, and would have to be destroyed.

And the heart went out of Shanty Town.

Only half-a-dozen families live there now. Some of the shacks and boats are used at week-ends. The rest are mouldering, coming apart at the seams. The growing numbers of wrecked hulks are the skeletons of a ghost village.

I remember the houseboat, Mill, as she was when my grandfather built her lovingly over the stout, spotlessly clean hull of a former cattle boat.



The infamous "Glory Hole." It is as though its decay and filth have somehow moved from across the lake to infest the area.

4794.





**The health dangers of asbestos**

All forms of asbestos fibres are hazardous as they can induce cancer following inhalation exposure, but amphibole forms of asbestos (including blue and brown) are more hazardous to health than chrysotile (white).

Breathing in high concentrations of asbestos for a long period of time mainly affects the lungs, causing a disease called asbestosis where breathing becomes difficult and the heart enlarges. Asbestosis may take decades to develop. Asbestosis sufferers are at an increased risk of cancer. Exposure to lower concentrations of asbestos over time may result in a general (diffuse pleural thickening) or localised (pleural plaques) thickening of the lung lining.

See the Health and safety at work summary statistics for Great Britain (2022) shown below.

Health and safety at work  
Summary statistics for Great Britain 2022



**Occupational lung disease**

**12,000**

Lung disease deaths each year estimated to be linked to past exposures at work

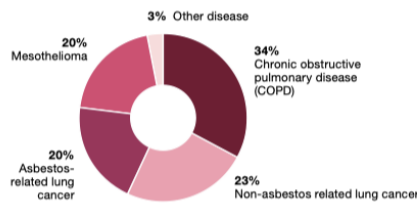
**2,544**

Mesothelioma deaths in 2020, with a similar number of lung cancer deaths linked to past exposures to asbestos

**19,000**

Estimated new cases of breathing or lung problems caused or made worse by work each year on average over the last three years according to self-reports from the Labour Force Survey

Lung diseases contributing to estimated current annual deaths

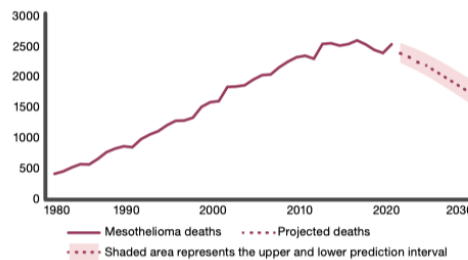


Occupational lung diseases account for around 12,000 of the 13,000 total deaths estimated to be linked to past exposures at work.

Annual mesothelioma deaths are expected to reduce over the period 2020 to 2030.

Prior to the coronavirus pandemic, the rate of annual new cases of occupational asthma seen by chest physicians had been increasing.

Annual mesothelioma deaths and future projections to 2030



To find out the story behind the key figures, visit <https://www.hse.gov.uk/statistics/causdis/index.htm>



### Historical evidence of asbestos contamination on the proposed route

We have commissioned the video below, to explain the history of dumping toxic waste in Portsmouth and examine the health dangers of disturbing the waste buried along the route

<https://www.youtube.com/watch?v=w5LV1pdd2gl>



The asbestos contamination made headline news in Portsmouth during the 90's, one incident is documented both in the Newspapers and on the Evening News, where one hundred and eighty people were evacuated from their homes. Some of these headlines are shown in the pages of library research below:



PORTSMOUTH CITY COUNCIL  
LIBRARY SERVICE  
NOT TO BE  
TAKEN AWAY

Chemicals SH  
Contaminated Lumsden Road estate to be sold p12  
'92-04-23  
\*\*\*\*\*  
Pollution SH Soil  
Lumsden Road enquiry to be held in late summer p6  
'92-05-05  
\*\*\*\*\*  
Land SH Portsmouth  
Inquiry into why homes built on poisoned land at Lumsden Road p8  
'92-07-01  
\*\*\*\*\*  
Chemicals SH  
Poisoned land at Lumsden Road may be developed again p7  
'92-10-08  
\*\*\*\*\*  
Schools SH Milton Park Middle  
Parents fighting closure welcome Lumsden Road building plans p7  
'92-10-08  
\*\*\*\*\*  
Housing SH Portsmouth  
Inquiry into Lumsden Road homes built on toxic land p3  
'92-10-24  
\*\*\*\*\*  
Chemicals SH  
Report published after enquiry into Lumsden Road estate p1+7  
'93-01-14  
\*\*\*\*\*  
Eastney SH  
Public hearing to begin into poisoned land at Lumsden Road p7  
'93-02-08  
\*\*\*\*\*  
Housing SH Portsmouth  
Public inquiry into Lumsden Road contamination continues p3  
'93-02-12  
\*\*\*\*\*  
Eastney SH  
Carol Marsh condemns report on Lumsden Road p1 & 2  
'93-03-04  
\*\*\*\*\*  
Chemicals SH  
Quick decision over tenders for Lumsden Road development urged p7  
'93-03-05  
\*\*\*\*\*  
Chemicals SH  
Lumsden Road cleared for future occupation p7  
'93-03-11  
\*\*\*\*\*  
Portsmouth University SH  
Poisoned Lumsden Road estate could become student campus p1  
'93-03-12  
\*\*\*\*\*  
Portsmouth University SH  
Rejects Lumsden Road land as possible student campus site p3  
'93-03-15  
\*\*\*\*\*  
Chemicals SH  
MOD decision awaited on future of Lumsden Road estate p5  
'93-04-13  
\*\*\*\*\*

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PORTSMOUTH CITY COUNCIL  
LIBRARY SERVICE  
NOT TO BE  
TAKEN AWAY

f Chemicals SH  
v Lumsden Rd families tell of bouts of sickness p6  
A '91-09-30  
\*\*\*\*\*  
f Ministry of Defence SH  
v Accused of not doing enough for naval families near Lumsden Rd estate p6  
A '91-09-30  
\*\*\*\*\*  
f Chemicals SH  
v Ports.City Council urged to screen ex-Lumsden Rd estate residents p6  
A '91-10-02  
\*\*\*\*\*  
f Chemicals SH  
v Ports.housing chairman wants government enquiry into Lumsden Rd alert p7  
A '91-10-03  
\*\*\*\*\*  
f Chemicals SH  
v PCC backs call for independent inquiry into Lumsden Rd housing p9  
A '91-10-04  
\*\*\*\*\*  
f Housing SH Portsmouth  
v Air & dust tests being conducted on Lumsden Rd estate p9  
A '91-10-04  
\*\*\*\*\*  
f Chemicals SH  
v Residents living nr Lumsden Rd demand PCC tests on land p7  
A '91-10-08  
\*\*\*\*\*  
f Chemicals SH  
v 160 people from Lumsden Rd take up health screening offer p7  
A '91-10-08  
\*\*\*\*\*  
f Chemicals SH  
v Lumsden Rd residents ignore warnings to keep off play areas p7  
A '91-10-08  
\*\*\*\*\*  
f Housing SH Portsmouth  
v Environmental health dept to try to trace ex Lumsden Rd residents p13  
A '91-10-10  
\*\*\*\*\*  
f Chemicals SH  
v Protective membrane found in soil near Lumsden Rd estate p5  
A '91-10-11  
\*\*\*\*\*  
f Asbestos SH  
v Widow of asbestos victim Leonard Foster warns Lumsden Rd residents p3  
A '91-10-14  
\*\*\*\*\*  
f Chemicals SH  
v Claims that council had secret file on Lumsden Rd in 1986 p1&9  
A '91-10-16  
\*\*\*\*\*  
f Pollution SH Soil  
v Residents of Lumsden Rd called to meeting with T & G lawyers p7  
A '91-10-19  
\*\*\*\*\*  
f Ministry of Defence SH  
v Unsure as to how best to isolate Lumsden Rd area p7  
A '91-10-19  
\*\*\*\*\*



Housing SH Portsmouth \*  
Cheap homes plan for poisoned Lumsden Rd estate at Eastney p7  
'93-01-15  
\*\*\*\*\*  
Chemicals SH  
Inquiry reveals pressure to build homes resulted in Lumsden Rd estate 1  
'93-02-09  
\*\*\*\*\*  
Chemicals SH  
No warning given when Lumsden Rd estate was leased p7  
'93-02-11  
\*\*\*\*\*  
Chemicals SH  
Evacuation of Lumsden Rd homes not really justified p7  
'93-03-05  
\*\*\*\*\*  
Chemicals SH  
Labour MP John Battle backs call for building on Lumsden Rd site p6  
'93-04-07  
\*\*\*\*\*  
Land SH Portsmouth \*  
MoD quizzed over sale of Lumsden Rd housing & Eastney Barracks p7  
'93-04-16  
\*\*\*\*\*

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FORTSMOUTH CITY COUNCIL  
LIBRARY SERVICE  
NOT TO BE  
TAKEN AWAY  
SH

✓ LUMSDEN ROAD

19/9/91 →

Chemicals  
Lumsden Rd families refuse to quit homes after chemicals found p1  
'91-09-19  
\*\*\*\*\*

Housing SH Portsmouth  
Parents fear for health of children from Lumsden Rd estate p1 \*  
'91-09-20  
\*\*\*\*\*

Housing SH Portsmouth  
Evacuation of Lumsden Rd estate begins p2 \* 3  
'91-09-20  
\*\*\*\*\*

Land Reclamation SH  
Concern for safety of landfill sites as Lumsden Rd hazard revealed p10  
'91-09-20  
\*\*\*\*\*

Land Reclamation SH  
Concern for safety of landfill sites as Lumsden Rd hazard revealed p10 \*  
'91-09-20  
\*\*\*\*\*

Asbestos SH  
Sam Waterman calls for Lumsden Rd to be levelled after asbestos fears p1 \*  
'91-09-21  
\*\*\*\*\*

Housing SH  
Residents urged to leave Lumsden Rd estate after asbestos fears p1 \*  
'91-09-21  
\*\*\*\*\*

Asbestos SH  
Pauline Banfield fears for daughter after living near Lumsden Rd p3 \*  
'91-09-21  
\*\*\*\*\*

Chemicals SH  
Lumsden Rd residents express fear over "hit and miss" health tests p8  
'91-09-25  
\*\*\*\*\*

Marinas SH Eastney  
Residents fear house devaluing effect of Lumsden Rd chemicals scare p8  
'91-09-25  
\*\*\*\*\*

Chemicals SH  
Water on Lumsden Rd estate claimed safe to use p8  
'91-09-25  
\*\*\*\*\*

Chemicals SH  
Poisoned land at Lumsden Rd to be no-go area for public p1  
'91-09-27  
\*\*\*\*\*

Martin David MP SH  
To quiz ministers about poisoned Lumsden Rd estate p2  
'91-09-27  
\*\*\*\*\*

Chemicals SH  
Lumsden Rd residents fear becoming outcasts if area is fenced off p7  
'91-09-28  
\*\*\*\*\*

Chemicals SH  
Health screening of Lumsden Rd residents to begin p1 \*  
'91-09-30  
\*\*\*\*\*



## **Non-conformance with the UK Government Environmental Improvement Plan 2023**

New evidence that Aquind's proposed works will contravene the government's own 25-year plan and environmental objectives as detailed in the [UK Government's Environmental Improvement Plan 2023](#) that was published in February this year.

1. P73 of this document states that:

***'However, air pollution continues to be the biggest environmental risk to human health, with particular hotspots in some urban areas.'***

***'It also harms the natural environment, affecting our biodiversity, waterways and crop yields.'***

Yet Aquind's trenches will be very wide, meaning that at least one lane of the Eastern Road will be closed for months or years. We have only three main roads in and out of the city and this is one of them. It is an urban hotspot and the result will be gridlock. It will do untold damage to residents' lives and to businesses, not only along the route but throughout our city and beyond.

It makes no sense to route this interconnector through Portsmouth, the second most densely populated city after London with already high levels of pollution and very poor air quality. It is bad enough now, especially on match days when Pompey are playing at home; the tailback often extends the length of the Eastern Road (which runs alongside Milton Common and the shoreline) and off the island too. The fumes from engines idling will make already unsafe levels of pollution even worse.

2. P211 states the Environmental Goal is to:

***'Reduce the risk of harm to people, the environment and the economy from natural hazards including flooding, drought and coastal erosion.... that is why we have made significant investments to improve coastal and flood defences'***

Yet Aquind's trenching and drilling would interfere with the much-needed new sea defences running alongside Langstone Harbour that are already under construction. There is a serious risk of flooding if this work is disrupted.



3. P30 of the Environmental Plan states:

***'We will achieve a growing and resilient network of land, water and sea that is richer in plants and wildlife.'***

Yet in response to fierce opposition from Eastney and Milton allotment holders Aquind now propose to tunnel beneath these cherished allotments. This raises troubling questions about the possible toxicity of lubricants used when drilling and the risk of contaminating the produce grown there.

Drilling beneath the only Nature Reserve in the city, where groups of children are taken to learn about nature, will harm biodiversity.

4. P34 of the Environmental Plan quotes the government's long term target as:

***'by 2030, we will halt the decline of species abundance.'***

Yet the proposed route cuts through an area of scientific interest at Langstone Harbour, a feeding ground for shoreline wading birds and the Brent geese that fly thousands of miles from Siberia to arrive here every year. It also cuts through a seagrass meadow at Farlington Marshes, another area that is supposed to be protected. No mitigation can prevent migrating birds from not returning to an area they have been forced to abandon. Many species of flora and fauna will be lost forever.

Using Portsmouth as a Landfall option has never been acceptable because of the huge social disruption and otherwise unnecessary environmental harm.





5. The UK Government’s 10 point plan (2021) states that:

<b>New and advanced nuclear power could deliver...</b>		
A large-scale nuclear power plant will support a peak of around 10,000 jobs during construction	Government support could unlock significant private investment, up to £300m for development of small modular reactors alone	Each GW of nuclear power generation is enough to power 2 million homes with clean electricity
<b>So why from a nuclear power station in France?</b>	<b>So why from a nuclear power station in France?</b>	<b>So why from a nuclear power station in France?</b>

**Why industrial, marine and military waste was dumped on eastern side of Portsea Island**

The proposed UK landfall of the cable will be at Eastney in Portsmouth.

Portsmouth, in common with other island and coastal cities, has had to deal with two pressing problems: the need for more land on an island of limited extent and the need to dispose of increasing volumes of waste materials as the city has grown.

Portsmouth chose the most obvious and practical solution to these two problems by filling the low lying marshy coastal fringes and creeks of Portsea Island with a wide variety of dockyard, industrial and municipal waste materials throughout the years. Although some landfilling took place in the 16th and 17th centuries, major landfill and reclamation did not become significant until mid-Victorian times, when the last major expansion of both the dockyard area and the city itself took place.

In the first 30 years of the 19<sup>th</sup> Century incinerators were used and the remaining waste was dumped in substantial creek/mudflat areas on the eastern side of Portsea Island. Wartime rubble was used to cap many of these fills, although later filling with municipal wastes sometimes occurred to raise the ground to more suitable levels.

Many of these sites lie along the planned route of the proposed Aquind Interconnector.



### **Locations along the proposed Aquind Interconnector route**

The currently planned route runs from Eastney through to Milton Common, then up the Eastern Road and then on to Farlington. Along this route there will be tunnelling and also deep trench digging.

### **Focus on Eastney and the "Glory Hole"**

The Glory Hole was an arm of Eastney Lake in the extreme southeast corner of Portsea Island, which was bunded off and infilled by the Royal Navy between approximately 1914 and 1960. This location was "infamous" for its "decay and filth". A wide variety of naval scrap and waste materials were dumped into this muddy creek, including asbestos from boiler and armaments lagging, lead from submarine and other batteries, mercury from electrical switchgear, zinc and cadmium plated metal objects and a host of other, mainly solid, materials. No records of the wastes deposited are available.

The site was covered over with several centimetres of topsoil and given over to the building of naval married quarters which were constructed on the site between 1955 and 1965. Some of these homes were subsequently declared surplus to RN requirements and were leased to the City Council for council tenancy during the mid-1980s.

In the late 1980s local building work on a new marina uncovered substantial contamination. Subsequent investigations showed significant quantities of asbestos and various toxic heavy metals close to the surface, under the grass cover, although the MOD declared, at the time, that health risks were minimal. In the early 1990s a further investigation was made and Portsmouth City Council decided the site was unfit for family habitation and immediately offered to rehouse families elsewhere. This decision ensured 'Lumsden Road' a place in contaminated land history.

A quantitative assessment confirmed near-surface lead and asbestos contamination to be the major hazards. Major work was then done to cover the ground and make it a safe place to live.

Aquind plan to land their interconnector literally across the road from Lumsden Road and then run it essentially around Eastney Lake before then heading to Milton Common.



### **Focus on Milton Common**

The site is a very large area of grassland, scrub and ponds located on the edge of Langstone Harbour, surrounded by homes, schools, a college and businesses. It is now a popular place for local residents to walk and exercise and is also a haven for wildlife within the city.

Milton Common wildlife diversity is graded as 'excellent', with nearly 200 species noted plus species designated as Nationally Rare, Nationally Scarce & County Scarce. The conservation value of the site is flagged as especially important due to the proximity to the internationally important Langstone/Chichester Harbours which are designated as SSSI, SPA, SAC and Ramsar sites.

Milton Common was subjected to phases of land reclamation by infilling in the 18th and Early 20th Century. However, the majority of the landfilling took place between 1962 and 1970 when a bund was constructed across the mouth of Milton Lake and the confined area was progressively drained and infilled with domestic refuse. There was next to no control on what could be dumped, with stories of a hill of old motorbikes, building waste from factories and bomb sites, leaking scrap vehicles and more.

### **In-person interview research conducted with local people shows the extent of the historical toxic waste dumped on Milton Common:**

- "Walking my dogs there to see parts of cars & tyres showing through where the earth had eroded" – Leslie
- "A clear recollection of looking through cracks in the ground and seeing flames" – Ian
- "I am sure I remember seeing some wartime incendiary bombs" – Paul
- "I remember the methane gas burning for months" – Richard
- "A real scrap yard" – Alan
- "The soot from the power station chimney all this was dumped up there" – David
- "There was a 'mountain' of topsoil brought in early 70s to cover it over, but it's only a few inches deep then it's god only knows what underneath." – Gary

A borehole drilled in 1992 by the University of Portsmouth identified up to 5m of landfill with a cap on top of 300-400mm of clay and topsoil, showing the depth and scale of waste on the site.

Aquind's own Environmental Statement (18.5.4.83) states:

***"Exploratory holes at Milton Common during the 2018 investigation were commonly abandoned short of the 5m target due to obstructions, asbestos or underground metallic anomalies."***



To mitigate, the report says additional mitigation measures should include trenching that: ***“...will need to be excavated in short lengths to minimise odour risk;” (18.9.2.3)***

Aquind want to cut right through the Common with a deep trench, with no one knowing what could be uncovered and released into the local environment.

### **Conclusion - Let’s not open a “Pandora’s Box” of contaminants**

Eastney and Milton Common are just two areas along the route that could cause contaminant issues, with others such as Tangier Road/Little Salterns and moving up to Farlington. Currently there is a balance of local residents and the harbour and wildlife, nobody wants Aquind to open “Pandora’s Box” full of unknown, toxic contaminants on our city’s doorstep.

**I am asking the Secretary of State to make the right decision for Portsmouth and stop the Aquind Interconnector.**

Sources:

Milton Common Management Plan (Draft) (2019-2024) by Portsmouth City Council

- ‘The legacy of contaminated land in Portsmouth: its identification and remediation within a socio-political context’ (1998) by N. R. G. Walton (Department of Geology, University of Portsmouth) & A. Higgins (Environmental Health Service, Portsmouth City Council)
- Aquind Limited: the Aquind Interconnector Local Impact Report (2020) by Portsmouth City Council
- Environmental Statement. Chapter 18 - Ground Conditions (Nov. 2019) by Aquind Limited
- Shanty Town article in The Evening News, (Portsmouth) 16th June 1966
- In-person interview research conducted by Paula Ann Savage 2022/23



## SECTION 3B: ENVIRONMENTAL INFORMATION (TRAFFIC AND AIR QUALITY ISSUES)

### **Examining the true adverse effects of the proposed on-shore construction corridor**

The Let's Stop Aquind group (LSA) agrees with the original decision to refuse this DCO application made by a former SoS for BEIS and for the reasons he listed as copied below:

*3.5. The Secretary of State notes that the ExA also considered at length the question of the planning balance under section 104(7) of the Planning Act 2008 i.e. whether the need for the proposed Development outweighed the planning harms inherent in the scheme and concluded that this was the case. The Secretary of State notes that the ExA identified planning harms associated with the scheme, which include less than substantial harm to the Fort Cumberland Scheduled Monument and the Grade II listed cottage known as Scotland, as well as impacts on tourism receptors, sports pitches, and the Victorious Festival. The compulsory purchase powers sought by the Applicant would also result in private losses and could cause delay to the North Portsea Island Coastal Defence Scheme due to the overlapping of construction compound areas between this scheme and the proposed Development. The proposed development also has other potential adverse effects which are summarised in the ExA's report in the consideration of the planning balance [ER 9.3]. The Secretary of State agrees these adverse effects weigh against the proposed development.*

*3.6. Given the adverse effects arising from the project and which have been noted above, and in particular the combination of impacts that result from the proposed landfall in an urban location, the Secretary of State considers that in the circumstances of this particular application it is exceptionally necessary to consider whether sufficient consideration has been given to whether there are more appropriate alternatives to the proposed route. In particular, consideration needs to be given to the alternative substations initially identified by the Applicant (and therefore alternative onshore routes avoiding the above harms) and whether these were adequately considered to determine whether the potential harms caused by the development from the selected route could have been avoided or reduced. In this regard the Secretary of State disagrees with the ExA's conclusion in relation to the consideration of alternatives and, as set out below, considers that there was a failure to adequately consider the original alternatives identified by the Applicant, such that it is not possible to conclude that the need for and benefits of the proposed Development would outweigh its impacts.*

**In the re-determination of this proposal by the SoS, LSA would comment that nothing has changed, in the intervening time, that affects that original decision to refuse the application by Aquind.**

For the SoS to approve this proposal, there would be a need to override Article 8 (respect for private and family life) and Article 1 of the First protocol (peaceful enjoyment of possessions) of the Human Rights Act 1998.



LSA would suggest the only perceived lawful exception to interfere with these human rights, would be 'the economic well-being of the country'. LSA say that that exception case has not been made out by this proposal and falls woefully short of that benchmark.

Aquind is a private company that makes this proposal for profit for themselves and any potential investors. It brings no public benefit.

Aquind could and should have chosen a less impactful route from the very start of this ill-conceived project. It is incomprehensible for anyone to think this project was a good idea in the ripping apart and causing havoc to a densely populated island City and in the entire 13-mile route from Eastney on Portsea Island to Lovedean in the South Downs. The impact on the entire route to people's lives, the habitat, wildlife and traffic congestion will be devastating over a very long period of time.

The ExA continually uses the word temporary; LSA would ask, what is temporary? A day, a week, a year, 2 years, longer? The word is meaningless in this large construction context where lives are adversely affected.

The examination was completed by the Planning Inspectorate on 08<sup>th</sup> March 2021. The submissions and ExA report are now 2 years old. LSA asks, are the examination documents and recommendations still accurate and relevant? The Book of Reference last version was submitted at Deadline 8 on the 02<sup>nd</sup> March 2021. Is that document still accurate as to the details of owner/occupiers along the entire route? Have the owners/occupiers been updated by Aquind? Have new owner/occupiers been made aware of the proposal? Was this data in the document ever dip-sampled to check on their accuracy?

Have new, locally decided, planning proposals and approved projects been taken into consideration at Bransbury Park (swimming pool, sports complex and GP surgery) and Tipner (large housing estate) which is adjacent to M275 corridor?



### **Highways and onshore traffic**

The ExA in its recommendations commented on the following:

*9.2.16. The ExA concludes that the Applicant has adopted a robust and proportionate approach to the highways and traffic assessment, and that the findings are generally sound.*

*9.2.17. The ExA is satisfied that the effects during operation would be negligible given the low generation of traffic.*

*9.2.18. Overall, the ExA considers there would be some temporary significant adverse effects on highways and traffic flows during construction. However, these temporary effects would be reduced to acceptable levels through the application of mitigation measures in the FCTMP and FTMS, as secured through the Recommended DCO.*

**LSA entirely disagree with these comments. Portsea Island is to the South of the route and is accessed by 3 roads, all of which are situated to the north of the island and are all within a 3-mile corridor width. Eastern Rd is to the East. The M275 to the west and the A3 in the middle.**

Local knowledge and experiences over several years have shown that a serious incident in any one of the three arterial roads causes very heavy congestion on the other two roads. Such an incident can cause serious gridlock on Portsea Island. In general day to day traffic the entry and exit points of these 3 roads are heavily congested at certain times of the day.

The main hospital and only accident and emergency unit for the Portsmouth and surrounding areas is located in the Cosham area of Portsmouth, on the mainland to the north of Portsea Island. Any heavy congestion or gridlock has serious implications in getting people to hospital in an emergency and could be possibly fatal for anyone in need of urgent treatment. Regrettably gridlock is a regular occurrence in Portsmouth ([for example this incident in 2022](#)) as a result of the very limited options for traffic - 3 roads – to get on and off Portsea Island. Portsmouth residents are simply astonished that this local knowledge has not been taken into account in the proposals and feel badly let down by the Planning Inspectorate and the planning process as a whole

LSA suggests that as the majority of the length of the Eastern Road is proposed to being used in the laying of the cables, this will cause prolonged lane closures and without doubt will cause daily traffic chaos over a long period of time, with traffic being deflected onto the other two main roads.

From Aquind's own submissions to the Planning Inspectorate, the size of the task in open trenching amounts to a 5-metre separation of the 2 pairs of cables, a 5-metre haul road for



construction vehicles, the sitting of large cable drums, winches, safety corridors and the 'laying apart' areas for top and the separated sub soil.

### **Air quality**

The ExA also comment in its report:

*At 9.2.20. There would not be any significant air quality effects during the operation of the Proposed Development. Any occasional maintenance requiring traffic management measures would be no more significant in relation to air quality than any other authorised utility work within the highway.*

*9.2.22. The Applicant's assessment indicates that any increases in air pollution from vehicular traffic, resulting directly from traffic management measures or potential diversions around any construction works, would not present a significant risk of breaching the exposure limits in the AQS*

*9.2.23. Similarly, construction traffic would only be present for a short duration in any one area during cable installation and would not cause a significant deterioration in air quality. Taken together with general traffic movements, the Proposed Development would not affect the ability of the local authority to comply with relevant Ministerial Directions.*

*9.2.24. The ExA considers the approach and evidence to be robust, and concludes that effects on air quality during the construction and operation stages have been properly assessed and that all reasonable steps have been taken or would be taken to ensure that air quality limits are not breached, in compliance with the requirements of NPS EN-1. Matters of air quality do not therefore indicate against the Order being made.*

LSA would like to again highlight our comments above regarding traffic congestion and potential gridlock. Such heavy traffic congestion will obviously have a detrimental effect on air quality, particularly in the Portsmouth area.

Portsmouth already has alarming air quality pollution levels where Defra has provided extensive direction to Portsmouth City Council requiring them to develop a clean air zone (CAZ) framework.

LSA would also like to highlight two particular areas of concern regarding health and air quality. These are at Fort Cumberland Rd and Milton Common which are directly on the route.

### **Fort Cumberland**

As you will read in detail elsewhere in this submission, this area was formerly a Ministry of Defence tip for dangerous, toxic substances including asbestos, toxic fluids and heavy metals. So much so, that in the 1990s whole families were urgently required to move out of their homes in that area and rehoused. This was to allow the removal of contaminated soil.





The former MOD tip was massive and originally serviced by dirt roads. Fort Cumberland car park is the exit pit for the HVDC cables, located directly behind where the HDD drilling under Southsea Leisure Park at the landfall of the cables at Eastney beach will take place. Fort Cumberland car park is opposite and near to those affected houses and contaminated land.

This drilling, trenching and installation of associated infrastructure within the car park and open trenching along Fort Cumberland Rd will cause a large area of this ground to be disturbed. At what health cost to local residents?

LSA asks, what will be the effect of that ground disturbance, in such a historically toxic area, in relation to people's health and the air quality? How much of the land was 'cleaned' back in the 1990's and to what depth? As deep as the proposed open trenching on Fort Cumberland Rd?

### **Milton Common**

Milton Common is entirely reclaimed land from Langstone Harbour. Again, in the 1960's this area was used as an amenity tip and vehicle scrapyard. It was infilled by household, industrial waste and scrap vehicles. It is now a popular recreational area with an infant school to the south, with a pre-school nursery and blocks of living accommodation to the west. The Common is rich with wildlife and their natural habitat.

LSA wishes to highlight that no one, and in particular Aquind Limited, has a single clue as to exactly what is buried underneath Milton Common. This is clearly why Aquind still, after all this time during the examination, maintain a requirement in the DCO for a 3-option route across the Common. They do not know what they will encounter in their open trenching. The protective clay cap, historically installed when the common was created, will be disturbed. It is a Pandora's box for health, habitat, wildlife and air quality.

LSA asks why there was no in-depth historical research made by the Applicant of these 2 specific areas at Fort Cumberland and Milton Common.

LSA therefore disagrees with the ExA's comments on ground conditions and contamination at 9.2.70 in their report:

**The ExA is content with the Applicant's finding that there would be no significant adverse effects associated with land contamination and ground conditions once mitigation measures had been applied. LSA disagrees fundamentally with this statement.**



### **Sports, leisure and recreational effects**

The ExA's comment at 9.2.30 of their report states that sports pitches in Portsmouth would be partially mitigated, but some uncertainty remains. Information gaps raise some doubt as to the effectiveness of the proposed mitigation.

To put this into perspective this relates to sports pitches, leisure and recreational areas at Bransbury Park (including a skatepark), The University of Portsmouth at their Milton campus and Eastern Rd sports pitches and Farlington pitches.

LSA would point that it is not just the loss of sports pitches. It is also access to car parking in the remaining areas/ pitches for players and spectators.

There is also highly likely to be disruption to access to the various sailing clubs and public slipways at Eastney, Locksway Rd at Milton and the sailing clubs and centres along the Eastern Rd during the construction period.

During the ExA examination a lot of debate was given to the fears and status of allotment holders in Milton. Their fears relate to the effects of the wide HDD drilling area required under their allotments, their personal safety, use of their vehicles during construction, the breakout of drilling fluids on their plots and any adverse effects that will have on their grown produce.

The ExA also comments on the following:

*9.3.4. The construction of the Proposed Development would result in significant, though temporary, effects on highway conditions and onshore transport during the construction phase, a local social inconvenience and economic impact that the ExA considers to be a factor of moderate weight.*

*9.3.5. Some residents living close to the construction works would experience temporary noise and vibration disturbance. The ExA attributes this minor negative weight.*

*9.3.9. There are also a number of issues which, on balance, do not weigh significantly for or against the Order being made including:*

- *air quality;*
- *EMF;*
- *the marine environment;*
- *shipping and navigation;*
- *biodiversity and nature conservation;*
- *design;*
- *trees;*
- *the onshore water environment;*
- *soils and land use;*
- *ground conditions and contamination.*



**LSA would respectfully suggest to the SoS, ExA and Aquind it is very much dependent on whether you actually live on the route or are affected by this proposal. Several 1000's of people who live on the route and every road user will be significantly affected by this proposal during its construction.**

### **The size of the problem in numbers**

From Aquind's own submission documents, LSA would like to highlight just some of the issues that will adversely affect people's day to day lives.

Across open land the construction corridor is required to be 23 metres wide. This includes a 5m separation between the two pairs of cables. A 5m haul road for construction vehicles. A 3m area for top soil. A 2m area for sub soil, two cable trenches for each pair of cables along with a 1m distance between each element and safety barriers.

The diameter of each HVDC cable is about the size of a DVD. The size of the cables on the cable drums range from 600-2000m. The 2000m cable drums are each 3m in diameter and weigh approx. 50 tons.

Each 2000m cable drum movement is classed as an abnormal load when being transported by road. This will necessitate safety vehicles in attendance. Traffic signage and controls North of the proposed route, in more rural areas, will have to be removed to accommodate the transporting vehicles to negotiate smaller roads and turnings.

To cater for the 4 HVDC cables on the entire route and associated infrastructure at each end, this will necessitate 100's of such abnormal load movements.

Typical construction corridors will require 3 lay-down areas for cable drums and equipment each measuring 100m x 50m.

Cable joint bays along the route are typically placed on verges, fields and car parks. Each joint bay requires a construction area of 15m x 3m with the actual joint bay measuring 6m x 3m. There will also be a requirement for an area of 15m x 5m for a joint bay workshop.

At HDD drilling launch and exit pits, it will require an area of 50m x 50m to accommodate the drilling and winches machinery. In normal open trenching it will require an area of 15m x 12m for the placing of cable drums and winches to pull the cable.

LSA say that this will cause huge disruption to footpaths, pavements and cycle routes along the entire route. There will be massive disruption to residents' on-road parking and disturbed access to private driveways.

Overall the proposal will cause significant disruption to people's lives, local businesses, work, social and school journeys.



### **Secondary sea defence bunds at Milton Common**

With regards to the 3 options over Milton Common, the most eastern option route, running north to south through the common, appears, according to the Applicant's land plans (submitted at deadline 7), to disturb or certainly impact upon the relatively recently installed secondary sea defence bunds. These were installed around the Langstone Harbour foreshore and on the land side the 3 lakes situated on Milton Common.

LSA believes this point needs to be defined by the Applicant prior to any re-determination decision being made.

### **Conclusion – the scale of the negative impacts on the city of Portsmouth is too great**

**Considering the scale of the above negative impacts of the Aquind Interconnector, LSA strongly supports a further refusal to grant the DCO. The current Secretary of State for the Department of Energy Security and Net Zero must not allow this harmful project to be realised and calls for him to do the right thing for Portsmouth and stop Aquind.**



## SECTION 3C: ENVIRONMENTAL INFORMATION – VISUALISATION OF THE IMPACT OF THE AQUIND INTERCONNECTOR

### Introduction

Many people have expressed to the previous SoS their deep concerns about the route of the Aquind interconnector - along highly congested, polluted and at times very narrow roads. The impact during construction is unimaginable. It will affect residents in many ways: gridlock, congestion, pollution, parking, delays of traffic and bus services, delays of ambulance services (for example from the South Central Ambulance Service NHS Trust station at the southern end of Eastern Road), schooling of young and older children, business loss and interference.

We drive, cycle, walk or travel by bus along the route regularly, sometimes several times a day, as this is the nearest access road for those of us residents living on the east side of the island. However, the decision about this project will be made in London, far away from the city of Portsmouth. Councillors, MPs and residents have repeatedly explained and highlighted the issues we are facing in our city and beyond. The Aquind interconnector has been the subject of statements in the House of Commons, was discussed in the press many times as a controversial issue. The Aquind interconnector was refused by the previous SoS because he felt that “alternatives have not been thoroughly explored as the harms outweigh the benefits. “

We invite the current Secretary of State, Grant Shapps, to visit Portsmouth to fully understand why we are against the Aquind Interconnector, why this route is WRONG, what it will do to the residents and environment. We have spent the last two and a half years raising awareness about the Aquind Interconnector. We do this because we know of the problems we face here in our local area, because we take our commitment for the environment seriously. We assure you that thousands of residents here feel the same and are deeply concerned.

The climate and biodiversity emergency has changed everything. Your government recognises the urgent need to reverse nature’s decline in the recent update of the Environmental Improvement Plan.

Please look at the photos below, to understand the negative impacts this project will have on Portsmouth and surroundings.

This visualisation helps to understand what impact the construction of the Aquind Interconnector would have on the second most densely populated city of UK and through



Hampshire, a 13 miles route along some of the busiest roads in the UK with high rates of air pollution.

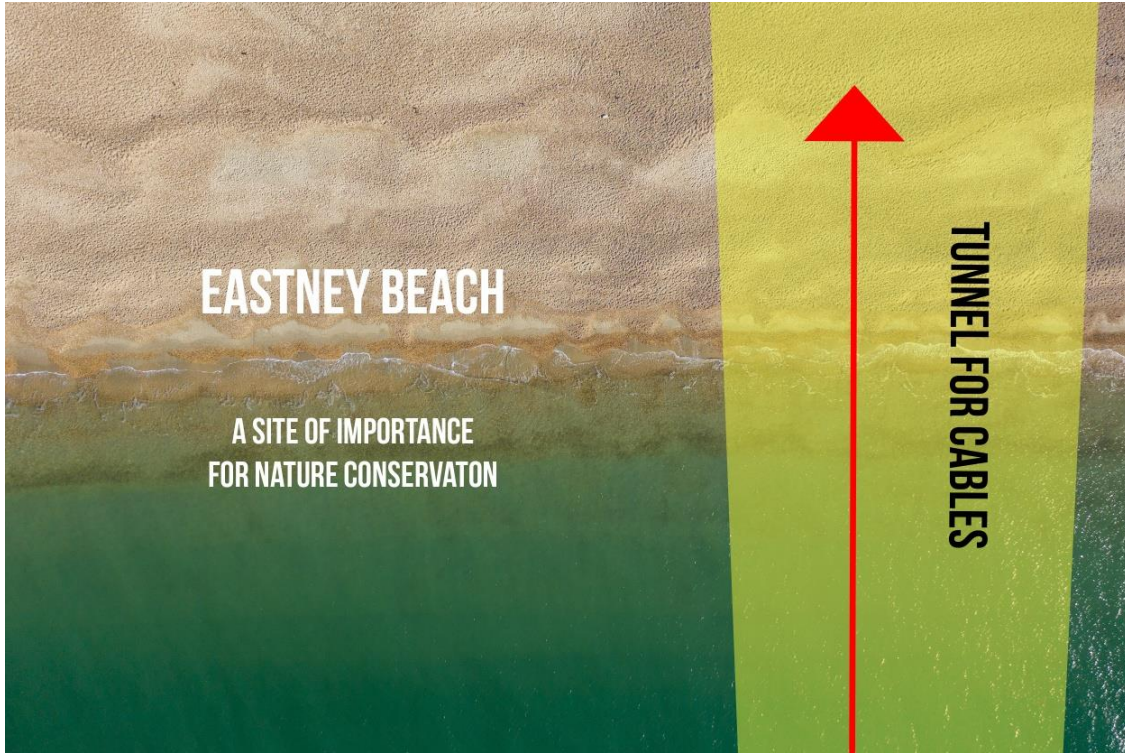
Follow this link to a video made specifically to show the proposed route through Portsmouth and Hampshire: [https://www.youtube.com/watch?v=DcShkM0T\\_E](https://www.youtube.com/watch?v=DcShkM0T_E)

Alternatively follow this link to our website where you can find more detailed information: <https://stopaquind.com/route/>

**There is only one decision to make. This project should be rejected.**

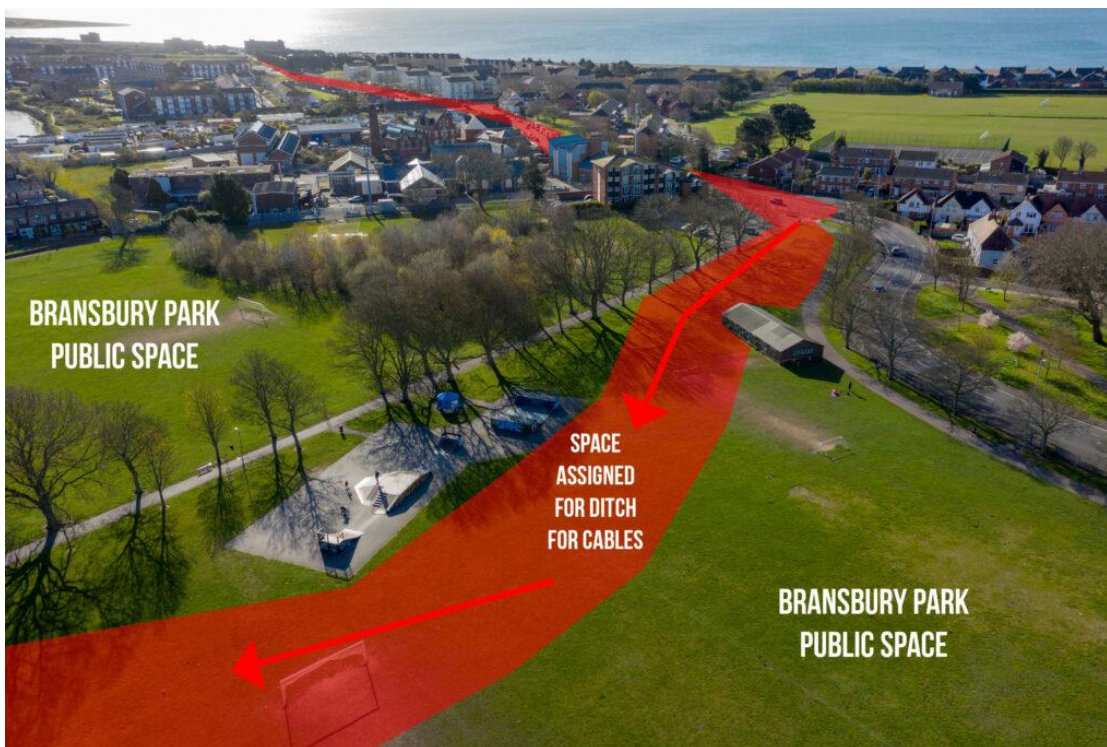


**Figures 1 & 2: Impact of cable route on Eastney Beach – loss of Fort Cumberland car park and Grade II listed building, blight from development of two Optical Regeneration Stations, each up to 4m high for the proposed Fibre-Optic Communications network**





**Figures 3 & 4: Impact of cable route on Milton Locks Nature Reserve, Langstone Harbour SSSI and Bransbury Park public space and skate park**







**Figures 5 & 6: Impact of cable route on allotments, University of Portsmouth facilities, Moorings Way and the natural environment of, and toxic waste buried under, Milton Common**





**Figure 7: Impact of cable route on car passengers, bus users, commercial vehicles and cyclists on Eastern Road, students and staff at Portsmouth College, response times at Eastern Road Ambulance Station, ambulance journey times to and from the A & E department at Queen Alexandra Hospital Cosham, shoppers at Ocean Retail Park, football fans travelling to Fratton Park, businesses based in Southsea or Burrfields Road Industrial Estate, sports and leisure users of the Outdoor Activity Centre and football pitches on Eastern Road**





**Figures 8 & 9: Impact of cable route on Farlington Marshes Nature Reserve, wading birds on Farlington Marshes seagrass meadows and Langstone Harbour SSSI, users of Farlington Marshes car park, sports pitches at Farlington and shoppers at Farlington Sainsbury's**





**Figures 10 & 11: Impact of cable route on road users and residents in Farlington and Drayton, loss of public viewing point and parking for open space on Portsdown Hill**





Figures 12 & 13: Impact of cable route and compulsory purchase of property and disruption to residents and road users in Purbrook, Widley and Waterlooville





**Figures 14 & 15: Impact of cable route on local communities, businesses, road users and Fire Station response times in Waterloo**





**Figures 16 & 17: Impact of cable route on businesses, road users and retail shoppers in Waterlooville and Denmead and blight on green space, farmland, land values, and environmental issues caused by the works**





**Figures 18 & 19: Impact of cable route green space and farmland, permanent loss and compulsory acquisition of land, loss of privacy and blight from development of 26m high Converter Station at Lovedean, with permanent impacts on farm owners, residents and the visual environment of the South Downs**







SECTION 4: ANALYSIS OF PLANNED, APPROVED & PROPOSED INTERCONNECTOR CAPACITY AND THE NET EXPORT OF UK ELECTRIC POWER

**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. Ofgem’s most recent data in the table below, shows a 2.1GW gap between the total capacity of approved projects and the target.

**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



Aside from the Aquind interconnector, two new projects have progressed since this table was published, [Xlinks](#) and [LionLink](#).

These projects are on track to contribute to, and comfortably exceed the 18GW target set by the DESNZ. Xlinks is capable of closing the 2.1GW gap on its own, as it proposes the first of two 1.8GW interconnectors connecting a cluster of solar and wind farms in Morocco to Devon [to be in service by 2027, with the second coming online in 2029](#). This project has been designed with existing Photo Voltaic and wind turbine technology, and may complete sooner if emerging tech supersedes the planned design.

LionLink is a multi-purpose interconnector designed to connect the UK and the Netherlands with multiple wind farm clusters in the North Sea. The initial design allows for a 1.8 GW interconnector to join the UK grid.

Both the above projects have the advantage that they rely on truly green and sustainable sources of energy, unlike the failing estate of French nuclear power stations.



**In 2022, the UK became a net exporter of electric power to France**

The table below shows that in 2022, the UK became a net exporter of electricity to France. This is a dramatic turnaround from a long established pattern of importing power through interconnectors and reflects the parlous state of the French nuclear estate, France’s commitments to its EU neighbours post Brexit, and the change in strategic energy security priorities of the French government as a result of the Russia invasion of Ukraine. All these factors put pressure on the price of electricity in France, which has risen significantly. It also fundamentally undermines the case for the Aquind interconnector to provide 4-5% of the UK’s power needs, which now will be met by domestic sustainable sources for our own energy security. **There can be no justification to vandalise the environment of Portsmouth simply for a private company to sell UK power for private profit.**





## SECTION 5: CONCLUSION

### **The importance of the French landfall site in relation to optioneering**

In order to make an informed determination on the matter of the Aquind interconnector DCO, the Secretary of State should first examine the basic case made in favour of the Eastney-Portsmouth-Lovedean route proposed by the Applicant. This choice of route relies on a French landfall site at Le Havre, and the subsequent need to limit the length of the cable both off and onshore for cost reasons. These were the justifications for the route that were given to, and accepted by, Mrs Justice Lieven in her recent High Court Judgement. With regard to optioneering, [Aquind's own literature](#) refers to "29 possible landing points being identified between Weymouth, in the west, and Bognor Regis, in the east", all of which would be relevant to a landfall site at Le Havre.

However, our research (Section 1 above) has found that Mrs Justice Lieven was entirely misinformed about the interconnector landfall site in France, which even at the time the judgement was made had been moved to the Dieppe area (some 90km to the east) by the Applicant. A simple glance at a map of the English Channel will show that the length of cables required to connect Dieppe and Portsmouth is considerably longer than the original route, fatally undermining the Applicant's claim for its optioneering priorities being led by the need to limit the length of the cables. Likewise, a simple glance at the map will show that a more logical range of UK landfall sites would run from Worthing to Folkestone, given the French landfall site is now so much further to the east, ruling Portsmouth out altogether. This makes Ninfield an obvious option, as it would reduce both the offshore and onshore cabling required, and of course the use of such a route would not create the same difficulties as the urban setting of Portsmouth.

It is worth restating that the Applicant has never looked at any sites further east than Bognor and that the optioneering process remains shrouded in secrecy, even from the Planning Inspectorate and the High Court, as the relevant National Grid documents have always been treated as commercially sensitive. We trust that the Secretary of State will re-examine the Applicant's siting process and the optioneering documentation in the context of the interconnector making landfall in the Dieppe area of France.

### **Has the Fibre-Optic Communications network been hidden within a Trojan Horse?**

Likewise, we trust that the Secretary of State will satisfy himself that the Applicant has acted transparently with regards to its motives for continuing to insist on the Eastney-Portsmouth-Lovedean route.



The issue of the Fibre-Optic Communications (FOC) network (and the huge optical regeneration stations it would require) remains unresolved, as do the concerns of residents that the HVDC cables are a "Trojan Horse" for a commercial FOC network on an enormous scale. The capacity of the network would be way beyond anything necessary to manage the power cables, add additional requirements in terms of on-shore buildings but offer no benefits to residents. No specific permission has ever been sought for such as network, so these questions will not subside.

### **The economic and social case for the Aquind interconnector - that was then but this is now**

As far back as 2014, the Applicant's stated intention has always been to use the interconnector to import (once plentiful) low-cost electricity from the nuclear power plants of Northern France. This would be sold into the UK grid (arbitraged) for the private profit of Aquind and its investors, and the company has been exempted from pricing regulation in order to enhance the profits from its investment. Put simply, the interconnector was designed to take advantage of the (then) lower cost of French power to meet 4-5% of the UK's energy needs, the project was subsequently treated as if it were a Nationally Significant Infrastructure Project (NSIP) in the UK and a Project of Common Interest (PCI) within the EU, and the Planning Inspectorate's Examiners went on to recognise the public benefit of the proposal on this basis.

However, the economic and social case for the interconnector has since collapsed for a number of significant reasons:

- **The French nuclear estate is in a state of decline and disrepair, with 2022 output at a 34-year low**
- **The price of power within France has risen dramatically since the start of the Russia-Ukraine conflict**
- **Brexit means that France no longer prioritises power exports to the UK, as it has commitments to provide energy to its EU partners**
- **Consequently, the French Government no longer recognises the Aquind interconnector as a PCI (see Section 2 above)**
- **The Prefet of Seine Maritime has refused permission for the project on environmental grounds (see Section 2 above)**
- **Importantly, UK Government policy has pivoted to developing our own sources of sustainable power for energy security, for example from off-shore wind**
- **[The Secretary of State for DESNZ's own recent announcement](#) expresses support for multi-purpose interconnectors such as LionLink which will provide 1.8GW towards the 18GW target from interconnectors by 2030**



- [DESNZ has also expressed interest in the Xlinks project](#), which takes advantage of the combination of solar and wind power available in Morocco, will provide 3.6GW of renewable energy to the UK via an interconnector landing in Devon
- The UK became a net exporter of electricity to France in 2022

As discussed in Section 4, LionLink and Xlinks have effectively rendered the Aquind interconnector obsolete, as unlike ageing nuclear power plants, they offer truly green, sustainable and reliable sources of energy and alongside existing and approved projects the 18GW target would be easily exceeded (see the table in Section 4 above), but it is the last reason that is so damning for Aquind...

The whole "raison d'être" of the Applicant's project (and justification for the devastation of Portsmouth and the South Downs), was to supply the UK with the unmet need of 4-5% of its total power requirements, with a subsequent saving to each consumer of £3.15 per year according to Aquind's own figures. However, it is now becoming apparent that Aquind is set to profit from the export of UK electricity as our green energy capacity exceeds our requirements, invalidating the Applicant's case for providing a social benefit. It is completely unacceptable to the citizens of Portsmouth and along the route that our communities are threatened and environment vandalised so that a private company can export UK power for its own benefit. This is truly a project that offers our citizens nothing while causing untold damage to our mental and physical health, our livelihoods, our air quality and our visual and natural environment.

#### **Nothing has changed in one important respect – the harms still outweigh the benefits**

Regardless of the dramatic changes in the circumstances and context of the proposal listed above, all of which have eroded away any justifications for this interconnector, the Secretary of State must continue to recognise the harms to Portsmouth posed by the DCO. The risk of disturbing highly toxic waste (detailed in Section 3a and [examined in this video](#)) is so high yet the Applicant has barely addressed it. Further deterioration to our already dangerously poor air quality in the city from the enormous number of heavy load movements required for construction has been also simply been ignored by both the Applicant and the Examiners. The additional pollution from traffic jams caused by contraflows and road blockages during construction (for example along the Eastern Road, one of only 3 routes onto our island city) has not even been estimated, nor has the likelihood of the works causing gridlock across Portsmouth and beyond, which would create real risks to the physical and economic health of the entire area.

The [flythrough video here](#) shows how homeowners, communities, sports enthusiasts, farmers, businesses and users of important public spaces such as Milton Locks nature



reserve, Bransbury Park, Milton Common, Langstone Harbour SSSI and the South Downs would be affected by the Applicant's plans, either for years as the cables are laid or permanently from the blight caused by the buildings required. Our populations of wading birds may never recover from the disturbance to their habitat, the migrating species such as Brent Geese may never return. No-one can guarantee the safety of tunnelling or trenching through the toxic waste along the route - the risks of these proposals are simply too high.

That is why the former Secretary of State was right to rule that the harms outweigh any benefits of the DCO. An urban environment, especially the second most densely populated city in the UK, especially an island city with such a delicate shoreline ecology and especially a city that has a history of dumping toxic waste a few metres underground, is simply not an appropriate place to lay interconnector cables by trench or tunnel.

**The Secretary of State is required under NPS-EN1 to consider alternatives (to quote the Planning Inspectorate's Recommendation report) "if an application gives rise to adverse impacts" and we have shown that this proposal poses a serious threat to our health, the environment and the economy of the Portsmouth area. These are cables that we do not want and do not need, for private profit not the public good.**

**The risks to our city of these proposals are simply too great, while clear, and as yet un-examined, alternatives exist. The risks to our national security must also be taken into account - the installation of a private communications network in the home of the Royal Navy is not a gamble we need to take - so we trust that you will make the right decision and protect our city and country from the Applicant's proposals. The original decision was correct and remains so. There are no justifications to change it, and our communities would never forgive you.**

Viola Langley and Ian Daye, on behalf of Let's Stop Aquind, 28 April 2023.



**PART TWO: ADDITIONAL RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST FOR INFORMATION AND UPDATES (DATED 3/3/23) FROM VIOLA LANGLEY (INTERESTED PARTY IN THE MATTER OF THE AQUIND INTERCONNECTOR DCO PROPOSAL), SUBMITTED ON BEHALF OF LET'S STOP AQUIND BY EMAIL 28/4/2023**

***UNANSWERED QUESTIONS RAISED BY THE CONDUCT AND FUNDING OF AQUIND LIMITED, ITS OWNERS AND DIRECTORS, AND THE HISTORY OF THE AQUIND INTERCONNECTOR NSIP.***

**TABLE OF CONTENTS**

**Introduction**

**Questions over the Fibre Optic Communications network**

**Questions over the economic case for importing electricity from France**

**Questions over a contradiction with UK energy policy**

**Questions over oligarchs and the change in the political climate**

**Questions over solvency and ownership**

**Questions around the political donations and lobbying campaign**

**Questions over the Pandora Papers and the foreign funding loophole**

**Questions over the threat to national security and the chilling effects on public debate**

**Questions about Aquind's treatment as a Nationally Significant Infrastructure Project (NSIP)**

**Community resistance to the project expressed in an open letter to UK Government leaders**

**Conclusion - too many unanswered questions, too many risks**





## **Introduction**

On 20 January 2022, the then Secretary of State for the Department for Business, Energy & Industrial Strategy (BEIS), Kwasi Kwarteng, refused to grant Aquind Limited the Development Consent Order (DCO) it sought for the Aquind Interconnector – a decision that was widely celebrated in Portsmouth.

The residents of the city felt that this represented a successful conclusion to the grassroots campaign against Aquind, which was supported by both Portsmouth MP's, the leader of the city council and unanimously by city councillors of every political stripe.

Grant Shapps, Secretary of State for the Department of Energy Security and Net Zero, will now redetermine the decision following Aquind Limited's successful judicial review.

The community campaign against the proposal, Let's Stop Aquind, examines here the unanswered questions that have arisen since the project was originally proposed in 2016.

## **Questions over the Fibre Optic Communications network (FOC)**

The Aquind Interconnector was initially planned to take advantage of the difference in price of relatively cheap nuclear power generated in Northern France and the prevailing electricity price in the UK. A 242 kilometre High Voltage electric cable would be laid from Normandy to the South Downs, where it would join the national grid at Lovedean, North of Portsmouth, adjacent to the South Downs National Park. The plans also allowed for a high-capacity fibre-optic communications network to be installed alongside the cable, an aspect of the project that has come under increasing scrutiny as it appeared to be a separate commercial enterprise.<sup>1</sup>

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<sup>1</sup> "Local authority accuses secretive Russian Tory donor's firm of 'abusing planning laws'" Open Democracy 18/12/2020 <https://www.opendemocracy.net/en/dark-money-investigations/local-authority-accuses-secretive-russian-tory-donors-firm-of-abusing-planning-laws/>



## Questions over the economic case for importing electricity from France

Since then, the economic case for the Aquind Interconnector has collapsed. Even before the pan-European energy crisis caused by the Russian invasion of Ukraine, the nuclear power on which France relies for 70% of its total needs had become significantly scarcer as a result of a costly and time-consuming maintenance of the aging EDF nuclear estate.<sup>2</sup>

Many reactors have been taken offline, with availability currently standing at only 51% of total capacity<sup>3</sup>. In its own words, "Aquind is projected to flow predominantly from the lower priced French market to GB"<sup>4</sup> so it relies on an abundance of cheap French nuclear electricity. However, in 2022 the UK became a net exporter of electric power to France<sup>5</sup>, fatally undermining Aquind's stated business plan.

We believe that, given the energy security issues caused by war in Ukraine and the political effects of Brexit, selling its valuable domestic power to the UK for the private profit of the owners of Aquind is simply not a priority for France.

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<sup>2</sup> "Power plant shutdowns hinder France's 'nuclear adventure'" FT 30/5/22

<https://www.ft.com/content/0df04c06-83c0-4080-a68b-c00fd4bc4a11>

<sup>3</sup> "Maintenance on eight French nuclear reactors delayed by strike" Reuters 12/10/22

<https://www.reuters.com/markets/europe/maintenance-five-french-nuclear-reactors-delayed-over-strike-2022-10-12/>

<sup>4</sup> "Request for Exemption: AQUIND Interconnector" Aquind Limited as submitted to OFGEM

[https://www.ofgem.gov.uk/sites/default/files/docs/2020/12/request\\_for\\_exemption\\_executive\\_summary\\_and\\_document\\_summary.pdf](https://www.ofgem.gov.uk/sites/default/files/docs/2020/12/request_for_exemption_executive_summary_and_document_summary.pdf)

<sup>5</sup> "Britain is a net electricity exporter for first time in 44 years" The Conversation 13/1/23

<https://theconversation.com/britain-is-a-net-electricity-exporter-for-first-time-in-44-years-197506>



### Questions over a contradiction with UK energy policy

Likewise, UK domestic energy policy has changed since 2016. There is now a focus on energy security and low-cost renewable sources such as offshore wind produced and consumed locally. The government is now committed to a "major acceleration of homegrown power in Britain's plan for greater energy independence"<sup>6</sup>. The Truss administration even introduced planning reforms to remove the long-term block on onshore wind projects, although this was reversed by Prime Minister Sunak<sup>7</sup>, despite widespread public support, even amongst Tory voters<sup>8</sup>.

Post Brexit, relying on energy imported from a foreign power through strategic infrastructure owned by an obscure Luxembourg holding company on behalf of foreign (born) investors who may not have the UK's best interests at heart, meets none of the government's objectives. Nor will it offer UK consumers cheaper energy, as the imported electricity, for which Aquind has negotiated an exemption from the existing pricing regime, will be competing with cheap homegrown renewables.

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<sup>6</sup> "Major acceleration of homegrown power in Britain's plan for greater energy independence" GOV.UK 6/4/22 <https://www.gov.uk/government/news/major-acceleration-of-homegrown-power-in-britains-plan-for-greater-energy-independence>

<sup>7</sup> "Rishi Sunak U-turns on Truss's onshore wind planning reforms" Independent 26/10/22 <https://www.independent.co.uk/climate-change/news/rishi-sunak-u-turn-energy-wind-b2211054.html>

<sup>8</sup> "Industry pressures Government to back onshore wind planning reforms" City A.M. 1/11/22 <https://www.cityam.com/industry-presses-government-to-back-onshore-wind-planning-reforms/>



## Questions over oligarchs and the change in the political climate

The political climate has also changed dramatically in recent times. Aquind Limited has the benefit of the political connections of co-owner Alexander Temerko. Mr Temerko is the former head of Russkoe Oruzhie (Russian Weapons), a “corporation that produced armaments for Russian military forces”<sup>9</sup> a significant role in the Russian state arms industry, but he had been welcomed with open arms by the Conservative Party, in which he is a rising star and member of the Leader’s Group of donors.<sup>10</sup> He was also known to be on first name terms with former prime minister Boris Johnson<sup>11</sup> and ex-chancellor Kwasi Kwarteng, but neither retain cabinet positions.

The government recognised the strategic importance of the ownership of energy assets<sup>12</sup> in the National Security and Investment Act 2021, which protected against businesses perceived to be potential threats to the national interest<sup>13</sup>

As a result of the threat posed by Russian oligarchs assumed to be controlled by, or working for the interests of, a foreign power<sup>14</sup>, the UK government has enforced substantial sanctions and passed the Economic Crime (Transparency and Enforcement) 2022 Act to give greater transparency to the beneficial ownership of UK properties by foreign entities.<sup>15</sup>

<sup>13</sup> “New and improved National Security and Investment Act set to be up and running Gov.uk” 20/7/2021 <https://www.gov.uk/government/news/new-and-improved-national-security-and-investment-act-set-to-be-up-and-running>

<sup>14</sup> “Government takes landmark steps to further clamp down on dirty money” Gov.uk 28/2/2022 <https://www.gov.uk/government/news/government-takes-landmark-steps-to-further-clamp-down-on-dirty-money>



## Questions over solvency and ownership

During the Examination by the Planning Inspectorate, Portsmouth City Council noted the risk that the Applicant will be unable to financially "protect [the local authority] in case the operator went into liquidation during construction."<sup>16</sup> This speaks to the highly unusual

nature of the ownership of Aquind Limited and its obscure funding sources. For several years Aquind Limited relied on funding from the British Virgin Islands (BVI), an offshore tax haven with no public register of company ownership, nor any visible financial details of such companies. The funding situation has since changed, but is no more transparent, as a Luxembourg registered company owned by Viktor Mikhailovich Fedotov - Project Finance Group S.A. has previously bought shares issued by Aquind Limited to the value of £17million, thereby financing a proportion of the historical debts of the company which now amount to £48 million according to its most recently published accounts<sup>17</sup>

However, the ordinary (or voting) shares of the parent company of Aquind Limited - AQUIND Energy S.à r.l. - are not fully owned by Viktor Mikhailovich Fedotov. He only owns 50% of these, the remainder of which are owned by Energy Stream Investments S.à r.l which in turn is owned by prominent Conservative Party member Alexander Temerko. So, one Russian born UK citizen owns a proportion of the debt and half of the voting rights and another Soviet Ukrainian born UK citizen owns half of the voting rights but none of the debts, which were financed by sources unknown while the parent company was registered in the BVI.

The latest accounts in Companies House (up to June 2022) confirm that Aquind Limited is still fully reliant on funding from Project Finance Group SA. According to recent accounts Victor Fedetov owns 75% or more of the company's shares. Alexander Termerko appears to own no shares but has voting rights. Under the section people, persons with significant control, share ownership appears to be equally divided between V. Fedetov and A. Termerko. This appears to be a contradiction and adds to confusion around ownership and funding.

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<sup>16</sup> Application by Aquind Limited for an Order Granting Development Consent for the Aquind Interconnector (Ref. EN020022)

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-003121-Portsmouth%20City%20Council%20Transcript%20ISH1%20DCO%20V04%20FINAL.pdf>

<sup>17</sup> Aquind Limited Financial Statements For the year ended 2022, Companies House

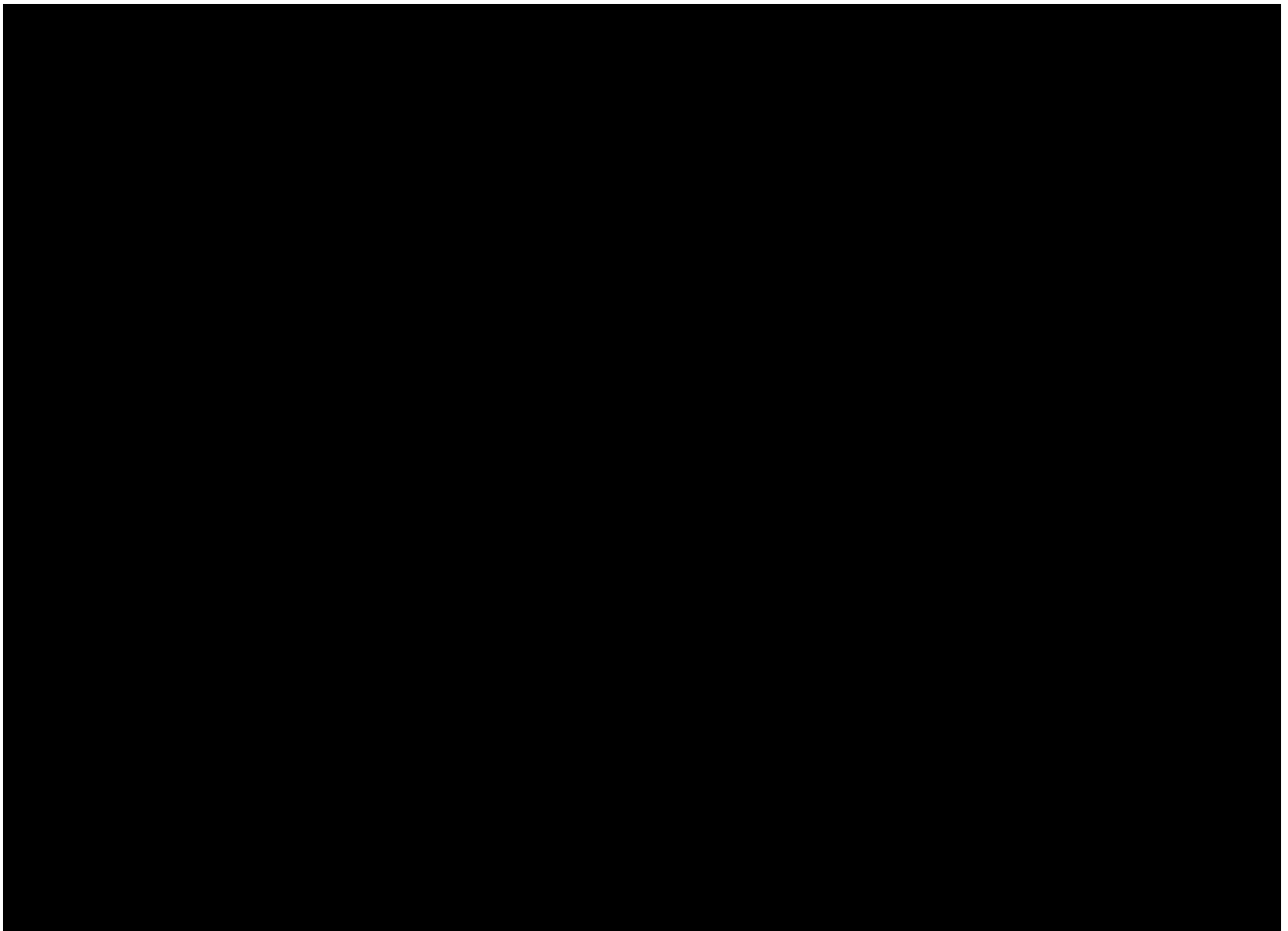


## Questions around the political donations and lobbying campaign

The Aquind Interconnector proposal was the first interconnector to be treated as a Nationally Significant Infrastructure Project (NSIP) allowing the project to bypass local planning oversight. Temerko and Aquind lobbied a wide range of BEIS ministers before and after the granting of NSIP status, including as Kwasi Kwarteng<sup>18</sup>, Alok Sharma<sup>19</sup>, David (now Lord) Frost<sup>20</sup>, Anne-Marie Trevelyan<sup>21</sup>, Andrea Leadsom<sup>22</sup> and Claire Perry O'Neill<sup>23</sup>.

A former director of Aquind Limited, Martin (now Lord) Callanan, became Minister for Business, Energy and Corporate Responsibility in the BEIS, the very department that would be adjudicating on the decision to approve the interconnector project, creating an extraordinary conflict of interest.

Many of these ministers had also been financially supported by Aquind Limited and/or Mr Temerko as part of a wide-ranging campaign of donations to the constituency offices of 38 past and former Conservative MP's<sup>24</sup> and the Conservative Party nationally. Chancellor Jeremy Hunt, arguably the second most powerful man in UK politics, has received the

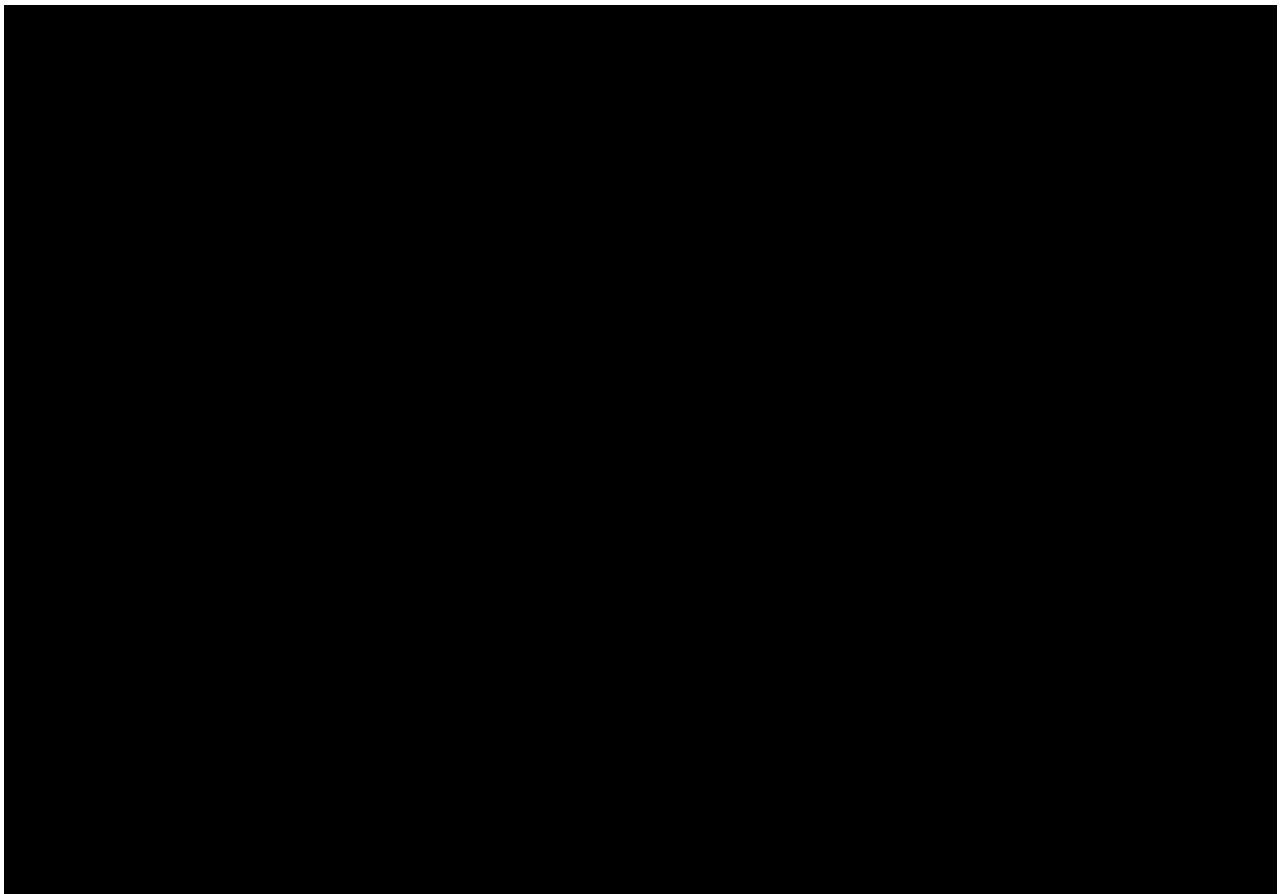




highest amount of any MP, benefitting from £72,500<sup>25</sup> out of a total of more than £1.6million in donations made by Aquind Ltd or its current and former directors in the last 10 years.<sup>26</sup> One of the MP's to receive funding from the company, David Morris MP, was forced to apologise to the House after he asked questions on behalf of Aquind in the Commons a month after receiving £10,000 from it.<sup>27</sup>

The breath-taking scope of the campaign of donations to MP's was illustrated by a popular video<sup>28</sup> made by accountability activist group Led by Donkeys, seen by millions on social media.

Yet Aquind's funding of, and links to, the Conservative Party are ongoing – donations of £95,000 and £47,000 are disclosed in its accounts for 2021<sup>29</sup> and 2022 respectively<sup>30</sup> - and Alexander Temerko maintains lofty ambitions within the party, for example as a candidate for Mayor of London<sup>31</sup>.





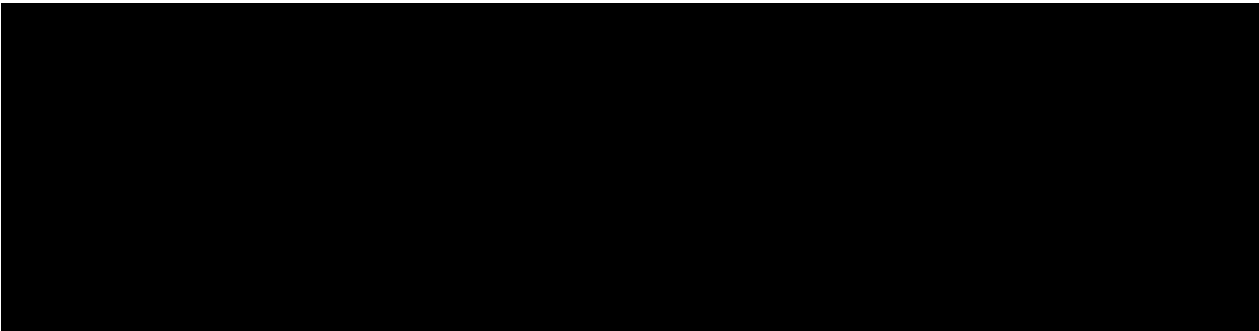
Even more worrying is the relationship between Aquind and Lubov Chernukhin, the wife of the former Russian deputy finance minister, Vladimir Chernukhin. Lubov Chernukhin is a former director of OGN Investment Partners, the offshore parent of Aquind registered in the BVI and the biggest female donor to the Conservative party in history (a total of £1.7 million)<sup>32</sup>. Through her husband, and also through her business relationship with a sanctioned individual<sup>33</sup>, Mrs Chernukhin appears to have links to the Russian State.

Taking together the continuous pattern of political donations to key personnel in the decision making process, the complex and obscure ownership structure of Aquind and its parent companies, its exceptionally weak financial position and the arms trading and Kremlin links of current and former directors, it is a matter of national security that the most careful due diligence is done on the company entrusted with control over two strategic assets - an HVDC interconnector and the high capacity commercial telecommunications network planned to be installed alongside it.

But Aquind has no history of delivering even the smallest of energy projects, let alone a sophisticated feat of cross channel engineering with a £1.3 billion budget and 5-7 year timescale. Entrusting what could be seen as a shell company with heavy debts, unknown sources of offshore revenue, highly concerning international connections, no trading history and no experience with such a project would simply be reckless.

The latest accounts show that the donations and political patronage continue, as does the shocking conflict of interest faced by MP's and numerous ministers at the BEIS/DESNZ when considering the fate of the DCO.

The public has a right to be protected from glaring conflicts of interest such as this and from putting key infrastructure in the wrong hands - I trust the Secretary of State will not gamble with the country's future and will not allow the DCO for the sake of our national security.



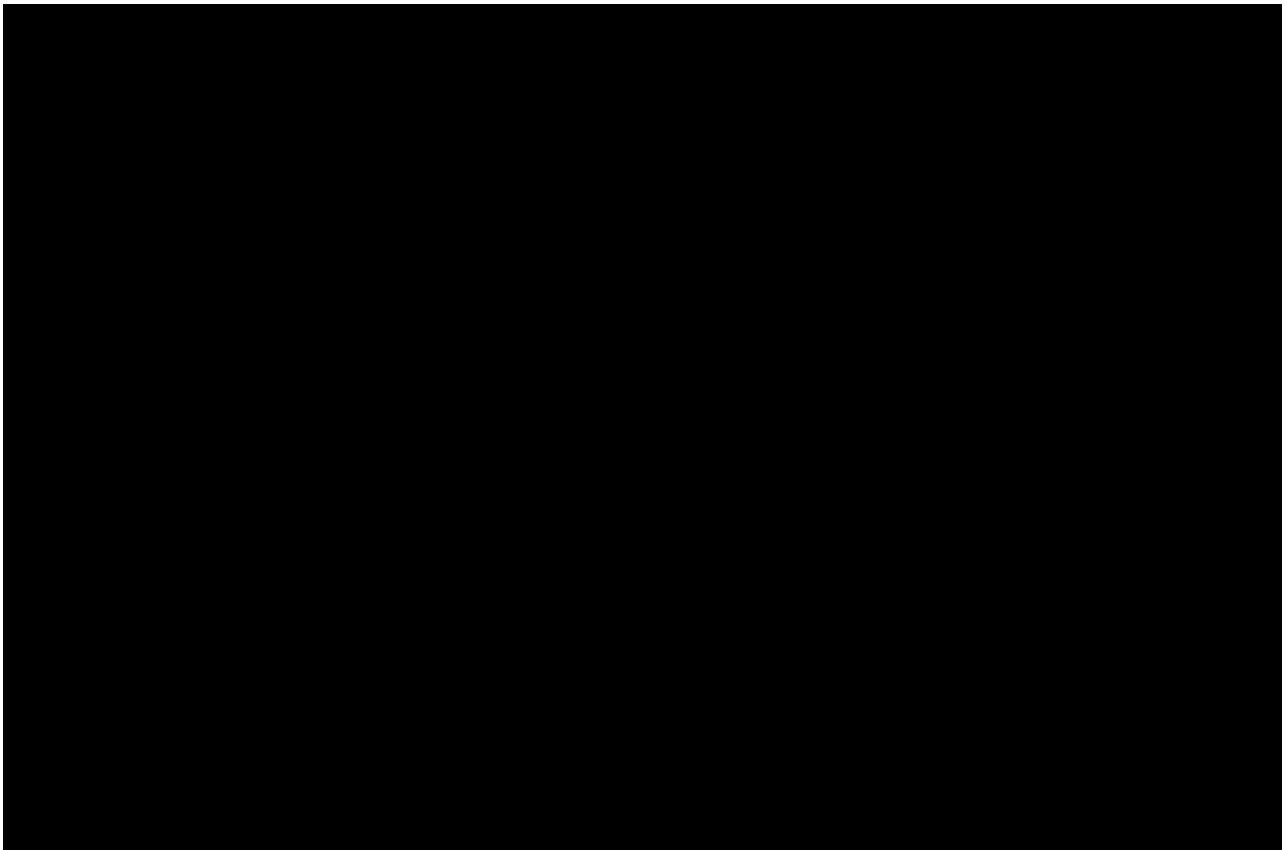




## Questions over the Pandora Papers and the foreign funding loophole

Aquind Limited is registered in England and as such, none of the political donations it makes are illegal, given the approval of its shareholders. Likewise, none of the personal donations made by Mr Temerko are illegal as he was granted British citizenship under the Tier 1 Investor Visa scheme, as was Mr Fedotov<sup>34</sup>.

The scheme was scrapped by then Home Secretary Priti Patel in February 2022<sup>35</sup>, as the government admitted it “had given rise to security concerns, including people acquiring their wealth illegitimately and being associated with wider corruption.”<sup>36</sup> Since the release of the Pandora Papers, the same concerns have been raised with regards to Mr Fedotov’s investment into Aquind.<sup>37</sup> Aquind accounts show that it has never had any trading income and is currently “fully reliant” on Project Finance Group S.A. for funding<sup>38</sup>, a Luxembourg registered business owned by Mr Fedotov to which is it about £35million in debt<sup>39</sup>. Previously, £25million in funding for Aquind Limited had been provided by an offshore vehicle, OGN Enterprises Limited, registered in the British Virgin Islands.<sup>40</sup>





Although registered in the UK, Aquind Limited was (and still is) a regular donor to the Conservative Party<sup>41</sup>, while having no trading income, paying no UK tax<sup>42</sup> and was funded by an offshore registered company whose beneficial owners and sources of income were both unknown and unknowable at the time. Under these circumstances, it is hard to have full confidence in ministerial claims that “The Conservative Party does not accept foreign donations” and that “All donations to the party are received ... after appropriate due diligence, from permissible sources.”<sup>43</sup>

So despite the recent rash of UK corporate transparency legislation, questions remain over Aquind’s backers, and the loophole by which funds of unknown origin can legally be used to support UK political parties remains firmly open.

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<sup>41</sup> Aquind Limited Financial Statements For the year ended 30 June 2022 Companies House

<sup>42</sup> "Economic Crime: Planned Government Bill - Commons Urgent Question" in the House of Lords 31/1/2022 <https://www.theyworkforyou.com/lords/?id=2022-01-31c.624.8#g627.0>

<sup>43</sup> "Parliamentary Debate on Countering Russian Aggression and Tackling Illicit Finance" Hansard 23/2/2022 <https://hansard.parliament.uk/commons/2022-02-23/debates/8073B01E-6C2E-4416-9CC0-A109AD8A8E58/CounteringRussianAggressionAndTacklingIllicitFinance>



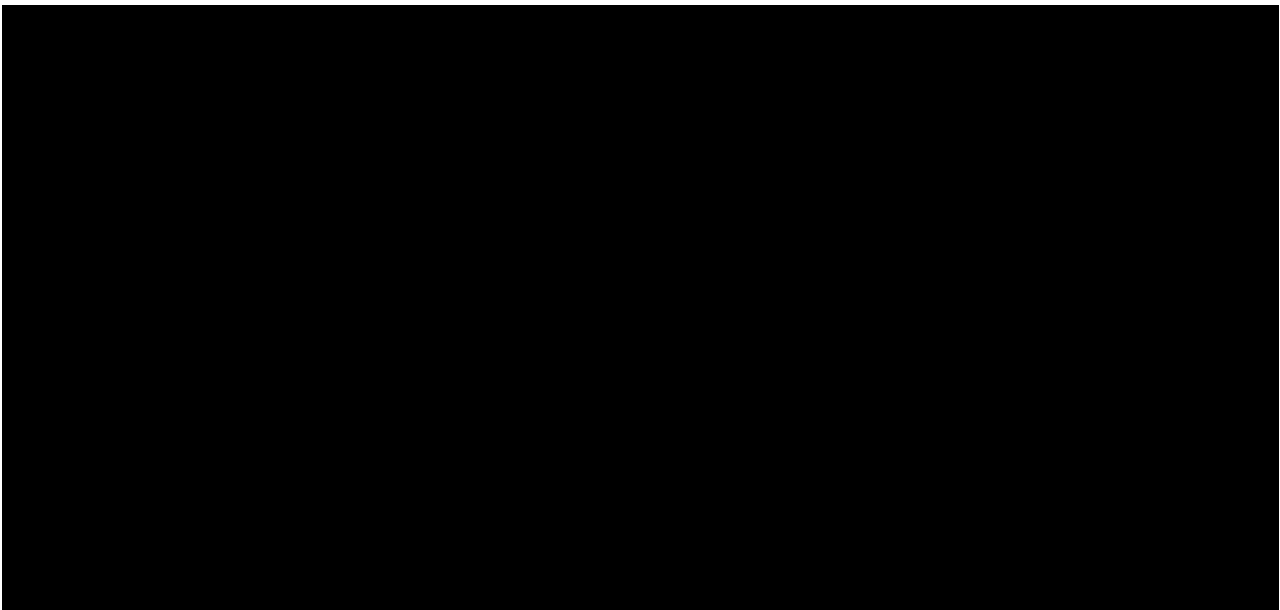
### **Questions over a threat to national security and the chilling effects on public debate**

We feel that we need to be certain that key energy infrastructure is not controlled by a foreign power, and that it is built and managed by competent and professional engineers in the UK's national interest and poses no threat to our marine or shoreline environment.

Aquind Limited has no trading history of any kind, let alone any experience of managing billion-pound cross-channel cabling projects. Its lack of experience, debt-reliant business model, history of political patronage and opaque funding pose significant questions over its suitability to manage a project of this nature within 2 miles of the home of the British Navy.

The belief that the Aquind Interconnector poses a potential threat to national security remains unchanged. This analysis is shared by Portsmouth South MP Stephen Morgan<sup>44</sup>, Portsmouth North MP Penny Mordaunt<sup>45</sup> and the leader of Portsmouth City Council Gerald Vernon-Jackson<sup>46</sup>.

Despite the significant public interest in the issues raised by the Aquind Interconnector, Aquind Limited and Mr Temerko have retained the international law firm Schillings, a move which threatens to shut down open debate and reporting. The Portsmouth local newspaper The News, a vocal supporter of the campaign against Aquind, has recently been awarded regional campaign of the year at the Society of Editors' Media Freedom Awards, for "the courage and determination of its journalists to report on matters of significant public interest when others may have walked away" and its "sustained commitment to reporting... despite an unprecedented legal challenge."<sup>47</sup>





Many questions remain, such as how close did Mr Temerko get to the Kremlin during his career as arms dealer to the Russian state? Many will ask what Mr Temerko is trying to achieve with his deep interest in, and financial support for, the Conservative Party and how close did he get to Boris Johnson and other senior members of the party?<sup>48</sup>

Given the strategic significance of the interconnector project and the energy security crisis, these questions are part of a legitimate public debate. However, outlets such as The Times<sup>49</sup> and Reuters<sup>50</sup> as well as MP Penny Mordaunt<sup>51</sup> have all come under legal challenge regarding commentary around Aquind, demonstrating the chilling effects of legal threats on free speech in our democracy<sup>52</sup>.



## Questions about Aquind’s treatment as a Nationally Significant Infrastructure Project (NSIP)

As Portsmouth residents, one of our main objections to Aquind’s unnecessary and damaging Interconnector project is the way in which the decision was taken from Portsmouth City Council and given to central government when the scheme was given Nationally Significant Infrastructure Project status. We understand the Nautilus Interconnector was also considered a NSIP. However, that project differs from Aquind’s in many respects, one being that the electricity will come from offshore wind, whereas Aquind’s source is nuclear energy from France. This surely means that Nautilus is more in line with the government’s own policies on green energy?

We and countless others who will have to live with the consequences of this ill-conceived project for years to come have no say in it. Both our MPs, the Leader of the city council and every single councillor are opposed to it; local politicians of all parties are united on this issue. The French are equally opposed to it.

Why were the other four existing interconnectors not granted the same status? Why was Aquind’s scheme not given this status from the start? Did it have anything to do with the private meeting on the House of Commons Terrace in 2018 between then Energy Minister Claire Perry-O’Neill and Aquind’s co-owner Alexander Temerko<sup>53</sup>? The Department for BEIS announced a month later that the Aquind Interconnector would be considered a NSIP.

The fibre optic cable, which was added after Aquind’s original submission, is of such huge capacity that it rivals all other data cables crossing the channel. It clearly suggests that the Applicant intends to operate a telecommunication system which will be sold off to third parties, surely infringing upon NSIP status?

There are still many questions to be answered about the awarding of NSIP status to this project. We carefully followed the communication process between the Applicant and BEIS which suggests that some documents are missing from the PINs library. We think this may have led to the inclusion of the words ... “together with any associated development” This surely has allowed too much freedom to the Applicant.

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<sup>53</sup> "Energy minister met Russia-linked donor Alexander Temerko despite warnings of ‘trap’" The Times 6/8/20





## **Community resistance to the project expressed in an open letter to UK Government leaders**

Community resistance to the project remains staunch, although many residents do not yet realise that Aquind Limited is challenging the SofS decision not to approve the DCO. The project has united the disparate political factions within Portsmouth, as well as animating many non-political citizens outraged at the potential environmental damage, loss of amenities and disruption along the planned route, with no apparent benefits to the city or surrounding areas.

Thousands of citizens have [signed an open letter](#)<sup>54</sup> to Prime Minister Rishi Sunak, Chancellor Jeremy Hunt (both recipients of donations related to Aquind Limited) and Secretary of State for DESNZ Grant Shapps – the text of this letter is included below

**Dear Mr Sunak, Mr Hunt and Mr Shapps**

**The duty of government is to act on the will of the people, defend its citizens and protect democracy. While the threat of the Aquind Interconnector hangs over the people of Portsmouth, you are failing on all counts.**

**Surely you know by now that our city is united against this dangerous project? From the allotment holders whose plots are vulnerable to drilling chemicals, to the businesses whose livelihoods will be threatened by gridlock from construction chaos, from the children who will be exposed to the pollution from years of tearing up our city, to the sports teams whose pitches will be closed for building sites, from the property owners whose homes are blighted by the route, to the dog walkers who will see Portsmouth's precious green spaces dug up and fenced off... we reject the vandalism of our city for private profit.**

**Aquind's plan would be devastating for our delicate marine and shoreline wildlife, such as 20 species of waders and the Brent Geese that winter here from Siberia. Laying the cables**

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<sup>54</sup> Open letter to Prime Minister Rishi Sunak, Chancellor Jeremy Hunt and SofS Grant Shapps – It's time to #stopAQUIND

<https://the.organise.network/campaigns/network-it-s-time-to-stopaquind-0ef6658793b2bb03>



would also disturb significant amounts of toxic waste buried under Milton Common, threatening families living alongside the route with asbestos. The previous Secretary of State found that the damaging impacts on our city and environment could not be justified by any benefits, so what reason can there be to change his decision?

It's time to put an end to the fake promises of cheaper and greener electricity, made by a company that has already been granted exemption from pricing regulation, which relies on an abundance of French nuclear power - but France says no to Aquind and now needs its power for its domestic market. It's time to practise what you preach, and invest in sustainable energy projects on our own shores, not put our security at risk by relying on Soviet-born oligarchs to develop critical infrastructure in the home of the Royal Navy.

We demand protection from the activities of this highly unusual and opaque company: a company with no experience that claims to be able to manage a £1.3 billion cross-channel project; a company with substantial offshore funding but no trading income; a company that proposes an electricity cable but hides a communications network within it; a company whose owners seek to intimidate the press while making threats to a Portsmouth MP.

Aquind's money and influence have gone to the very heart of the Conservative Party. One of its owners boasts of his influence on your party leadership, while the Prime Minister and Chancellor are amongst those that accepted donations from the company or its owners. It's time to return this money and remove the stench of cronyism from the Conservative Party's relationship with Aquind, an odour that threatens your own reputations.

It's time to put an end to this unwanted, unneeded and dangerous plan. It's time to protect our environment, stand up to oligarchs and defend democracy. It's time to stop Aquind.



### **Conclusion - too many unanswered questions, too many risks**

Thank you for taking the time to read our document and understand the range of unanswered questions around the financing of this company, the motives of the owners, the conflicts of interest raised by the campaign of political donations, questions over whether a loophole exists that allows the foreign funding of UK political parties<sup>55</sup>, and finally the issues of transparency around the Fibre Optic Communications network and NSIP status. All of these questions are raised in the context of legal threats made to publications legitimately discussing the possible risks to national security posed by the project and reporting the views of our local MP's.

**We trust this will focus your attention on the issues which are of grave concern to us, the 4,100 members<sup>56</sup> of the Let's Stop Aquind grassroots campaign. There are many more residents of Portsmouth and beyond who are very worried that you will ignore their concerns and grant the Applicant a DCO. Please take notice of what we have shared with you and lift the threat of this project which is now casting a such a long shadow over our city. For the good of our health, our environment, our local economy, our national security and our democracy, the time has come to STOP AQUIND.**

Viola Langley, Interested Party and co-founder of Let's Stop Aquind. 28/4/23

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<sup>55</sup> "Covert Foreign Money - Financial loopholes exploited by authoritarians to fund political interference in democracies" The Alliance for Securing Democracy 18/8/20  
<https://securingdemocracy.gmfus.org/covert-foreign-money/>

<sup>56</sup> "Let's stop Aquind" Facebook public group, retrieved 28/4/23  
<https://www.facebook.com/groups/939949843156027>





**PART THREE: 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.*

## **TABLE OF CONTENTS**

INTRODUCTION: LET'S STOP AQUIND

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

- **Introduction**
- **New information regarding faults in the conduct of the Planning Inspectorate during and after its Examination of the Aquind interconnector project**
- **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**
- **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**
- **Conclusion**



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

- **Introduction**
- **At-risk species and habitats**
- **Relevant Legislation, Guidance and Designations**
- **Conclusion**

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

- **Introduction**
- **Examining the Original Decision to Give the Aquind Interconnector NSIP Status**
- **Circumstances Have Changed Significantly Since 2018**
- **LSA's Analysis of the "AQUIND INTERCONNECTOR Needs and Benefits Third Addendum" Submitted by Aquind Limited**
- **Conclusion**

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

- **Introduction**
- **Understanding Aquind Limited – a Timeline and History**
- **The Background to a Conundrum**
- **Conclusion – the Cost to Portsmouth of a Decision Taken on Misleading Evidence**



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

- **Introduction**
- **Associated Development and Commercial Use**
- **HVDC Cables and Optical Regeneration Station Requirements**
- **Conclusion**

SECTION 6: LSA'S ANALYSIS OF THE SUBMISSIONS BY HAMPSHIRE COUNTY COUNCIL, WINCHESTER CITY COUNCIL, SPORT ENGLAND AND PORTSMOUTH CITY COUNCIL ON 28/4/23

SECTION 7: COMMENTS FROM INTERESTED PARTIES ON THE MATTERS CONTAINED IN THE REQUEST OF 3/3/23 AND THE INFORMATION CONTAINED IN THE APPLICANT'S RESPONSE DATED 28/4/23

APPENDIX: STAGE 1 COMPLAINT REGARDING THE CONDUCT OF THE PLANNING INSPECTORATE'S NATIONAL INFRASTRUCTURE PLANNING EXAMINATION OF THE AQUIND INTERCONNECTOR REF EN020022 MADE BY LSA MEMBER JONATHAN WALKER SUBMITTED 31/5/21



## 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>57</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 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.

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<sup>57</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>



**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 on 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 Applicants'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>58</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 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>59</sup>

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<sup>58</sup> National Infrastructure Planning "Representations received regarding AQUIND Interconnector" <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/aquind-interconnector/?ipcsection=relreps>

<sup>59</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>



**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 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.

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 the input of Portsmouth City Council into the Aquind interconnector Examination, the civil servants administering the process for the SofS appear to consider only single paragraph "relevant"<sup>60</sup>, despite it being the most affected local authority on the route, and 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

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<sup>60</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>



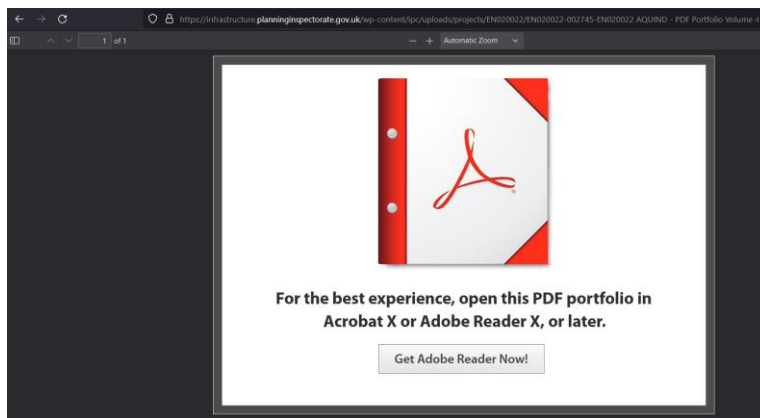


numerous reasons that objectors have cited against it. Does the SofS agree that, whatever the reason for (or reasoning behind) the “relevant representations” category, the Planning Inspectorate website may be therefore be misleading users and needs to be urgently corrected?

- 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?

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

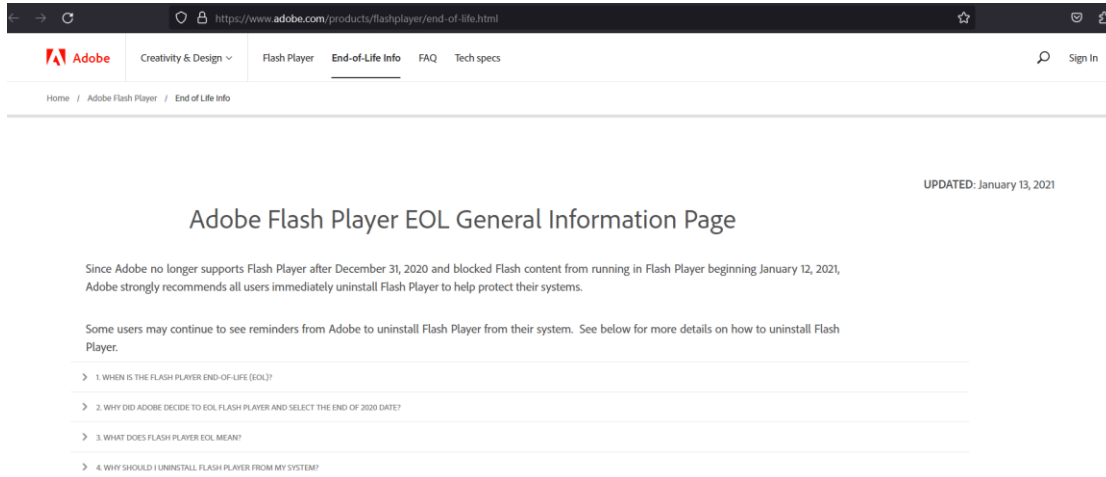
Further to the matters raised above, the Planning Inspectorate has exacerbated issues of accessibility by effectively “hiding” from public view several hundred written objections lodged by local residents, as the format the documents are stored in<sup>61</sup> (PDF Portfolio) is now entirely obsolete and inaccessible from any Windows, Apple or Android device, mobile or otherwise.



<sup>61</sup> National Infrastructure Planning "EN020022 AQUIND - PDF Portfolio Volume 4 (persons not registered as Interested Persons).pdf" [https://infrastructure.planninginspectorate.gov.uk/wp-content/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/uploads/projects/EN020022/EN020022-002745-EN020022%20AQUIND%20-%20PDF%20Portfolio%20Volume%204%20(persons%20not%20registered%20as%20Interested%20Persons).pdf)



This is because PDF Portfolio relies on an obsolete component called Adobe Flash<sup>62</sup>, which is now deemed insecure by the developers of every major operating system of every common device, whether laptop, tablet, desktop or phone.



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 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 agreeable to 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.

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<sup>62</sup> Adobe.com "Flash Player End-Of-Life Info" Updated 13/1/2021



### **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 (appended to this document), 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 long enough, 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 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

## **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.

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.

## 3. Mudflats

Mudflats are globally recognised as important habitats for birds. Invertebrates occur in such high abundances 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 acceptable 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>63</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

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<sup>63</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>



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 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>64</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>65</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>64</sup> DEFRA Magic Map Application <https://magic.defra.gov.uk/MagicMap.aspx>

<sup>65</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>66</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>67</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."

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<sup>66</sup> "AQUIND Interconnector to be considered as a Nationally Significant Infrastructure Project" Aquind.co.uk 30/7/18 <http://aquind.co.uk/news/aquind-interconnector-to-be-considered-as-a-nationally-significant-infrastructure-project/>

<sup>67</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)



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

**This decision in itself is worthy 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 a NSIP.

The Times newspaper ran an article<sup>68</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?

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<sup>68</sup> [REDACTED]



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 SoS’s statement are significant:**

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>69</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:  
 $2,000,000 \times 2,000 = \text{£}4\text{Billion}$  at current prices.

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<sup>69</sup> "AQUIND INTERCONNECTOR Consultation Report – Appendix 1.1A Non-Statutory Consultation – Example Frequently Asked Questions on Project Website"  
<https://infrastructure.planninginspectorate.gov.uk/wp->



Given the expected lifetime of the interconnector of least 25 years<sup>70</sup> there is a minimum turnover of £100Billion 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 contribute to national benefit.**

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<sup>70</sup> "FAQs - AQUIND Interconnector" <https://aquindconsultation.co.uk/faqs/content/ipc/uploads/projects/EN020022/EN020022-000479-5.1.1A%20Consultation%20Report%20-%20Appendix%201.1A%20Example%20FAQ%20on%20Project%20Website.pdf>



## 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>71</sup> 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

France also has interconnectors<sup>72</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>73</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>74</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

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<sup>71</sup> "Interconnectors" Ofgem.gov.uk <https://www.ofgem.gov.uk/energy-policy-and-regulation/policy-and-regulatory-programmes/interconnectors>

<sup>72</sup> "Access to French interconnections" RTE <https://www.services-rte.com/en/learn-more-about-our-services/access-to-french-interconnections.html#:~:text=France%20is%20interconnected%20with%206%20European%20countries>

<sup>73</sup> "France to expand electricity interconnections with Ireland, Italy" Euractiv.com <https://www.euractiv.com/section/electricity/news/france-to-expand-electricity-interconnections-with-ireland-italy/>

<sup>74</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/uploads/projects/EN020022/EN020022-004872-Carpenters%20Response%20to%20Secretary%20of%20States%20Letter%20dated%203%20March%202023%20-%2027%20April%202023.pdf>



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.”**

**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”**

**Similarly 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>75</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. "

**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).**

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<sup>75</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>



## 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>76</sup> 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 (NGH) and RTE	National Grid Interconnectors Limited	France	2000MW	No	No	1986
Moylo	Mutual Energy	Moylo Interconnector Limited	Ireland	500MW	No	No	2002
BritNed	NGH and TeneT	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	Gollink	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 III, L.P.	Gridlink Interconnector Limited	France	1400MW	Yes	No	2024
NeuConnect	Meridiam, Allianz and Kansai Eolic Power	NeuConnect Britain Ltd	Germany	1400MW	Yes	No	2024
NorthConnect	Agder Energi, Lysa, E-CO and Vallentfall	NorthConnect Limited	Norway	1400MW	Yes	No	2025
FAB Link	Transmission Investment and RTE	FAB Link Limited	France	1400MW	Yes	No	2025

<sup>76</sup> "Interconnectors" Ofgem.gov.uk <https://www.ofgem.gov.uk/energy-policy-and-regulation/policy-and-regulatory-programmes/interconnectors>





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>77</sup> setting out the history and future of electrical interconnectors serving the UK (without Aquind) states:

*“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”.*

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<sup>77</sup> "Interconnectors: Giving the UK and EU a power boost" AquaSwitch  
<https://www.aquaswitch.co.uk/blog/interconnectors-giving-the-uk-and-eu-a-power-boost/>



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 the UK is a net exporter of energy<sup>78</sup>, the SoS has to be careful in balancing the energy market.

An article published on 31/5/23 in Energy Live News<sup>79</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?**

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<sup>78</sup> "Britain is a Net Electricity Exporter for First Time in 44 years" UK Energy Research Centre 18/1/23 <https://ukerc.ac.uk/news/britain-net-electricity-exporter/>

<sup>79</sup> "UK ‘power dumping’ raises concerns over energy management" Energy Live News 23/5/31 <https://www.energylivenews.com/2023/05/31/uk-power-dumping-raises-concerns-over-energy-management/>

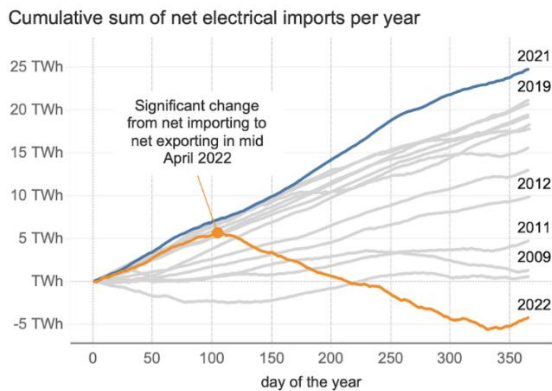


#### 4. Why it is important not to underestimate the drop in energy use over the last few years

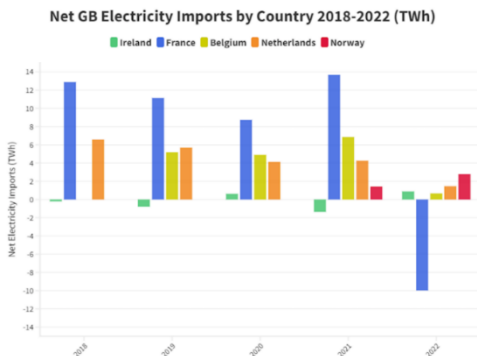
Another factor contributing to overcapacity is the recent drop in energy use, which was commented on by a recent article<sup>80</sup> published by the UK Energy Research Centre:

“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.



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



<sup>80</sup> "Britain is a Net Electricity Exporter for First Time in 44 years" UK Energy Research Centre 18/1/23 <https://ukerc.ac.uk/news/britain-net-electricity-exporter/>



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 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 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>81</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>82</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.”**

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<sup>81</sup> "UK expects to produce more electricity than it needs by 2030" New Scientist 18/5/22  
<https://www.newscientist.com/article/2320812-uk-expects-to-produce-more-electricity-than-it-needs-by-2030/>

<sup>82</sup> "Joined at the volts: what role will interconnectors play in Great Britain’s electricity future?" Drax 14/6/18  
<https://www.drax.com/power-generation/joined-volts-role-will-interconnectors-play-great-britains-electricity-future>



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.**"

Another analysis by Aurora<sup>83</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

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<sup>83</sup> "Relying on interconnectors for security of supply carries risks" Watt Logic 27/5/18

<https://watt-logic.com/2018/05/27/interconnectors-security-of-supply/>



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”





## LSA's Analysis of the "AQUIND INTERCONNECTOR Needs and Benefits Third Addendum" Submitted by Aquind Limited

**Aquind sold its 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>84</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)."

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<sup>84</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>



“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 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).**

**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.**



## 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 28/4/23

### **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.

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."*

### Conclusion

**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.**



SECTION 7: COMMENTS FROM INTERESTED PARTIES ON THE MATTERS CONTAINED IN THE REQUEST OF 3/3/23 AND THE INFORMATION CONTAINED IN THE APPLICANT'S RESPONSE DATED 28/4/23

1. The environmental damage and devastation this project would cause is 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? Even now I cannot understand how this 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, cormorants, sky larks, swans, 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 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.

### **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. 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?

### **France rejects this project for the following reasons:**

1. Over capacity
2. Most uncertain project
3. Not any longer Project of Common Interest

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

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."*

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.

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?



The examination process back in 2020 seemed to be biased towards the applicant. LSA has produced a document in which these matters are addressed. 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.

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?

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?

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 (Interested Party)





APPENDIX: STAGE 1 COMPLAINT REGARDING THE CONDUCT OF THE PLANNING INSPECTORATE'S NATIONAL INFRASTRUCTURE PLANNING EXAMINATION OF THE AQUIND INTERCONNECTOR REF EN020022 MADE BY LSA MEMBER JONATHAN WALKER SUBMITTED 31/5/21

Jonathan Walker  
31 May 2021

The Planning Inspectorate, National Infrastructure Planning  
Temple Quay House, 2 The Square, Bristol BS1 6PN  
[feedback@planninginspectorate.gov.uk](mailto:feedback@planninginspectorate.gov.uk)

**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:

**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:**

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

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

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

- Failure to inform the public of the full implications of the DCO or engage the business community



- Failure of ExA staff to adequately examine and censure the Applicant's dishonest abuse of process both within and without the examination
- 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
- 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 to 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 uncommented 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 to 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



PART FOUR: 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

TABLE OF CONTENTS:

SECTION 1: INTRODUCTION

SECTION 2: THE MISSING FEASIBILITY STUDY BY NGET/NGESO

SECTION 3: UNRESOLVED CONCERNS

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

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

3C: FORT CUMBERLAND CARPARK – COMPULSORY ACQUISITION

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

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



## 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:

- The original feasibility study which led to the decision of connection point Lovedean is still missing
- New assessments seem to be necessary for this development considering the feasibility study dates from 2014/15
- All substations need upgrading / network reinforcements
- Mannington is still a viable option
- The UK national electricity grid needs upgrading
- 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: 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