



SUBMISSION TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO FROM VIOLA LANGLEY (INTERESTED PARTY IN THE MATTER OF THE AQUIND INTERCONNECTOR DCO PROPOSAL), SUBMITTED ON BEHALF OF LET'S STOP AQUIND BY EMAIL 21/2/2024

UNANSWERED QUESTIONS ABOUT AQUIND'S FIBRE-OPTIC COMMUNICATIONS NETWORK

It has been more than four years since Aquind Ltd first applied for a DCO (development consent order) for an interconnector to carry power to and from Normandy and Lovedean in Hampshire.

You will be aware that Portsmouth is united against the project, which is opposed by an extraordinarily broad coalition along the proposed route, including Labour MP Stephen Morgan¹, Liberal Democrat Leader of Portsmouth City Council Steve Pitt² and Conservative MP's Penny Mordaunt³, Flick Drummond⁴ and Suella Braverman⁵, as well as numerous local authorities.

You will also be aware that our grassroots campaign Let's Stop Aquind (LSA) has consistently raised the ways that the project threatens our city and the South Downs. These include threats to our environment, physical and mental health, precious green spaces, wildlife, public amenities, the threat of traffic chaos, airborne pollution, the disturbance of toxic waste and threats to local business and our national security.⁶

In the context of the MoD's recent intervention, this submission focuses on the high-capacity fibre optic cables (FOC) that the Applicant proposes to install alongside the interconnector's power cables. Despite its public statements that commercial use of the FOC has been removed from the Development Consent Order (DCO), our contention is that the Applicant has not permanently removed the telecommunications network from the project, nor the ability to activate it commercially at a later date.

¹ Portsmouth MP grills Ministers on delays on disastrous AQUIND project decision 28.11.23
<https://www.stephenmorgan.org.uk/portsmouth-mp-grills-ministers-on-delays-on-disastrous-aquind-project-decision/>

² Portsmouth council keeps up pressure over Aquind interconnector plans 12.9.23
<https://www.bbc.co.uk/news/uk-england-hampshire-66786345>

³ AQUIND – update and how you can help 22.4.23 <https://www.pennymordaunt.com/aquind-update-2/>

⁴ Flick urges Grant Shapps to reject Aquind application 29.3.23
<https://www.flickdrummond.com/news/flick-urges-grant-shapps-reject-aquind-application>

⁵ AQUIND Update: Suella Objects to Controversial Interconnector Proposal in Hampshire 11.1.24
<https://www.suellabraverman.co.uk/news/aquind-update-suella-objects-controversial-interconnector-proposal-hampshire>

⁶ Let's Stop Aquind book of evidence for SofS Claire Coutinho and accompanying letter 9.11.23
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-005119-Lets%20Stop%20Aquind%20-%202009%20Novemeber%202023.pdf>



There has been a great deal of speculation about the pair of high capacity data cables that Aquind insists it needs to manage the power link⁷, only a small part of which would be necessary to control and monitor the power cables. This means that the proposed FOCs have huge surplus capacity. By including these fibre optic cables Aquind is effectively installing a high-capacity telecommunications network which could be activated commercially at a later date, despite being asked to remove the commercial element of the project by your predecessor as Secretary of State in July 2021⁸.

The inclusion of the fibre optic cables (FOC's) has been a contentious matter throughout the process, as an additional compound and building known as an Optical Regeneration Station is required to house the FOC communications equipment for signal enhancement, which will require the compulsory purchase of public land at Fort Cumberland car park in Eastney. Additional telecommunications buildings would also be required at the HVDC (High Voltage Direct Current) Converter Station in Lovedean for the same reason⁹.

Both Winchester City Council¹⁰ and Portsmouth City Council (PCC) have consistently maintained (and LSA agrees) that the inclusion of the cables for commercial use is not "associated development" in terms of the relevant planning legislation and therefore cannot be legally included in the Development Consent Order (DCO) that Aquind is seeking from the current Secretary of State¹¹.

Following the SofS's request, Aquind submitted a draft DCO (dDCO) having removed various sections of wording referring to the commercial telecommunications equipment. Curiously, at this stage it did not show any changes to data capacity of the FOC's, the compulsory purchase provisions or Land

⁷ Aquind: MoD raises concerns over interconnector project 30.1.24

<https://www.portsmouth.co.uk/news/politics/aquind-mod-raises-concerns-over-interconnector-project-4498971>

⁸ Application by AQUIND Limited for an Order granting Development Consent for the proposed AQUIND Interconnector – Letter to request further information 13.7.21

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-003961-AQUIND%20-%20Letter%20to%20Request%20Further%20Information%20-%202013%2007%2021.pdf>

⁹ AQUIND Limited Statement in Relation to FOC 6.10.20

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-001629-7.7.1%20Statement%20in%20Relation%20to%20Fibre%20Optic%20Cables%20WQ%20CA1.3.3.pdf>

¹⁰ Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 Application by AQUIND Limited for an Order granting Development Consent for the proposed AQUIND Interconnector 12.8.21

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004023-Winchester%20City%20Council.pdf>

¹¹ Aquind Interconnector Project Deadline 5 (30th November 2020) Submission on behalf of Portsmouth City Council <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-003120-Portsmouth%20City%20Council%20Transcript%20CA1%20V04.pdf>



Plans previously submitted. It also restated its arguments for the commercial use of the spare FOC capacity to be defined as “associated development”¹².

At this point it was clear to both PCC and LSA that the Applicant was very reluctant to let go of the communications network, regardless of direction from the SofS.

In August 2021, PCC wrote to the former SofS querying why Aquind’s dDCO showed that it was necessary to use exactly the same amount of land and the same size of ORS buildings as before, despite no longer housing the commercial telecoms equipment. In fact it suggested the Applicant was “contriving to avoid the implications of a material amendment to the DCO”¹³. In the same document PCC queried the requirement to include ORS in this project at all, pointing out that the Applicant “has never provided any example of any other interconnector that requires an ORS (despite many that are as long as this proposal.)”

LSA concedes that in fact the 1.4GW interconnector project Viking Link which includes an FOC for control purposes, has since become operational. However, it is noted that despite the overall distance of 760 km covered by Viking Link’s 2 x HVDC cables between the Lincolnshire and Denmark, only a single fibre optic cable was required, with no proposal made for commercial telecommunications use, and that the developers consistently described the FOC as “optional” throughout the project’s planning stages¹⁴.

Having asked for the commercial elements of the FOC to be removed, it is likely the former Secretary of State had an expectation that the ORS at Fort Cumberland (and the telecoms equipment at Lovedean) would no longer be required, or would at least reduce significantly in comparison to the Applicant’s original plans. This is because its previous documentation as far back as October 2020 stated that “approximately two thirds of the cabinets within the ORS will be available for commercial use”¹⁵ and in December 2020 stated that the capacity split of the FOC “is 20% for essential use in

¹² AQUIND Limited Applicant’s Response to Secretary of State Request for Further Information 23.7.21 <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-003964-Applicant's%20Response%20to%20Secretary%20of%20State%20Request%20for%20Further%20Information.pdf>

¹³ Comments from Portsmouth City Council as an Interested Party on the responses to the Secretary of State's 13 July 2021 consultation <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-004019-Portsmouth%20City%20Council.pdf>

¹⁴ National Grid Viking Link Concept for Public Participation September 2016 <https://www.viking-link.com/media/1151/20170125-viking-link-uk-cfpp-210916-final.pdf>

¹⁵ AQUIND Limited Statement in Relation to FOC 6.10.20 <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-001629-7.7.1%20Statement%20in%20Relation%20to%20Fibre%20Optic%20Cables%20WQ%20CA1.3.3.pdf>



connection with the safe operation of the Project and 80% for commercial telecommunications purposes."¹⁶

In fact the SofS sought clarification from the Applicant on this issue in September 2021¹⁷, but the company continued to maintain that the vast majority of land and footprint of the planned ORS buildings at Fort Cumberland (and telecoms equipment at Lovedean) were required despite the absence of the commercial element of the FOC¹⁸.

PCC identified that the Applicant's ORS requirements at Fort Cumberland had by then changed from a single building to a compound containing two buildings with a significant air gap between them, which together would occupy a very similar footprint to the previous ORS proposed in the earlier versions of the DCO. Reflecting on why the Applicant made no changes to the dimensions and capacity of the FOC itself following the SofS's request to remove the commercial element, PCC suggested that "the prospect of commercial telecommunications FOCs which have been 'inserted' into this electricity interconnector development has become the tail that wags the dog in this DCO scheme." It concluded that "The Applicant is therefore being clear in this response about its intentions, which are that, irrespective of any DCO which excludes the commercial FOC... the Applicant intends to install additional FOC fibres in any case which are not related to the interconnector."¹⁹

You will be aware that your predecessor Kwasi Kwarteng took the decision not to grant the Applicant a DCO (based on the dDCO with the telecommunications wordings removed) in January 2022. Despite being universally welcomed across the city and the region, that decision did little to resolve the issue of whether commercial use of the FOC **would have been** "associated development" and if not, whether the Compulsory Purchase of land to fulfil it would have been legal.

¹⁶ AQUIND Limited AQUIND INTERCONNECTOR Applicant's Response to action points raised at ISH1, 2 and 3, and CAH 1 and 2 23/12/20 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-003434-7.9.22%20Applicant's%20Response%20to%20action%20points%20raised%20at%20ISH1,%202%20and%203,%20and%20CAH%201%20and%202.pdf>

¹⁷ Application by AQUIND Limited for an Order granting Development Consent for the proposed AQUIND Interconnector – Letter to request further information 2.9.21 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004057-EN020022%20AQUIND%20-%20BEIS%20Letter%20to%20Request%20Further%20Information%20-%202009%2021.pdf>

¹⁸ AQUIND Limited AQUIND INTERCONNECTOR Applicant's Response to the Second Information Request 16/9/21 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004075-Applicant%20Response%20to%20the%20Second%20Information%20Request.pdf>

¹⁹ RE: Comments from Portsmouth City Council as an Interested Party on the responses to the Secretary of State's 2 September 2021 request to the Applicant in respect of Application by AQUIND Limited for an Order granting Development Consent 30.09.2021 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004106-Portsmouth%20City%20Council%20-%2030%20September%202021.pdf>



The Applicant made a subsequent legal challenge in the High Court and the matter was consequently reconsidered by your direct predecessor Grant Shapps. In response to the then SofS's request for further information made on 3/3/23, the Applicant baldly stated that it has **"taken the decision to remove the use of the fibre optics cables for commercial telecommunications purposes from the Order."** ²⁰ Updated plans in the Book of Reference show the Fort Cumberland ORS compound occupying approximately 11% less land than the previous DCO. *(Ref to Book of Reference)*

However, the Applicant's seemingly concrete position on this matter had crumbled by June 2023, when it confirmed that both ORS buildings at Fort Cumberland would still be required and it finally 'revealed its hand' with regards to its intentions: **"In summary, the Applicant is not amenable to provisions being included in the DCO which prevent any future use of the fibre optic cables to be installed for commercial telecommunications where otherwise authorised for that use in the future."**

So do we finally have clarity? On the one hand the Applicant agrees not to use FOC excess capacity for commercial use as directed, but on the other it refuses to proceed unless it is able to bring it online in the future. How can the Applicant take such a contradictory position with any credibility?

LSA firmly agrees with PCC that the DCO "still allows Aquind (or the future operator of the project) to secure this commercial FOC use as part of this project when on its face Aquind is purporting to abandon this element. **This would in PCC's view amount to an abuse of the PA 2008 process.**"

Given that the Applicant's intentions are now crystal clear, and that it considers any direction from the SofS regarding the commercial use of the FOC's to be only temporary, surely it is the right time to look at the potential capacity of such a network. The proposal is to install 2 x fibre optic cables, each containing 192 fibre pairs (384 pairs in total)²¹. The maximum number required for monitoring and controlling the HVDC circuits is 20% of capacity or 77 pairs, leaving 307 fibre pairs for commercial use.

This would be more than 3 times the capacity of CrossChannel, the latest FOC submarine data network to be laid, connecting data centres in Paris and Slough. CrossChannel has a mere 96 fibre pairs supporting over 2,400Tbps of capacity²². Aquind's capacity in the commercial telecoms market would be huge in comparison. LSA notes that CrossChannel was a dedicated data network project in

²⁰ AQUIND Limited AQUIND INTERCONNECTOR Applicant's Response to SoS Further Information Request – March 2023 29/4/23

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004884-Applicant%27s%20Response%20to%20RfI%20-%20FINAL.pdf>

²¹ Aquind Procurement contract notice Aquind Limited 3/6/19 <https://aquind.co.uk/procurement/>

²² CrossChannel Submarine Cable Goes Live - Submarine Cable Networks 13/12/21

<https://www.submarinenetworks.com/en/systems/intra-europe/crosschannel/crosschannel-submarine-cable-goes-live>



its own right (built by US specialist subsea networks operator Crosslake) and did not “piggyback” on an energy infrastructure project.

Another recent development in cross-Channel telecommunications is the news that Colt Technology Services will be upgrading the existing FOC links installed in the Channel Tunnel. This project will involve 288 fibre pairs, still less than the total redundant capacity of the Applicant’s proposal.²³

Local media have quoted the Leader of PCC, Steve Pitt’s thoughts that the MoD’s intervention may be related to the risks of allowing the installation of a high-capacity data network in Portsmouth, the home of the Royal Navy.²⁴ In her interview on BBC South Today on 29/1/24, Penny Mordaunt MP once again referred to her concerns about the risk to national security the data cable poses.²⁵

Stephen Morgan MP (a former Shadow Defence Minister for the Armed Forces), has also raised concerns about the risk to national security, saying: “Aquind plans to lay out one of the largest data pipes in Europe... which will be available for hire by third party clients which could include telecommunication companies, technology firms and banks. This raises similar concerns to the UK’s 5G network and Huawei.”²⁶

This situation throws up a number of important unanswered questions:

1. Can Aquind truthfully claim, as it did to the BBC’s ‘South Today’ team in a response to the interview referred to above, that the FOC has been removed from the DCO as per the former Secretary of State’s request, and is the current Secretary of State satisfied that the commercial use of the Fibre Optic Communications network has been permanently removed from this project?
2. Is the SofS comfortable that by deliberately installing FOC’s with substantial excess capacity, and developing the ORS’s required to manage it, the infrastructure for a huge commercial data network would effectively be a “fait accompli” for the Applicant under its current proposals?
3. Is the SofS confident that Aquind Limited, a company with no trading income to date and no experience of delivering large scale energy or communication projects, is a suitable business to operate not one, but two major infrastructure projects of strategic importance to the UK?

²³ Exa and Colt to upgrade fiber infrastructure across Channel Tunnel route - Data Center Dynamics 9/3/23 <https://www.datacenterdynamics.com/en/news/exa-and-colt-to-upgrade-fiber-infrastructure-across-channel-tunnel-route/>

²⁴ Aquind: MoD raises concerns over interconnector project - The News 20/1/24 <https://www.portsmouth.co.uk/news/politics/aquind-mod-raises-concerns-over-interconnector-project-4498971>

²⁵ BBC TV South Today Evening News 29/1/24 <https://www.bbc.co.uk/programmes/m001vwph>

²⁶ Aquind Cross-Channel cable a security risk, says MP BBC 13/7/21 <https://www.bbc.co.uk/news/uk-england-hampshire-57826805>

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4. Can the SofS be certain of the Applicant's motives in seeking generous and wide ranging telecoms Code powers which were granted by Ofcom on 27/3/20²⁷? These powers seem to expressly exclude the commercial FOC elements of the DCO, but would clearly be of great commercial value ***should the Applicant activate an electronic communications network outside of the DCO at a later date.***
5. Has the SofS considered how the competitive "playing field" of international telecoms would be distorted by allowing the Applicant to install and build everything required to operate a hugely powerful commercial data network in the guise of an energy infrastructure project, while businesses such as Crosslake and Colt Telecom had to try to make profits from laying standalone cross-channel fibre cables with no opportunity of cross-subsidy?
6. Finally, in the event allowing a DCO that forbids the commercial use of the FOC, will the SoS be directing how the Applicant's use of the FOC will be policed, given its somewhat bizarre (but extraordinarily firm) insistence on installing data cables with such a massive amount of redundant capacity in relation to the management of the HVDC link?

If the answer to any of the above six questions is "no", the SofS MUST act to protect the national interest by throwing out this application and stopping the Aquind interconnector once and for all.

LSA has long felt that there is a risk of the HVDC element of the DCO becoming a "trojan horse" for an unlicensed commercial data network on an enormous scale²⁸, built within close proximity to vital military assets and communications sites²⁹. Likewise PCC refers to the commercial use of the FOC as the "tail that wags the dog" of this DCO application³⁰.

Can the SofS honestly say that she has no qualms about the Applicant's conduct in relation to the FOC and no cares as to the risks of installing a huge private data network at the home of the Royal Navy? It is time to put our national interests above private profit and **STOP AQUIND!**

Viola Langley, Interested Party on behalf of Let's Stop Aquind 20/2/24

²⁷ Direction under section 106(3) of the Communications Act 2003 Ofcom 27/3/20
https://www.ofcom.org.uk/_data/assets/pdf_file/0029/193169/final-direction-aquind-limited.pdf

²⁸ RESPONSE TO THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO'S REQUEST FOR INFORMATION AND UPDATES (DATED 3/3/23) SUBMITTED ON BEHALF OF LET'S STOP AQUIND BY EMAIL 28/4/2023 <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004804-Lets%20Stop%20Aquind%20-%2028%20April%202023.pdf>

²⁹ Proposed route Stop Aquind February 2022 <https://stopaquind.com/route/>

³⁰ RE: Comments from Portsmouth City Council as an Interested Party on the responses to the Secretary of State's 2 September 2021 request to the Applicant in respect of Application by AQUIND Limited for an Order granting Development Consent for the AQUIND Interconnector Project. PCC 30/09/21
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020022/EN020022-004106-Portsmouth%20City%20Council%20-%2030%20September%202021.pdf>

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