



Ministry  
of Defence



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Department for Energy Security and Net Zero  
3-8 Whitehall Place,  
London,  
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BY EMAIL ONLY

Attention: David Wagstaff, Head of Energy Infrastructure Planning.

23 August 2024

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**AQUIND Application for Development Consent Order in respect of electricity interconnector**

**Department for Energy Security and Net Zero (DESNZ)**

I enclose:

- a. A statement by James Muncie, Deputy Director, Directorate of Economic Security and Statecraft for the MOD, dated 22 August 2024
- b. A letter from Capt Lee McLocklan dated 22 August 2024.

Yours sincerely

**Ministry of Defence Legal Advisers  
Government Legal Department**

**Application for a Development Consent Order by AQUIND Limited**

**OPEN statement on behalf of the Ministry of Defence**

**Dated 22 August 2024**

I, James Muncie, Deputy Director, Directorate of Economic Security and Statecraft for the Ministry of Defence ('MOD') will say as follows:

1. I have been in this role since June 2022 when I joined the MOD. Previously I worked in the Home Office, where since 2006 I covered a wide variety of topics connected to national security.
2. In my current role I am head of Counter Economic Threats: Security and Capability for the MOD. As such, I oversee the development of policy around how the MOD should protect its capabilities and assets from national security threats arising from economic activity. In managing numerous complex cases since I joined the team, and working with subject matter experts across Defence and other Government Departments, and building on the extensive experience I gained in the Home Office, I have come to possess a broad knowledge base of the risks to UK national security which can accompany apparently or otherwise benign commercial activity.
3. I have been asked to provide this OPEN witness statement about the national security risks posed by the granting of a Development Consent Order ('DCO') related to the Aquind Interconnector project. I am duly authorised to make this statement.

**Background**

4. Aquind Limited (CRN 06681477) ('Aquind') is a UK private limited company incorporated on 26 August 2008. On 14 November 2019, Aquind applied for a DCO relating to its intentions to build and run an electricity interconnector between the UK and France, landing on the UK side near His Majesty's Naval Base ('HMNB') Portsmouth, and running electricity and fibre optic cable infrastructure through parts of the city (the 'Project'). The cost is estimated at £1.35bn. Once fully operational, it is claimed that the interconnector could provide up to 5% of British or 3% of French electricity consumption. The proposed life of the Project is 40 years.
5. Aquind's DCO application (the 'Application') seeks development consent for those elements of the Project located in the UK and the UK Marine Area (the 'Proposed Development'). The Proposed Development includes:
  - a. High Voltage Direct Current ('HVDC') marine cables from the boundary of the UK exclusive economic zone to the UK at Eastney in Portsmouth;
  - b. Jointing of the HVDC marine cables and HVDC onshore cables;
  - c. HVDC onshore cables;
  - d. A Direct Current / Alternating Current Converter Station and associated electrical and telecommunications infrastructure;

- e. High Voltage Alternating Current ('HVAC') onshore cables and associated infrastructure connecting the Converter Station to the Great Britain electrical transmission network, the National Grid, at Lovedean Substation; and
  - f. Smaller diameter fibre optic cables to be installed together with the HVDC and HVAC cables and associated infrastructure.
6. Development consent has not been granted. The then Secretary of State for Business, Energy and Industrial Strategy refused development consent on 20 January 2022. This decision was overturned by judicial review in January 2023. The planning decision shall presently be re-determined by the Secretary of State for Energy Security and Net Zero ('SoS ESNZ').
  7. A DCO for the Proposed Development would permit Aquind to proceed with the Project, subject to other consents and permissions, including those required in France.
  8. Whilst Aquind will be required to deal with and be subject to the authority of the French government, and various other UK government and arms-length bodies in order for the Project to proceed and become operational, there are significant material concerns directly related to UK defence and national security in the Project's use of land which require to be considered by SoS ESNZ in the development consent process.

### **HMNB Portsmouth**

9. The activities of the Royal Navy ('RN') in and around HMNB Portsmouth, including in the English Channel (the world's busiest shipping area), are critical to the defence and national security of the United Kingdom, its Overseas Territories and Crown Dependencies.
10. HMNB Portsmouth, located on the eastern shore of Portsmouth Harbour, north of the Solent and the Isle of Wight in the English Channel, has been in existence since 1194. It is one of three dockyard ports in the UK controlled by a King's Harbour Master<sup>1</sup> pursuant to the Dockyard Ports Regulation Act 1865. HMNB Portsmouth is home to more than half of the RN's surface ships, including the flagship aircraft carriers HMS Queen Elizabeth and HMS Prince Of Wales, the RN's Type 45 destroyers, some Type 23 frigates, mine countermeasures vessels and fishery protection squadrons. It is home to RN personnel serving at the base and in HMNB Portsmouth-based ships. In addition, many RN warships and auxiliaries, although not based in HMNB Portsmouth, use the base from time to time. HMNB Portsmouth is also used as a base for training of military personnel.
11. HMNB Portsmouth also hosts vessels from allied nations.

### **The national security context**

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<sup>1</sup> The others are HMNB Devonport in Plymouth and HMNB Clyde in Scotland.

12. Self-evidently there are a wide range of potential threats and vulnerabilities to UK defence and national security, including but not limited to terrorism, espionage, sabotage, subversion and organised crime. It is not necessary to list all the specific threats to the UK national interest to understand that the safe and effective use of HMNB Portsmouth, given its longstanding, central role in UK defence as a key naval base accommodating more than half of the RN's surface ships, and its sensitive location in the English Channel, is of substantial importance to UK defence and national security and must not be impeded or compromised.
13. It is also important to recognise when considering the Proposed Development that threats to UK defence and national security and recognition of such threats evolve with the passing of time. The operational lifetime of the Project is 40 years.

### Relevant policy

14. MOD notes that the Overarching National Policy Statement for Energy ('NPS EN-1') expressly acknowledges the impact energy infrastructure can have on UK defence capabilities, including cumulative impacts (paragraphs 5.5.3, 5.5.33 – 34, 5.5.40), and states, at paragraph 5.5.35, that:

*"It is important that new energy infrastructure does not unacceptably impede or compromise the safe and effective use of any defence assets or operations."*<sup>2</sup>

15. Paragraph 5.5.49 states that:

*"The Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicant and that any necessary assessment of the proposal on aviation, NSWWS<sup>3</sup> or defence interests has been carried out."*

16. Paragraph 5.5.53 states that:

*"If there are conflicts between the government's energy and transport policies and military interests in relation to the application, the Secretary of State should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts."*

17. Paragraph 5.5.59 states that:

*"Where, after reasonable mitigation, operational changes, obligations and requirements have been proposed, the Secretary of State should consider whether...the development would impede or compromise the safe and effective use of defence assets or unacceptably limit military training..."*

18. Paragraph 5.5.60 states that:

*"Provided that the Secretary of State is satisfied that the impacts of proposed energy developments do not present risks to national security and physical safety, and where they do, provided that the Secretary of State is satisfied that appropriate*

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<sup>2</sup> See also NPS EN-1, para 5.5.58: *"significantly impede or compromise the safe and effective use of civil or military aviation, meteorological radars, defence assets and/or significantly limit military training..."*

<sup>3</sup> National Severe Weather Warning Service

*mitigation can be achieved, or appropriate requirements can be attached to any Development Consent Order to secure those mitigations, consent may be granted.”*

19. The National Planning Policy Framework (‘NPPF’) states at paragraph 101<sup>4</sup> that:

*“Planning policies and decisions should promote public safety and take into account wider security and defence requirements by...(b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.”*

### **Position of the MOD**

20. The reasons why the Proposed Development is a cause of significant concern for the MOD and why MOD considers development consent should be refused necessarily involve information regarding UK defence and national security which it would be contrary to the national interest to disclose.<sup>5</sup> They are therefore set out in CLOSED submissions in accordance with the procedure set out by SoS ESNZ in the letter of 12 July 2024.

21. What can be said in these submissions is that the Proposed Development would unacceptably impede and compromise the safe and effective use of a key defence asset, HMNB Portsmouth, and RN operations in the area of HMNB Portsmouth and the English Channel, including unacceptably limiting military training. This represents a clear risk to UK defence and national security.

22. The MOD also relies on the letter, dated 22 August 2024, of Captain Lee McLocklan RN, Captain of the Base (Portsmouth) and Deputy Naval Base Commander of HMNB Portsmouth, who confirms that in his view, based on his many years of professional experience, the Proposed Development would clearly and unacceptably impede and compromise the safe and effective use of HMNB Portsmouth, and the necessary military training required for its safe and effective use.

23. Whilst the MOD accepts that the applicant has made offers to permit MOD oversight of the Proposed Development in its email of 12 April 2024, the MOD does not consider that these would sufficiently mitigate MOD’s concerns. The MOD does not consider any other sufficient or appropriate mitigation to be available.

24. Development consent for the Proposed Development should therefore be refused.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

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<sup>4</sup> References to the NPPF are to the version in force as at the date of these submissions (22 August 2024). This text is reproduced without change in the draft version of the NPPF currently in force at paragraph 99.

<sup>5</sup> See also NPS EN-1, para 5.5.40, footnote 201: *“It may not always be appropriate to share the detailed bases of defence asset assessments on security grounds to avoid exposing vulnerabilities that could be exploited by potential adversaries.”*

James Muncie

22<sup>nd</sup> August 2024

Dear Secretary of State

**AQUIND application for Development Consent Order in respect of electricity interconnector**

I am the Captain of the Base (Portsmouth) and Deputy Naval Base Commander of HM Naval Base Portsmouth (“HMNB Portsmouth”) and I write in respect of the application for development consent for the Aquind electricity interconnector (“the Proposed Development”) which you are currently considering.

I am aware that this letter is to be placed in OPEN in support of the Ministry of Defence’s (“MOD’s”) submission that consent for the Proposed Development should be refused for reasons of defence and national security. I agree with the MOD’s position for the reasons given below.

By way of summary of my professional background and experience, I joined the Royal Navy (“RN”) in 1991 and have spent my career in Logistics, which is one of the three branches of the RN (the other two are Engineering and Warfare). In broad terms, Logistics are responsible for RN Logistics support and personnel administration.

I was promoted to Commander in 2017, and while in that rank I have undertaken a number of operational as well as staff positions, all within the military logistics domain. My final position before promotion was as the Fleet Logistics Officer, the professional head of the Logistics branch of the RN responsible for all logistics policy and capability.

On promotion to Captain Royal Navy in March 2024 I was appointed to my current post (as described above).

My current post comprises two aspects. As Deputy Naval Base Commander, I am second-in-command to the Naval Base Commander, the Head of Establishment. As Captain of the Base, I have particular responsibility for the security of HMNB Portsmouth. This includes ensuring and maintaining safe waterways around the base, so that training can be undertaken. I am not myself responsible for providing training, but I am responsible for providing the environment in which training can be safely undertaken.

I have reviewed information about the Proposed Development, including the OPEN witness statement of James Muncie, Deputy Director and Head of Counter Economic Threats: Security and Capability, in respect of the Proposed Development and am deeply concerned about the impact which it would have if development consent were to be granted.

It is my view based on my many years of professional experience that the Proposed Development, if it were to proceed, would clearly and unacceptably impede and compromise the safe and effective use of HMNB Portsmouth and operations there and in the surrounding area of the English Channel.

It would also clearly and unacceptably limit the necessary military training required for the safe and effective use of this defence asset.

I confirm this is true to the best of my knowledge and belief.

Yours sincerely

Capt Lee McLocklan RN