

From: Janet [REDACTED]
Sent: 25 February 2025 09:29
To: Aquind Interconnector <aquind@planninginspectorate.gov.uk>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: AQUIND Interconnector:- National Infrastructure Project

You don't often get email from [REDACTED]

AQUIND Interconnector Team

Unique Reference 20025182

Further to our e-mail to PINS of 30th March 2023 (see below) we submit the following comments explaining why HM Government should not support the granting of a Development Consent Order (DCO) to AQUIND for rights to use Portsmouth as an Interconnector "Landfall" option.

The first attachment shows the grant of Nationally Important Infrastructure Project (NSIP) status to AQUIND on 30th July by the Dep't for Business, Energy and Industrial Strategy (BEIS). The second, is a Joint Statement by Ofgem and CPRE dated 13th February 2025 indicating the Interconnector demand in France to be only 1GW and that Ofgem had rejected AQUIND's rights to a "Cap and Floor" regime.

Ofgem's assessment of November 2024:-

https://www.ofgem.gov.uk/sites/default/files/2024-11/Window_3_IPA_Decision.pdf at Para 5.33 says "NESO's analysis suggests that the introduction of AQUIND into the system would generate significant constraint costs. We consider the modelled increase in constraint costs generated by AQUIND is disproportionate and represents a risk to consumers." It rejects AQUIND out of concerns with the potential negative effect it has on the UK system.

If there is no benefit to the UK "system" from AQUIND, the "opinion" in July 2018 they be given NSIP status was a misunderstanding, ultimately leading to a misapplication of process.

As seen in the BEIS letter, energy related NSIPs were intended for generation projects and not for Interconnectors. The grant of AQUIND's NSIP appears to be for reasons of streamlining the consenting process (which the DCO regime allows). That misunderstanding narrowed the opportunities for proper stakeholder engagement (including with the likes of the Marine Management Organisation) and quite probably the MoD. That's because the Examining Authority is primarily concerned with ensuring NSIP's comply with National Policy Statement EN-1. EN-1 is an "Overarching" Statement for delivering major energy infrastructure:-

<https://assets.publishing.service.gov.uk/media/65bbfbd709fe1000f637052/overarching-nps-for-energy->

It is our view that had the usual Planning process been applied, the impracticality and unsuitability of Portsmouth as a landfall option, would have been obvious from the start.

Notwithstanding the use of the DCO regime, the MoD explained in their Statement of 22nd August, the AQUIND route impeded the capability of HMNB Portsmouth to operate functionally:-

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-005270-Ministry%20of%20Defence.pdf>. In addition, the MoD expressed national security concerns.

For obvious reasons we can't comment on national security matters but, as there are alternative routes to mitigate those threats, it makes no sense to persevere with Portsmouth as a landfall option.

It seems to us as if the Herbert Smith Freehill's response of 14th October 2024 to PINS:-

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN020022/EN020022-005280-AQUIND%20Interconnector%20->

[%20Applicant's%20Response%20to%20MoD%20Open%20Submissions%20-%202014.10.24.pdf](#)

is directing the Attorney General's attention toward "planning.related" Issues rather than national security. Firstly, the unimpeded operation of HMNB Portsmouth must be "planning.related" as otherwise, why is the UK planning system designed to engage with, and accommodate, stakeholder's reasonable concerns and interests? Secondly, any assumption he should adjudicate on the primacy of whether EN-1 "rules", override those of national security is flawed. If the Project neither benefits the UK or France, EN-1 "rules" are irrelevant.

It is unacceptable in any case for the commercial interests of Private Companies to assume they're "entitled" to primacy over "Defence of the Realm" interests in the UK.

AQUIND should not have been "entitled" to withhold commercially sensitive information in UK Courts either. In her Judgement of 23rd January 2023 Mrs Justice Lieven at the High Court (in response to AQUIND's challenge to DESNZ's rejection of their scheme), commented in paragraph 11, that neither the Court nor the Sec of State had sight of the National Grid Electricity Transmission's Feasibility Study "which.had.been.treated.as.confidential.throughout.the.process":- <https://www.judiciary.uk/wp-content/uploads/2023/01/Aquind-v-SSBEIS-2023-EWHC-98-Admin-24.1.2022-Lieven-J.pdf>

The Milton Neighbourhood Forum has already provided clear and substantive grounds to REFUSE the DCO. Nothing has changed. However, to ignore the MoD's request for REFUSAL is critical. The UK Government would, in effect, be failing in its duty to respect not just local concerns, but national interests too.

AQUIND's application for a DCO granting an Interconnector "Landfall" at Portsmouth should be REFUSED.

Rod Bailey, Milton Neighbourhood Planning Group &

Martin Silman, Chair of Milton Neighbourhood Forum

Representing the 14,000 residents of Milton, Portsmouth

With the full support & approval of all 6 Ward Councillors:-

Cllr. Gerald Vernon Jackson CBE

Cllr. Steve Pitt

Cllr. Kimberley Barrett

Cllr. Abdul Kadir

Cllr. Darren Sanders

Cllr. Leonie Oliver

25th February 2025

From: [REDACTED]

Sent: 30 March 2023 12:56

To: aquind@planninginspectorate.go.uk <aquind@planninginspectorate.go.uk>

Cc: [REDACTED]

<[REDACTED]>

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[REDACTED]

Subject: AQUIND Interconnector:- National Infrastructure Project

AQUIND Interconnector Team

Unique Reference 20025182

We in Portsmouth's Milton Neighbourhood Forum are opposed to the AQUIND Project.

The Neighbourhood Planning Forum previously wrote to you as an "Interested Party", the last time being 16th November 2021. We were subsequently notified by you of the Secretary of State's Decision Letter of 20th January 2022, referenced EN02002, to refuse the application.

The High Court Judgement of 24th January 2023 rejected the Sec of State's Decision. It was largely based on the SoS's failure to recognise that requesting a review of an alternative Substation site at Mannington had been made without due consideration of its capacity.

It's not easy to understand from the documentation what the capacity issue is or was. However, and more importantly, why the "Alternatives" for landfall consideration were reduced to an area from Weymouth to Bognor Regis.

The Environmental Statement (Vol 1 Chapter 2 "Consideration of Alternatives" p8) shows an arc from Pevensey Bay in East Sussex, northwards beyond Basingstoke, to Chesil Beach in the west. This arc is seen as "suitable" to appraise for connection points and acceptable to NGET. The arc misses entirely the Ninfield Converter Station in East Sussex. This is only four miles off the coast from Bexhill-On-Sea. It has a direct road link thereto. Bexhill is 7 miles from Pevensey. Ninfield is about seven miles from the arc.

In giving significant weight to the SoS's misunderstanding of Mannington's capacity or otherwise, the High Court has been distracted from the real issue. The real issue is that undersea cables are extremely expensive to service and maintain. AQUIND's case is that reducing cable lengths, both undersea and underground, will be critical to financial viability. All the proposed Converter Stations require upgrades to accommodate the new connection.

The real question should be:- "Why.is.the.Ninfield.Converter.Station.ignored.if.the.route.across.the.Channel.to.Bexhill.or.nearby?.is.so.much.shorter?f

The next question should be "Why.has.a.landfall.option.in.Portsmouth.been.selected.at.all.if.the.route.to.a.Converter.Station.at.Lovedean.from.the.City.is.so.obviously.disruptive?f

The applicant could have opted for a far easier and less disruptive route by using the former Hayling Island to Havant railway link, now a combined foot/cycle path and bridleway. Land and seabed adjacent to it had in the past, been used as an overhead Electricity cable route. Rights may still exist. The Public Right of Way is sufficiently wide

to accommodate plant and machinery equipment. The cable installation would be quicker and easier to maintain than under a public highway.

Using Portsmouth as a Landfall option has never been acceptable because of the huge social disruption and otherwise unnecessary environmental harm. Disruption and damage to the most densely populated City in the UK is entirely avoidable. Portsmouth City Council had proposed the Hayling trail as a feasible alternative in their submissions of 19th February 2020 and 30 September 2021, They have fully expressed the difficulties with Portsmouth also.

The rejection of Hayling Island seems to be based on difficulties around crossing a causeway to the Hampshire Mainland. That same requirement is also necessary from Portsmouth. The difference between Hayling Island to Lovedean and Portsmouth to Lovedean is so similar as to be insignificant. Compared to the distance between the French Coast and Ninfield, and the French Coast and Lovedean; the difference is vast.

It is also unacceptable to conceal within the Project, a secondary function to accommodate data cabling. It's a function not dependent on the Project's primary purpose. The Development Consent Order is for Energy Security. Data cabling for commercial export is irrelevant to energy security. The application is being misused.

The true motives of the applicant are questionable.

AQUIND's case for using Portsmouth seems to have shifted towards the time it has taken to get to this stage using time as a threat to the Project's viability. However, it was entirely within the gift of the AQUIND Project Team to have chosen an easier option and thereby achieve an earlier consent.

Increasing the UK's Energy Security may be justified on grounds of the "common good", but where is the cost/benefit analysis consistent with the Treasury Green book guidance in choosing Portsmouth over Bexhill, or Ninfield over Lovedean?

This Project seems to be seeking State approval on unacceptable grounds. Doing so in the context of private donations to Party Members within Government, is also unacceptable.

The application should be REFUSED.

Rod Bailey, Chair of Milton Neighbourhood Planning Group &

Martin Silman, Chair of Milton Neighbourhood Forum

Representing the 14,000 residents of Milton, Portsmouth

With the full support & approval of all 6 Ward Councillors:-

Cllr. Gerald Vernon Jackson CBE

Cllr. Steve Pitt

Cllr. Kimberley Barrett

Cllr. Abdul Kadir

Cllr. Darren Sanders

Cllr. Lynne Stagg

30th March 2023

DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE AQUIND INTERCONNECTOR

By letter to the Secretary of State received on 19 June 2018, AQUIND Limited formally requested that the Secretary of State exercise the power vested in him under section 35 of the Planning Act 2008 (“the Act”) to direct that the proposed UK elements of the AQUIND Interconnector (“the proposed Development”), as set out in the Direction request, be treated as development for which development consent under the Act is required.

The Secretary of State is satisfied that:

- The proposed Development is in the field of energy and will be wholly within England, waters adjacent to England out to the seaward limits of the territorial sea and the Renewable Energy Zone when completed;
- 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; and
- AQUIND Limited’s request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Act.

Having considered the details of AQUIND Limited’s proposals as set out in their letter of 19 June 2018, the Secretary of State decided to request further justification for the inclusion of certain requests that are outside of the usual direction process. This information was requested by the Secretary of State on 28 June 2018. A response was received on 3 July 2018, re-starting the statutory deadline of 28 days from the receipt of this further information.

The Secretary of State is of the view that the proposed Development by itself is nationally significant, for the reasons set out in the Annex below.

The Secretary of State has taken the decision within the conditions as required by sections 35A(2), (4) and (5) of the Act, and issues this Direction accordingly under sections 35(1) and 35ZA of the Act. The Secretary of State has decided that the additional requests sought in the letter for the section 35 Direction should not be included in this Direction as the Secretary of State considers that insufficient reasons were given for the Secretary of State to exercise the discretion in section 35ZA(5) in the manner requested.

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 doing so would assist in ensuring that the application was treated in a manner consistent with that which governs other applications for Nationally Significant Energy Projects considered under the Planning Act 2008.

THE SECRETARY OF STATE DIRECTS that the proposed Development, together with any development associated with it, is to be treated as development for which development consent is required.

The Secretary of State further directs in accordance with sections 35ZA(3)(b) and (5) of the Act that:

- An application for a consent or authorisation mentioned in section 33(1) or (2) of the Act for development identified in, or similar to that described in, the Request to the Secretary of State for Business, Energy and Industrial Strategy for a Direction under Section 35 of the Planning Act 2008 made by AQUIND Limited on 19 June 2018 is to be treated as a proposed application for which development consent is required; and
- That the Overarching National Policy Statement for Energy (EN-1) has effect in relation to an application for development consent under this Direction in a manner equivalent to its application to development consent for the construction and extension of a generating station within section 14(a) of the Act of a similar capacity as the proposed project so far as the impacts described in EN-1 are relevant to the proposed Development.

This Direction is given without prejudice to the Secretary of State's consideration of any application for development consent which is made in relation to the proposed Development.

Signed by



Head of Energy Infrastructure Planning

For and on behalf of the Secretary of State for Business, Energy and Industrial Strategy

30 July 2018

ANNEX

REASONS FOR THE DECISION TO ISSUE THE DIRECTION

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

- The two giga-watt capacity of the proposed Development is similar in terms of electrical capacity to a generating station that would qualify to be considered under the Planning Act 2008 process as nationally significant.
- By progressing the proposed Development through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified consenting process and fixed timescales.
- It will reduce the need to apply for separate consents from the Marine Management Organisation and local planning authorities.

Email: InterconnectorDelivery@ofgem.gov.uk

Date: 13th February 2025

To interested parties,

CRE, the French Energy Regulatory Commission, and Ofgem, Great Britain's (GB) independent energy regulator (hereinafter jointly referred to as the National Regulatory Authorities or **'the NRAs'**), have decided to release this joint statement to provide clarity to stakeholders and the industry on the current position regarding the opportunity for further electricity interconnection capacity to be built between France and the United Kingdom (UK).

France and the UK have been involved in an electricity partnership since the creation of the IFA interconnector in 1986, supplemented by IFA2 in 2021 and ElecLink in 2022, amounting to a total existing interconnection capacity of 4GW.

The NRAs regularly assess the opportunity to enable new interconnection capacity, in particular by estimating the costs and benefits that could be expected from such projects.

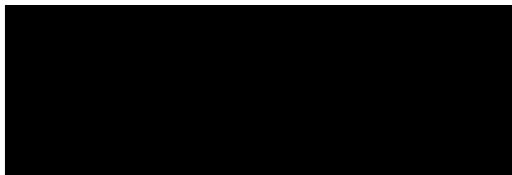
In the UK, Ofgem has granted regulatory approval to two additional projects between France and the UK. The projects, FAB Link and GridLink, were granted the cap and floor regime in principle in 2015 and 2018, respectively. In 2022, FAB Link underwent an updated needs-case review, concluding that the project was likely still in the interest of current and future GB consumers. In 2024, Ofgem rejected AQUIND's application for a cap and floor regime.

In France, RTE (Réseau de Transport d'Électricité, France's Transmission System Operator) provided CRE with its preliminary analysis of four projects between France and the UK in 2023 (ElecLink 2, FAB Link, GridLink and AQUIND). Subsequently, CRE published a study on the value of new interconnection capacity between the two countries and found that under certain conditions, a capacity of around 1GW of new interconnection could be beneficial for France. CRE's analysis highlighted that the benefits for France were insufficient compared to the costs of a new project if the costs and revenues were shared equally between the UK and France. Only a redistribution of costs between the two countries was likely to be considered acceptable for projects to proceed.

The NRAs have engaged in detailed discussions focused on the above to explore the potential for interconnection development opportunities between the UK and France. Given the recent cost escalation of HVDC cables and converters, and the current need to reinforce the national networks where congestion is anticipated, the NRAs have agreed that further discussions are needed. These discussions will consider (1) the conditions required to enable c.1GW of increased interconnector capacity between the UK and France, and (2) the issue of cost and revenue sharing between the two countries, with a view to publishing an updated joint statement on regulatory positions by the end of October 2025.

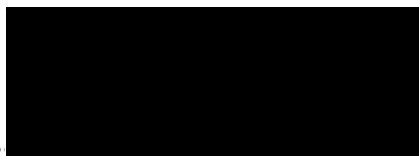
The NRAs have also committed to the prospect of conducting a joint study in the longer term, to further explore and establish the need for projects between the UK and France, and the potential cost sharing mechanisms for these projects. These processes will also be coordinated with the help of the relevant Transmission System Operators where required.

Yours sincerely,



Director, Major Projects

Signed on behalf of the Authority and duly authorised for that purpose



Présidente de la Commission de Régulation de l'Energie (CRE)