

David Wagstaff OBE
Head of Energy Planning & Cyber Policy
Department for Energy Security and Net Zero
1 Victoria Street
London SW1H 0ET

30th August 2023

Dear Mr Wagstaff,

Request for a Direction by the Secretary of State under Section 35 of Planning Act 2008 (PA 2008) relating to the Xlinks Morocco - UK Power Project.

This letter is sent on behalf of Xlinks 1 Ltd ("Xlinks") in relation to the project known as the Xlinks Morocco – UK Power Project ("the Project"). The Project is a generation project, dedicated to the UK, comprised of 11.5GW of renewable power (wind and solar) in Morocco, supported by battery storage with a two bi-pole HVDC system. It will deliver 3.6 Gigawatts (GW) of low carbon electricity to the UK's grid and will improve the security and diversity of the UK's electricity supply.

Xlinks is a privately funded UK company, which has been created to capture the power of nature to generate a near constant, low carbon energy supply and connect it to the point of consumption in real time.

The UK element of the Project comprises two converter stations, onshore high voltage direct current (HVDC) cables and offshore HVDC marine cables, high voltage alternating current (HVAC) cables connecting the convertor stations to a National Grid Electricity Transmission (NGET) substation located near Alverdiscott, in Devon, and other works required to build, maintain and operate the project (for ease of identification we shall refer to these elements as "the UK Project").

We explain in more detail on page 3 of this letter the elements of the UK Project that should be considered as 'Development' for which a Direction is sought. Essentially this is the two converter stations. The proposed 'Development' does not fall squarely within the existing PA 2008 definition of a 'nationally significant infrastructure project' (S.14 to S.30 PA 2008). As such, Xlinks respectfully invites the Secretary of State to exercise his powers under S.35 of the PA 2008 in respect of it. Xlinks believes that the two UK converter stations that will provide electricity in the form required to feed into the GB electricity transmission system will be of national significance and should be considered as development for which a Development Consent Order (DCO) is required.

We are aware that it is not the purpose of S.35 of the PA 2008 to define what might be properly included as 'associated development'. However, other elements of the UK Project are also likely to benefit from inclusion in a DCO made further to an application pursuant to PA 2008 as 'associated development' for the purposes of S.115 PA 2008. For clarity, we have also set out some of the considerations relating to this matter on page 4 of this letter.

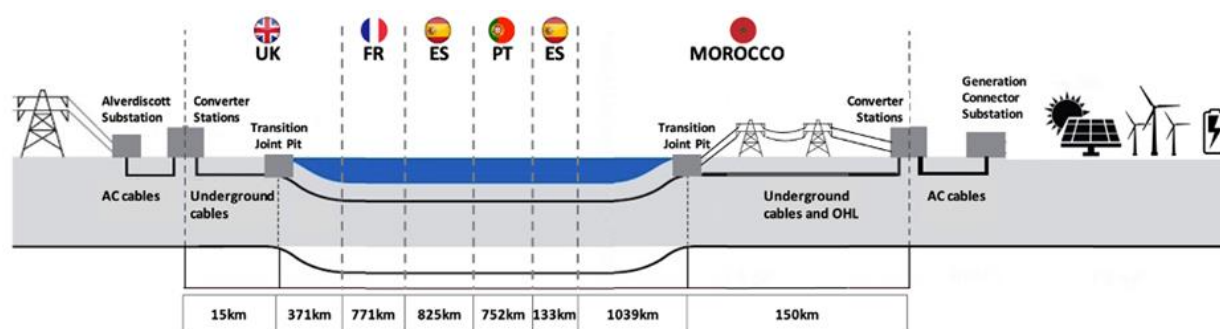
Onshore, the UK Project is located in the local authority areas of Torridge District Council (TDC) and Devon County Council (DCC). TDC is the relevant local planning authority and DCC is the relevant highway authority. Both TDC and DCC have been engaged to date and would be formal consultees under S.43(1) of PA2008. Xlinks has informally consulted with TDC on a number of matters relating to the UK Project since 2021. TDC has confirmed that it is supportive of the Secretary of State giving the requested direction, as set out in their letter of support (see Appendix A).

The Project

The Project will be a new electricity generation project entirely powered by 11.5GW of solar and wind energy combined with a battery storage facility. The generation assets will be located in Morocco and will cover an area of approximately 1,500 km², and the dedicated power will be delivered to the UK through two bi-poles, consisting of 4 HVDC cables, with an offshore route of approximately 3,800 km.

The Project will unlock the potential of dedicated, remote, renewable energy and enable the UK to diversify its energy supply, increase resilience and help support local and national carbon ambitions. The Project will provide a reliable supply of electricity that seeks to help address the needs of the GB power market, especially during periods of low offshore wind production around the UK. The Project will be entirely powered by solar and onshore wind energy combined with a battery storage facility. With the generation infrastructure located in Morocco, it will be capable of supplying 3.6 GW of power to the UK, meeting around 8% of the UK's electricity needs and helping the UK to meet carbon reduction commitments as well as diversifying and securing its energy supplies.

An overview of the Project is illustrated in the diagram below. It comprises an offshore route for the HVDC sub-sea cable circuits of approximately 3,800 km, together with shorter lengths of onshore electricity HVDC cable routes between new converter stations at each end, which are required to convert electricity from AC to DC and vice versa.

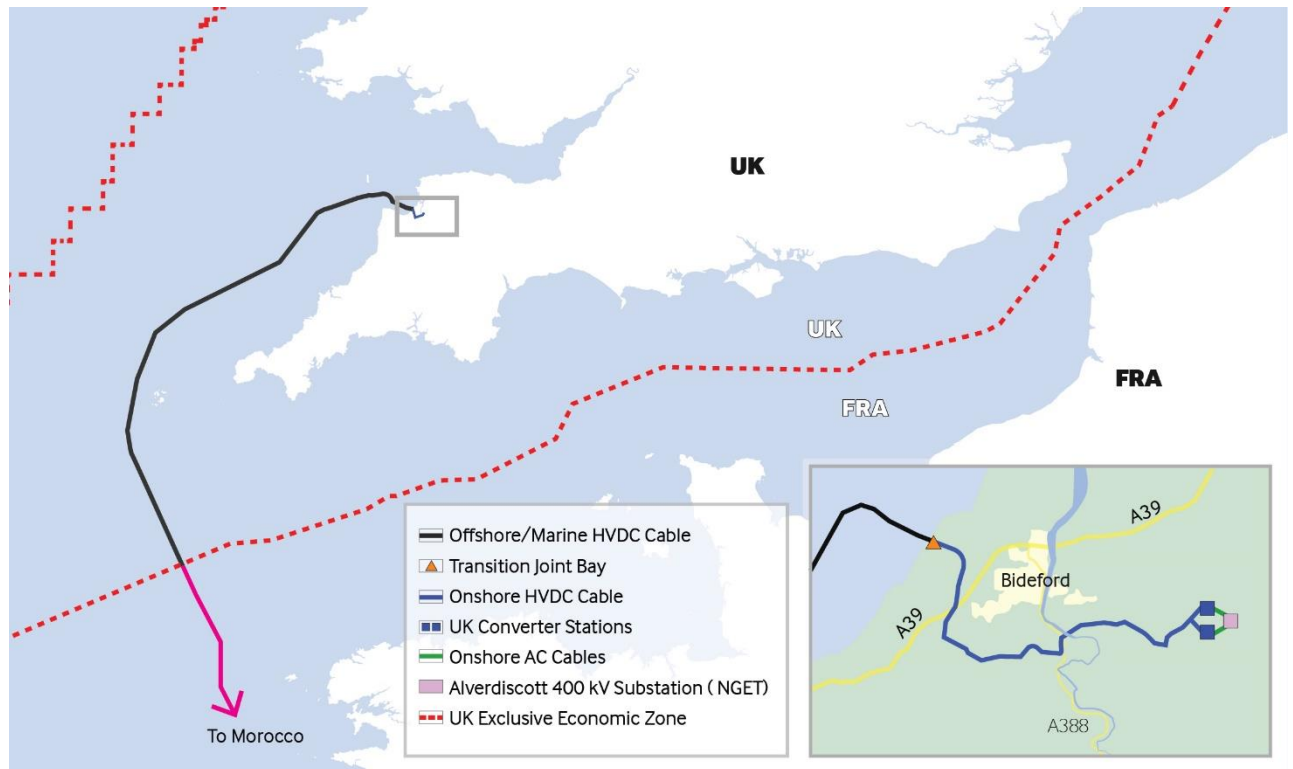


More specifically the Project comprises the following:

1. In Morocco, which is the 'Moroccan Onshore Scheme':
 - Generation assets comprising approximately 7.5 GW solar PV array, 4 GW wind turbine array and 22.5 GWh battery storage. In combination, and taking into account HVDC losses, generating 3.6 GW of power for the UK.
 - AC cables connecting the generation assets to the converter stations.
 - Converter stations to change electricity from AC to DC.
 - Onshore high voltage DC cables from the converter stations to the coast of western Morocco.
 - Transition joint to connect the onshore cables to the subsea cables.
 - The Project will only connect to the GB grid. It will not connect to the Moroccan grid.
2. In the sea (Morocco, Portugal, Spain, France and the UK) Exclusive Economic Zones (EEZ) and Territorial Waters (TW), which is the 'Offshore Scheme'.
 - Cable route of approximately 3,800 KM buried in the seabed or laid on the seabed with protection.
 - Of which approximately 371km are within UK waters.
 - The Project will not connect to the French, Portuguese or Spanish grids.
3. In the onshore administrative area of TDC:
 - Two converter stations to convert electricity from DC to AC electricity proposed on land immediately to the west of Alverdiscott 400KV substation, which will be screened from view by cut and fill earthworks and comprehensive landscaping.

- AC cables from the converter stations to the new equipment to be constructed by National Grid proposed within the curtilage of the Alverdiscott 400 KV substation for onward connection to the UK high voltage electricity transmission network.
- Offshore HVDC cables from Mean Low Water Springs to the Transition Joint Bay (“TJB”) proposed at landfall at Cornborough Range, approximately 2.5 kilometres south of Westward Ho! and 4 kilometres west of Bideford.
- Onshore HVDC cables from the TJB, via a route of approximately 14 kilometres, to the converter station site.

The UK Project is comprised of the parts of the Project within UK jurisdiction and within the scope of PA 2008. These are shown, schematically, in the figure below.



The onshore elements of the UK Project will cover an area of approximately 170 hectares in Devon, comprising approximately 30 hectares for the converter stations site and 140 hectares for cable routes. Other development may also be required for access, construction, operation and maintenance, including environmental mitigation and/or compensation measures.

The Project would, therefore, be a novel energy infrastructure project for the UK albeit it contains some of the physical elements of both interconnectors and offshore wind farms employing HVDC transmission, in that there are sub-sea cables connected to converter stations in the UK.

Development to which this request relates

Xlinks considers that the construction and operation of the two converter stations in the UK to convert and supply the electricity to the GB grid forms the development for which development consent should be required (“**the Development**” for the purposes of this request).

The Project is an innovative solution to meeting the UK’s net zero carbon goal and energy requirements; however, the elements which are not within the UK cannot be consented under the PA 2008. The converter stations are the most substantial elements of the UK Project in terms of built form and function and are the key elements of the UK Project delivering the electricity to GB and enabling electricity to be compatibly supplied to the GB transmission system. The converter stations are, therefore, the UK

elements of the Project that are comparable in form and function to those elements of other UK Nationally Significant Infrastructure Projects (NSIPs) in the field of electricity for which development consent is automatically required.

The Development (i.e. the converter stations) will facilitate the supply of 3.6GW of electricity for the UK and enable its delivery to the GB transmission system. This is vastly more electricity than the threshold for a generating station to be an NSIP by virtue of S.15 PA 2008 (50MW and 100MW for onshore and offshore generating stations, respectively).

Other elements of the UK Project may also benefit from inclusion in a DCO as “associated development” for the purposes of S.115 PA 2008. These elements include:

- The onshore HVDC cables from the TJB to the converter stations;
- The offshore HVDC cables and/or works to install the cables within the UK inshore territorial waters;
- Other works to facilitate the connection of the Project to the UK National Grid.

However, Xlinks does not consider these elements as development for which development consent should be required because these forms of development are more usually considered to be “associated development”¹. It is for applicants to decide whether to include something that could be considered as associated development in an application for development consent or whether to apply for consent for it via other routes².

Furthermore, parts of the offshore HVDC cables may not require a separate marine licence, being exempt under S.81 of the Marine and Coastal Access Act 2009, or might be dealt with more efficiently under a separate marine licence or licences³. Xlinks believes, therefore, that the parts of the HVDC system that should be included in the DCO should be determined as associated development in the same way that transmission works of this type are normally included in DCOs for other projects in the field of energy. Little purpose would be served by requiring development consent for parts of the project that would not otherwise require a licence (or consent) which would be the effect of requiring development consent for all elements of the UK Project. We have acknowledged that it is not for S.35 directions to determine what is properly considered as ‘associated development’ but this issue is important to defining the development to which the S.35 request does relate. Other projects that have been subject to S.35 directions have also adopted this approach, notably the Nautilus Interconnector and the Continental Link Multi-Purpose Interconnector.

Reasons to give the Direction

The proposed Development does not fall within the existing PA 2008 definition of a ‘nationally significant infrastructure project’ (S.14 to S.30 PA 2008). As such, Xlinks respectfully invites the Secretary of State to exercise his powers under S.35 of the PA 2008 in respect of it.

This letter is a qualifying request within the meaning of S.35ZA(11) of the PA 2008 as it specifies the development to which the request relates (i.e. the Development) and because the conditions in S.35(2)(a) and (b) PA 2008 are met in relation to the Development as follows:

1. Field of Energy (PA 2008 S.35(2)(a)(i))

The Development forms an integral and essential part of the UK Project (which itself forms part of the wider Project) which is in the field of energy, as it will enable a considerable amount of low carbon electricity to be exclusively supplied to the GB electricity network, as described above. The converter stations form an integral part of the technology that facilitates the supply of the energy to the GB grid.

¹ Annex A and Annex B of Planning Act 2008 - Guidance on associated development applications for major infrastructure projects. DCLG 2013 (the “Guidance”).

² Ibid. Page 4 (8) of the Guidance.

³ E.g. offshore cable protection requirements, some of which might become apparent later, nearer to installation.

2. Wholly in England (PA 2008 S.35(2)(b))

The request only relates to the Development which is wholly located within England.

National Significance (PA 2008 S.35(2)(c))

Xlinks considers the UK Project (and the proposed Development forming a part of it) to be of national significance for several reasons including:

- i) The UK Project is part of the Project which is large-scale in terms of the electricity generation capacity delivering 3.6GW of electricity to the GB grid. The UK Project is the relevant part of the Project for the purposes of PA 2008.
- ii) The Project (and the UK Project element) is in response to the pressing need for the UK to decarbonise its electricity network, which currently is overly reliant on gas power stations with a small number of coal-fired power stations as emergency back-up. In order to decarbonise its electricity supply network by 2050, the UK needs to act now to bring on stream more reliable and efficient low carbon energy sources and at scale.
- iii) The Project (and the UK Project element) will generate electricity to meet approximately 8% of the UK's electricity needs and as such will also help to secure and diversify electricity supply at a time when energy security and diversity is an increasing concern for the UK.
- iv) The Project is greater in scale than other projects that have been considered to be of national significance, including: AQUIND Interconnector; Continental Link Multi-Purpose Interconnector; LionLink Multi-Purpose Interconnector; Nautilus Interconnector; and Sea Link Reinforcement Project.
- v) The converter stations, proposed on land to the west of Alverdiscott electricity sub-station, will be substantial buildings located in the Devon countryside. Considerable amounts of "cut and fill" earthworks, combined with significant landscaping proposals, will be required to blend the Development into the rural landscape. It is important to ensure that these important buildings, and their effects, in combination with other elements of the Project, are given the correct level of consideration at a national level.
- vi) The amount of electricity generated by the Project (and delivered by the Development) will be considerably more than that of many generating stations that would fall within S.15 of PA 2008.

Xlinks also confirms that no previous application for a consent or authorisation mentioned in S.33(1) or (2) of PA 2008 has been made in relation to either the UK Project or the proposed Development forming part of it.

Approving this request under S.35 of the PA 2008 will ensure that the proposed Development is considered by the same decision maker as other relevant projects in England, such as those listed above. In addition, this may avoid any confusion amongst stakeholders that could result from different projects with similar features being considered under different consenting regimes (e.g. TCPA 1990) with differing processes and potentially different outcomes.

Also of importance to note is that the UK Government's stated vision is to ensure safe, secure and affordable power supplies for the future. This is set out in the overarching National Policy Statement (NPS) EN-1 (2011), which includes the following:

- Paragraph 2.2.16, EN-1 sets out that "about a quarter of the UK's generating capacity is due to close by 2018 and new low carbon generation is required which is reliable, secure and affordable." This paragraph also notes that "with the total investment requirement in the electricity sector alone estimated to be over £100 billion by the end of this decade, much more has to be done to unlock this investment".
- Paragraph 3.3.15 states that "In order to secure energy supplies that enable us to meet our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector."

Application of National Policy Statements

It is our view that Overarching National Policy Statement 1 (NPS EN-1) (and any updated version of NPS EN-1) should have effect in relation to the application and we seek Secretary of State's confirmation in the Direction.

Although when EN-1 was written (in 2011) the Project was not even considered, EN-1 does acknowledge that (3.2.2) *'We need to become less dependent on some forms of energy, as new and innovative low carbon technologies and energy efficiency measures are taken up ...'* and the urgent need for new NSIPs at 3.3.15 (as above).

The emerging version of NPS EN-1 (March 2023) is even more clear that new and innovative technologies are required. At 3.2.2 it acknowledges *'We need a range of different types of energy infrastructure to deliver these objectives. This includes the infrastructure described within this NPS but also more nascent technologies, data, and innovative infrastructure projects consistent with these objectives'*. Also, at 3.2.4 *'It is for industry to propose new energy infrastructure projects within the strategic framework set by government... the government does not consider it appropriate for planning policy to set limits on different technologies but planning policy can be used to support the government's ambitions in energy policy and other policy areas.'*

At paragraph 3.3.62 the emerging version of EN-1 (March 2023) also acknowledges that the need for secure, reliable and net-zero consistent electricity supply and the weight attached to it in the NPS should also apply to novel projects: *'Other novel technologies or processes may emerge during the life of this NPS, which are nationally significant and can help deliver our energy objectives. Where these deliver on our objectives, then such technologies or processes can be regarded as needed, and as such should be given substantial weight.'*

It is for the Secretary of State to determine whether the NPS has effect. If he were to then this would form an important part of the policy basis for consideration of the UK Project (including the Development) that is consistent with other energy NSIP projects. It would also mean that the UK Project would be required to be considered in accordance with policy that takes account of the national need for energy infrastructure, which the UK Project helps to address.

Conclusion

For the reasons set out above the proposed Development, which forms part of the larger-scale Project, is a proposal in the field of energy (PA 2008 S.35(2)(a)(i)); is wholly in England (PA 2008 S.35(2)(b)) and is of national significance (PA 2008 S.35(2)(c)).

This request is a qualifying application within the meaning of S.35ZA of the PA 2008. No previous request for consent or authorisation mentioned in S.33(1) or (2) of the PA 2008 has been made in relation to the proposed Development nor any element of the UK Project.

Accordingly, Xlinks respectfully invites the Secretary of State to direct that the UK Project is of national significance and that the proposed Development is treated as development for which development consent is required.

Yours sincerely

David Kelly

Development Director, Xlinks

Appendix A – Letter of support from Torridge District Council