

## **DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE CONTINENTAL LINK MULTI-PURPOSE INTERCONNECTOR BETWEEN THE UK AND NORWAY**

By letter to the Secretary of State received on 28 June 2021, National Grid Ventures formally requested that the Secretary of State exercise the power vested in him under section 35(1) of the Planning Act 2008 to direct that specific elements, as set out in the Direction request (“the proposed Development”), of the Continental Link Multi-Purpose Interconnector (“the proposed Project”) be treated as development for which development consent under the Planning Act 2008 is required. The Secretary of State sought further clarification from National Grid Ventures on 9 July 2021 to assist in deciding whether to give the Direction sought. Further clarification was received from National Grid Ventures on 22 July 2021.

The Secretary of State is satisfied that:

- The proposed Project is in the field of energy and development 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 Project 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(1) of the Planning Act 2008; and
- National Grid Ventures’ request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Planning Act 2008.

Having considered the details of National Grid Ventures’ proposals as set out in their letter of 28 June 2021, the further clarification provided by National Grid Ventures on 22 July 2021 and noting the views of East Riding of Yorkshire Council which support the Direction request, the Secretary of State is of the view that the proposed Project is nationally significant, for the reasons set out in the Annex below.

However, the Secretary of State considers that the approach of selecting specific elements of the proposed Project to be the proposed Development subject to this direction is not necessary at this stage. The Secretary of State considers that, when further details are available, and before submitting any application to The Planning Inspectorate, National Grid Ventures may wish to seek confirmation from the Secretary of State that the project and development which is the subject of the proposed application is the same as that for which the Direction is hereby given. Alternatively, that would be a matter to be considered by the examining authority when the application is made.

The Secretary of State has taken the decision within the conditions as required by sections 35A(2), (4) and (5) of the Planning Act 2008, and issues this Direction accordingly under sections 35(1) and 35ZA of the Planning Act 2008.

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, so far as is appropriate to the development for which development consent is sought. 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 UK section of the Continental Link Multi-Purpose Interconnector 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 Planning Act 2008 that:

- An application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act 2008 for the UK section of the Continental Link Multi-Purpose Interconnector 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, so far as the considerations and 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

Gareth Leigh  
Head of Energy Infrastructure Planning  
For and on behalf of the Secretary of State for Business, Energy and Industrial Strategy

18 August 2021

## **ANNEX**

### **REASONS FOR THE DECISION TO ISSUE THE DIRECTION**

The Secretary of State is of the opinion that the Direction should be issued because:

- The development forms the UK section of the proposed Project, known as the Continental Link Multi-Purpose Interconnector.
- The proposed Project is of national significance having taken into account in particular that it has a proposed capacity of 1800MW.
- By progressing the development through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified consenting process and fixed timescales.