

DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE LIGHTHOUSE GREEN FUELS PROJECT

By letter to the Secretary of State received on 7 October 2022, Lighthouse Green Fuels Limited (“the Applicant”) 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 the following elements of the Lighthouse Green Fuels Project as set out in the Direction request be treated as development for which development consent under the Planning Act 2008 is required: the main gasification facility (x4 gasifier units) to treat inputted waste; syngas clean-up apparatus; Fischer-Tropsch process units; hydro-processing units; sustainable aviation fuel product storage units; waste feedback storage silos; carbon capture units; high pressure and low pressure gas flares; pipelines to transfer final products from the main facility to the storage terminal and from the storage terminal to the existing inland rail/freight terminal, and a new CO₂ pipeline to connect the project to the proposed Net Zero Teesside carbon capture and storage infrastructure; and rail terminal development (“the Proposed Development”).

The Secretary of State is satisfied that:

- The Proposed Development is in the field of energy and development;
- The Proposed Development will be wholly within England and waters adjacent to England up 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(1) of the Planning Act 2008; and
- The Applicant’s request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Planning Act 2008.

The Secretary of State notes that the Proposed Development forms part of a wider proposal, with the wider proposal including a Combined Cycle Gas Turbine (“CCGT”) plant with a capacity of 150MW.

The Secretary of State notes that the main gasification facility element of the Proposed Development will produce sustainable aviation fuel used to power aeroplanes, and off-gases and naphtha for energy generation purposes. The Applicant anticipates that approximately 50% of the naphtha produced will be used to fire the second gas turbine within the CCGT plant mentioned above.

Having considered the details of the Applicant’s proposals as set out in their letter received on 7 October 2022 the Secretary of State is of the view that the Proposed Development is nationally significant; the reasons for this are included in the Annex below.

The Secretary of State considers that, if the details of the Proposed Development change, before submitting any application to The Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development that is the subject of the proposed application is the same as that for which the Direction is hereby given.

The Secretary of State has taken the decision within the conditions as required by sections 35A(2) 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 DIRECTS that the Proposed Development 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 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 the Applicant and received on 7 October 2022 for the Proposed Development is to be treated as a proposed application for which development consent is required.

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

A handwritten signature in black ink, appearing to read 'G. Leigh', is written over a light grey rectangular background.

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

25 October 2022

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 Proposed Development will use waste which it converts into energy / energy vectors;
- From the gasification and related processes the Proposed Development will produce:
 - 1) Sustainable Aviation Fuel (FT-SPK) to power aeroplanes, which is an energy vector to be used in the aviation industry as an alternative to kerosene fuel;
 - 2) Off-gases for energy generation purposes - the Fischer-Tropsch process also produces off-gases which are then directed to one of the two gas turbines within the on-site 150MW CCGT generating station, to produce electricity for the on-site processes;
 - 3) Naphtha for energy generation purposes – the Applicant anticipates that the second gas turbine within the generating station will be fired on on-site by-product liquid naphtha - approximately 50% of the produced naphtha will be used for this power generation purposes;
- On 19 July 2022 the government published its Jet Zero Strategy which sets out how the UK will achieve net zero in the aviation industry by 2050. The document also explains the ‘critical role [aviation] plays in boosting trade, tourism and travel’ in the UK. The Strategy states: sustainable aviation fuels are a key lever to accelerate the transition to Jet Zero, and represent an industrial leadership opportunity for the UK. The Proposed Development will make an important contribution to the aims set out in the Jet Zero Strategy;
- The urgent development of sustainable aviation fuel-producing facilities, like the Proposed Development, is of national and international significance in the pursuit of aviation sector decarbonisation so as to help the UK meet its statutory obligation to achieve net zero by 2050.