

Direction by the Secretary of State under Section 35 of the Planning Act 2008 relating to the Nautilus interconnector

By letter to the Secretary of State received on 4 March 2019, National Grid Ventures 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 onshore converter station (the proposed Development”) for the Nautilus Interconnector (“the proposed Project”), as set out in the Direction request, be treated as development for which development consent under the Act is required. The Secretary of State requested supplementary information from National Grid Ventures on 20 March 2019 to assist in deciding whether to give the Direction sought. Further information was received from National Grid Ventures on 4 April 2019.

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
- National Grid Ventures’ request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Act.

Having considered the details of National Grid Ventures’ proposals as set out in their letter of 4 March 2019 and noting the views of Suffolk Coastal District Council, and Suffolk County Council which support the request, the Secretary of State is of the view that the proposed Development forms part of the proposed Project which is nationally significant, for the reasons set out in the Annex below.

However, noting the details of the proposed Development contained in the request of 4 March 2019 reflect the fact that it is at a relatively early stage of development, 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.

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 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, 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 matters/development associated with it, is to be treated as development for which development consent is required or “associated development”.

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 National Grid Ventures on 4 March 2019 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 appropriately 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 interconnector, 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

29 April 2019

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 forms part of the proposed Project, known as the Nautilus Interconnector.
- The proposed Project is of national significance having taken into account in particular that it has a proposed capacity of 1400MW. That capacity is equivalent to the capacity of 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.