

DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE PROPOSED NET ZERO TEESSIDE PROJECT

By letter to the Secretary of State for Business, Energy and Industrial Strategy received on 25 November 2019, Oil and Gas Climate Initiative Climate Investment Holdings LLP ("the Applicant") formally requested that the Secretary of State should exercise the power vested in her under section 35 of the Planning Act 2008 ("the Act") to direct that certain elements of the proposed Net Zero Teesside project ("the proposed Project") specified in the letter ("the Specified Elements") should be treated as development for which development consent under the Act is required. The Specified Elements of the proposed Project are:

- A CO₂ gathering network, including the CO₂ pipeline connections from the proposed Combined Cycle Gas Turbine electricity generating station and industrial facilities on Teesside to transport the captured CO₂ (including the connections under the tidal River Tees);
- A CO₂ gathering/booster station to receive captured CO₂ from the gathering network; and
- A CO₂ transport pipeline for the onward transport of the captured CO₂ to a suitable offshore geological storage site. [This does not include the complete connection to the offshore storage site itself.]

The Secretary of State requested supplementary information from the Applicant on 20 December 2019 to assist in deciding whether to give the Direction sought. Further information was received from the Applicant on 24 December 2019.

The Secretary of State is satisfied that:

- The proposed Project is in the field of energy and will be wholly within England or waters adjacent to England out to the seaward limits of the territorial sea;
- The Specified Elements of the proposed Project do not currently fall within the existing definition of a "nationally significant infrastructure project" as defined in the Act and it is, therefore, appropriate to consider use of the power in section 35 of the Act; and,
- The Applicant's request constitutes a "qualifying request" in accordance with section 35ZA (11) of the Act.

Having considered the details of the Applicant's proposals as set out in its letters of 25 November 2019 and 24 December 2019, the Secretary of State is of the view that the Specified Elements form part of the proposed Project which 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.

In deciding to issue this Direction, the Secretary of State considers that, while the Direction under section 35 of the Act in respect of the Specified Elements of the proposed Project is granted, it would only apply to the Specified Elements in so far as they form part of the Net Zero Teesside project which includes a generating station that is a nationally significant infrastructure project as defined in the Act and as described in the Applicant's letter of 25 November 2019.

THE SECRETARY OF STATE DIRECTS that, subject to the proviso in the preceding paragraph, the Specified Elements, together with any matters/development associated with them, are 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 Oil and Gas Climate Initiative Climate Investment Holdings LLP is to be treated as a proposed application for which development consent is required;
- the Overarching Policy Statement for Energy (EN-1) has effect in relation to an application for development consent under this Direction in a manner appropriately equivalent 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 Project.

Signed by



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

17 January 2020

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 Specified Elements of the proposed Project when taken together with the other elements of the proposed Project as defined in the letter of 25 November 2019 are of national significance; and
- by progressing the proposed Project through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified, consenting process for the whole project within fixed timescales.