



Geoff Bullock  
DWD  
6 New Bridge Street  
London  
EC4V 6AB

T +44 (0)300 068 5686  
E [Keith.welford@beis.gov.uk](mailto:Keith.welford@beis.gov.uk)  
W [www.gov.uk](http://www.gov.uk)

Our ref:

20 December 2019

Dear Mr Bullock,

## **NET ZERO TEESSIDE: REQUEST FOR DIRECTION UNDER SECTION 35 OF THE PLANNING ACT 2008**

I refer to your letter of 25 November 2019 on behalf of Oil and Gas Climate Initiative Climate Investment Holdings LLP (“the Applicant”) to the Secretary of State requesting a direction under section 35 of the Planning Act 2008 (“the Act”) that certain specified elements that would form part of the proposed Net Zero Teesside project be considered to be development for which development consent is required.

The Secretary of State has been considering the request. In order to enable the Secretary of State to decide whether to give a direction and the terms on which any direction might be given, you are requested to provide on behalf of the Applicant further clarification on the proposed eventual application for development consent. In particular:

- *If the Secretary of State makes a direction under section 35 in respect of those parts of the project identified as not clearly being either a Nationally Significant Infrastructure Project (“NSIP”) in their own right (as defined in s14 of the Act) or associated development, then it may be possible for an application to be made under the Act for consent limited to just that infrastructure which is covered by the section 35 direction. Does the Applicant agree or is there any functional interdependence between the current NSIP/associated development infrastructure and the section 35 infrastructure which would mean that that situation could never arise?*
- *In the event that it is possible for that part of the project which would be the subject of the section 35 direction to be brought forward separately and in the absence of the other elements of the project, the Secretary of State requests the Applicant’s opinion on whether, in those circumstances, the section 35 infrastructure would still be within the field of energy.*

The Secretary of State has decided, therefore, in accordance with section 35A(4)(b) to request that the supplementary information is provided within 14 days from the date of this letter. The Secretary of State will then have 28 days to determine the request for a section 35 direction from the point that the requested information is received.

This letter is without prejudice to the Secretary of State's final decision on the section 35 direction request of 25 November 2019.

Yours sincerely

**KEITH WELFORD**  
Energy Infrastructure Planning