

## **DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE HYNET NORTH WEST HYDROGEN PIPELINE**

By letter to the Secretary of State received on 16 May 2022, Cadent Gas Limited formally requested (“the direction request”) that the Secretary of State should exercise the power vested in him under section 35(1) of the Planning Act 2008 to direct that the HyNet North West Hydrogen Pipeline (“the proposed Project”) as set out in the direction request be treated as development for which development consent under the Planning Act 2008 is required.

In its direction request, Cadent Gas Limited requested a direction in respect of the following elements of the proposed Project:

Hydrogen Production Facility – Western Corridor;  
Storage Facility – Southern Corridor;  
Eastern Corridor;  
Pilkington Leg A – Northern Corridor;  
Pilkington Leg B – Northern Corridor; and  
Up to 12 Hydrogen Above Ground Installations.  
Pipeline Spurs

The Secretary of State is satisfied that:

- The proposed Project is in the field of energy and will be wholly within England;
- The proposed Project is of national significance when considered on its own and with one or more projects in its field (but see below);
- The proposed Project in its entirety does not currently fall within the existing definition of a “nationally significant infrastructure project” and it is appropriate, therefore, to consider use of the power in section 35(1) of the Planning Act 2008; and
- Cadent Gas Limited’s direction request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Planning Act 2008.

Having considered the details of the direction request as set out in Cadent Gas Limited's letter of 16 May 2022, supplemented by the information in its letter of 8 June 2022, the Secretary of State is of the view that the following elements of the proposed Project (as set out in the letter of 16 May 2022) are nationally significant for the reasons set out in the Annex below:

Hydrogen Production Facility – Western Corridor;  
Storage Facility – Southern Corridor;  
Eastern Corridor;  
Pilkington Leg A – Northern Corridor;  
Pilkington Leg B – Northern Corridor; and  
Up to 12 Hydrogen Above Ground Installations.

The Secretary of State has decided that the ‘Pipeline Spurs’ which formed part of the direction request should not benefit from a Direction under section 35 of the Planning Act 2008.

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

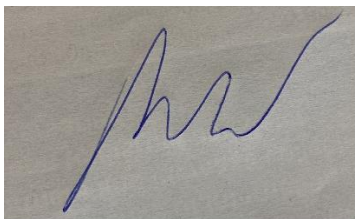
THE SECRETARY OF STATE DIRECTS that the HyNet North West Hydrogen Pipeline (excluding the Pipeline Spurs) is to be treated as development for which development consent is required.

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 Cadent Gas Limited on 16 May 2022 for the HyNet North West Hydrogen Pipeline is to be treated as a proposed application for which development consent is required.
- To the extent that any consultation carried out by the applicant prior to the date of this direction complies with the requirements of Part 5 of the Act (or any legislation made under that Part), those consultation requirements shall be treated as having been complied with notwithstanding that the consultation was carried out prior to the date of this direction.

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

A handwritten signature in blue ink, appearing to be 'DW', is written on a light-colored background.

David Wagstaff  
Deputy Director, Energy Planning Policy

For and on behalf of the Secretary of State for Business, Energy and Industrial Strategy

5 July 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:

- Those parts of the proposed Project which are the subject of the Direction are of national significance, taking into account that it is a large-scale hydrogen distribution project of up to 125km in length.
- The proposed Project will play an important role in enabling an energy system that meets the UK's commitment to reduce carbon emissions and the Government's objectives to create a secure, reliable and affordable energy supply for consumers.
- By progressing the proposed Project through the Planning Act 2008 development consent process, it would provide a fixed timescale for determining any application for development consent that might be brought forward and would allow a single assessment process to be utilised by the Applicant.
- The Pipeline Spurs are not considered to be nationally significant because they are local infrastructure. There are alternative consenting routes for the Pipeline Spurs, including as associated development in any application for development consent made in respect of the proposed Project under the Planning Act 2008.