

## **DIRECTION BY THE SECRETARY OF STATE UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE CORY DECARBONISATION PROJECT**

By letter to the Secretary of State received on 12 September 2022, Cory Environmental Holdings Limited (“Cory”) 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 Cory Decarbonisation Project set out in the Direction request (“the Proposed Project”) be treated as development for which development consent under the Planning Act 2008 is required.

The Secretary of State is satisfied that:

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

In coming to this conclusion, the Secretary of State notes that the Proposed Project relates to the construction of post combustion carbon capture, storage and transfer equipment; and the construction of hydrogen facilities and thus sits within one of qualifying infrastructure fields listed in section 35(2)(a)(i) – energy - of the Planning Act.

The Secretary of State notes that the Proposed Project encompasses the following elements:

A Carbon Capture and Storage Project:

- Carbon Capture Equipment including:
  - Heat Exchange Plant and associated cooling facilities;
  - Chemical Regenerator Plant;
  - Chemical Absorber Plant; and
  - Carbon Processing and Conditioning Plant;
- Carbon storage facilities; and

A Hydrogen Project:

- Hydrogen production facilities including:
  - Electrolyser;
  - Transformer Rectifiers;
  - Water Treatment Plant; and
  - Hydrogen Drying and Compression Plant.

as set out together under the “The Proposed Projects of National Significance” in Annex 1 of the letter from Cory dated 12 September 2022 (together “the PNS developments”)

- the delivery of “associated development” (within the meaning of section 115(1)(b) of the Planning Act including, but not limited to, jetty facilities, dredging, hydrogen storage facilities, temporary working sites, temporary and

permanent utilities and highway diversions and environmental mitigation ("the associated development to the PNS developments"); and

- ancillary matters ("the ancillary development to the PNS developments")

all as detailed in Cory's letter to the Secretary of State received on 12 September 2022.

Having considered the details of Cory's proposals as set out in their letter of 12 September 2022 the Secretary of State is of the view that the proposed Project is nationally significant, for the reasons set out in the Annex below.

The Secretary of State considers that, if the details of the PNS developments change, before submitting any application to The Planning Inspectorate, Cory may wish to seek confirmation from the Secretary of State that the Project and 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 PNS developments 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 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 Cory on 12 September 2022 for the Proposed Project 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



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

6 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:

- Both the carbon capture and storage and hydrogen elements of 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.
- The carbon capture element of the Proposed Project would provide and support the decarbonisation of energy from waste derived CO<sub>2</sub> emissions in the UK, delivering over a million tonnes of CO<sub>2</sub> savings per annum, and supporting the achievement of a fully de-carbonised district heating network that crosses local authority areas. The Secretary of State does not consider that, in this case, the carbon capture element of the Proposed Project constitutes an extension of the generating station.
- The hydrogen element of the Proposed Project would provide and support the production of viable hydrogen facilities that would enable the provision of regular hydrogen supply to heavy goods vehicles and vessels as both forms of transport seek to decarbonise, and will make an important contribution to the overall 5GW target set out in the Hydrogen Strategy.
- By progressing the development through the Planning Act 2008 development consent process, it would provide the certainty of a single, unified consenting process and fixed timescales.