

HOPE MOOR WIND FARM – REQUEST FOR SECTION 35 DIRECTION SUPPORTING STATEMENT

1. BACKGROUND

- 1.1. This statement is prepared by Fred. Olsen Renewables Ltd (Company Registration Number: 13633932) (the '**Applicant**') as a qualifying request for a direction from the Secretary of State ('**SoS**') for Energy Security and Net Zero under section 35 of the Planning Act 2008 (the '**2008 Act**') for the Hope Moor Wind Farm to be treated as development for which development consent is required.
- 1.2. Hope Moor Wind Farm is a proposed onshore wind farm project in England with a generating capacity of approximately 100MW (the '**Proposed Development**'). The final generating capacity is to be confirmed following further environmental, technical and engineering surveys. It is anticipated that the Proposed Development could generate at least 100MW of renewable energy.
- 1.3. The Proposed Development will be located on an area of open moorland to the south of Barnard Castle and north of Richmond (as shown edged red on the accompanying indicative location plan) (the '**Proposed Site**'). The Proposed Site comprises approximately 1130 ha and straddles the border between the Durham County Council and North Yorkshire Council administrative areas. The Applicant has engaged with both authorities on the proposed consenting approach for the Proposed Development, and so far, has received a letter of support from Durham County Council. This letter endorses the Applicant's decision to seek a section 35 direction under the 2008 Act and recognises the need for this renewable energy infrastructure. A copy of the letter is attached to this application.
- 1.4. The Proposed Site is located to the east of Yorkshire Dales National Park and southeast of the North Pennines National Landscape. Extensive baseline surveys have been undertaken and are ongoing, including peat, ecological and ornithological surveys. The Applicant and its consultants are considering the Habitats Regulations Assessment and exploring potential compensatory measures.

2. THE PROPOSED DEVELOPMENT

- 2.1 The design for the Proposed Development is actively underway and the Applicant intends to carry out non-statutory consultation in Q3 2025. A request for a Scoping Opinion pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 is anticipated to be submitted in late 2025.

2.2 The results of the ongoing environmental, engineering and technical surveys as well as consultation feedback will inform the final design for the Proposed Development and the number of turbines brought forward as part of the application.

2.3 The Proposed Development is anticipated to include:

- An onshore wind turbine generating station with a gross electrical output capacity of at least 100MW, including:
 - Wind turbine generators
 - Concrete foundations
 - Transformers; and
 - Underground electrical cabling.
- Associated development including but not limited to:
 - Crane pads;
 - Access tracks and site access;
 - Access routes for construction vehicles;
 - Street works to mitigate overrun and oversail;
 - Substation;
 - Grid connection infrastructure;
 - Anemometry mast(s);
 - Borrow pit(s);
 - Services;
 - Temporary construction and storage compound(s) and ancillary infrastructure;
 - Temporary construction gatehouse;
 - Drainage and drainage attenuation measures;
 - Environmental and ecological mitigation;
 - Environmental enhancement works; and
 - Other temporary and permanent associated works.

3. NEED FOR A SECTION 35 DIRECTION

3.1 Section 15 of the 2008 Act currently excludes onshore generation stations which generate electricity from wind as Nationally Significant Infrastructure Projects ('NSIP'). However, the Government has confirmed its intention to return onshore wind development to the NSIP regime in England, at a threshold of 100MW. As set out in more detail in section 4.2.15 below, the recently made Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 (the '**2025 Order**'), which will come into force on 31 December 2025, will amend section 15 of the 2008 Act to include onshore wind developments exceeding 100MW in England. For completeness, no application for a consent or authorisation referenced in s33(1) or (2) 2008 Act has been made in relation to the Proposed Development.

3.2 In relation to the previous policy position on onshore wind, paragraph 3.3.23 of the Overarching National Policy Statement ('NPS') for Energy ('EN-1') states that applications "for onshore wind of

all sizes should be consented outside of the 2008 Act process, unless the SoS directs otherwise under section 35 of the 2008 Act”.

3.3 However, as set out in more detail below, the Government recently consulted on proposed revisions to EN-1 and the NPS for Renewable Energy Infrastructure (**‘EN-3’**) (the consultation closed on 29 May 2025). The draft updates provide for the proposed changes to section 15 of the 2008 Act and strengthen the process for delivering major new infrastructure in England and Wales, reinforcing the Government’s ambition to deliver Clean Power by 2030 and net zero. Onshore wind projects which are above the 100MW threshold would therefore be an NSIP for the purposes of the 2008 Act once the 2025 Order comes into force and the revised NPSs will apply to relevant applications once designated.

3.4 It is understood that there will be a transitional window until the end of 2025 which does not preclude requests being made by developers for projects to be potentially directed into the NSIP regime under section 35 of the 2008 Act.

4. REQUEST FOR SECTION 35 DIRECTION

4.1 Section 35 Considerations:

4.1.1 Under section 35 of the 2008 Act, the SoS may give a direction for development to be treated as development for which development consent is required.

4.1.2 The conditions under which such a direction can be made are that:

- a) The development must either be, or form part of, a project in the fields specified in section 35(2)(a);
- b) The development will be in an area set out in section 35(3) (s.35(2)(b)); and
- c) The SoS considers that the project is of national significance, either by itself or when considered with one or more other projects or proposed projects in the same field (s.35(2)(c)).

4.1.3 In accordance with section 35 of the 2008 Act, the Proposed Development is:

- a) A proposed project in the field of energy, as the Proposed Development will generate electricity (s.35(2)(a)(i));
- b) Located in England (s.35(2)(b));
- c) A proposed project of national significance for the reasons set out in this supporting statement (s.35(2)(c)).

4.1.4 Section 4.2 sets out the reasons why the Proposed Development is of national significance.

4.1.5 Section 6 sets out further directions which are requested pursuant to section 35ZA(5). The Applicant respectfully requests that these specific requests are considered in the SoS’ decision and welcomes the adoption of its proposed draft Direction.

4.2 Justification for the section 35 direction request

4.2.1 Paragraph 3.2.11 of NPS EN1 states that:

“where an energy infrastructure project is not covered by sections 15-21 of the Planning Act 2008 but is considered to be nationally significant, there is a power under section 35 of the Planning Act 2008...for the Secretary of State, on request, to give a direction that a development should be treated as a nationally significant infrastructure project for which development consent is required.”

4.2.2 Paragraph 3.2.12 of NPS EN1 states:

“In these circumstances any application for development consent would need to be considered in accordance with this NPS. In particular:

- where the application is for electricity generation infrastructure not covered by sections 15-21 of the Planning Act, the Secretary of State should give substantial weight to the need established at paragraphs 3.3.4 to 3.3.7 of this NPS...”

4.2.3 If the SoS decides to make a section 35 direction in respect of the Proposed Development, the Applicant requests that the direction would confirm that the SoS must have regard to and decide the Development Consent Order (‘DCO’) application in accordance with NPSs EN-1 and EN-3. This would reflect the Government’s intention that onshore wind projects are to be brought within the NSIP regime.

4.2.4 Paragraphs 3.3.20 and 3.3.21 of NPS EN1 state that:

“Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.”

4.2.5 Paragraph 4.2.4 of NPS EN-1 establishes that there is a critical national priority (‘CNP’) for the provision of nationally significant low carbon infrastructure. Low carbon infrastructure for the purposes of this policy includes all onshore renewable generation which includes the Proposed Development.

4.2.6 In considering whether a project is of national significance, the SoS will consider all relevant matters, including:

- a) whether a project is likely to have a significant economic impact, or is important for driving growth in the economy; and
- b) whether a project is of a substantial physical size.

- 4.2.7 The Proposed Development is a complex and high value infrastructure project of a substantial size as it will enable the generation of approximately 100MW of renewable energy to supply to grid.
- 4.2.8 The Development will ultimately drive growth in the economy as it will generate between £100.5 million and £148.8 million of investment into the UK, thereby providing significant national and regional benefits.
- 4.2.9 A section 35 direction will enable the Applicant to commence the pre-application stages of the DCO process as soon as possible instead of having to wait until the 2025 Order comes into force at the end of 2025. This will speed up delivery in line with the Government's 2030 ambitions.
- 4.2.10 The Proposed Development requires a number of consents and powers which can be included within the ambit of a DCO. This includes not just planning consent, but also requirements in relation to traffic regulation and management (which are necessary for the construction phase), authorisation for street works, as well as approvals for building control.
- 4.2.11 In addition, in the event the Applicant is unable to acquire all necessary land or rights by voluntary agreement with landowners (for example, in respect of access or grid connection infrastructure), the Applicant would need to seek to secure compulsory acquisition powers to ensure the deliverability of the Proposed Development. A direction under s35 would help to ensure that such powers of compulsory acquisition may be sought and, if justified, included within the DCO.
- 4.2.12 Without a section 35 direction, a compulsory purchase order would need to be promoted separately under the Electricity Act 1989 and without the benefit of the timelines prescribed by the 2008 Act. This has the potential to lead to additional costs and delays that could otherwise be avoided and to hinder the urgent deployment of renewable energy capacity to the national grid.
- 4.2.13 It would also be necessary to secure a range of other statutory powers, permissions, consents and licenses in relation to the Proposed Development. Such consents would need to be sought from different consenting bodies with different timescales if the Proposed Development is not consented by DCO. This would cause a fragmented approach to consenting for the Proposed Development which would introduce uncertainty, risk and the potential for delay to a project providing much needed renewable energy infrastructure. A section 35 direction would provide a single authorisation process under a DCO, streamlining the consenting process in line with Government's ambitious targets.

- 4.2.14 In general terms, the policy statement (which relates to business and commercial developments) also indicates that it is relevant if a project has an impact across an area wider than a single local authority area. Whilst not applicable to this application, it is considered this underlying principle further supports the making a direction in this case on the basis that the Proposed Development crosses two administrative boundaries, further exacerbating the potential issues identified in the paragraph above.
- 4.2.15 The Applicant notes the newly made 2025 Order which re-introduces onshore wind commencing from 31 December 2025. The Applicant wishes to receive certainty in relation to the regime prior to that date, and considers that the 2025 Order confirms that the Proposed Development should be considered a project of national significance. In addition, the grant of a direction would grant the Proposed Development the benefit of the provisions of the 2008 Act and the ability to progress pre-application stage prior to the 2025 Order having effect and would also provide the Local Planning Authorities, Durham County Council and North Yorkshire Council clarity on their role in relation to the Proposed Development.

5. UK GOVERNMENT LEGAL OBLIGATIONS AND POLICY

- 5.1 The need for the Proposed Development and by extension the consequential justification for the Proposed Development as being of national significance is clear given the country's prioritisation of low carbon infrastructure established by NPS EN-1 and EN-3 and as underpinned by the UK Government's legal obligations and policy commitments. The justification is further supported by the draft revisions to NPS EN-1 and EN-3 which make it clear that onshore wind is a critical part of the Government's Clean Power by 2030 ambition.
- 5.2 The Climate Change Act 2008 introduced a legally binding climate change mitigation target for the UK to reduce its greenhouse gas emissions by 80% by 2050, compared to 1990 levels. This was amended to a legally binding target of 100% by 2050 through The Climate Change Act 2008 (2050 Target Amendment) Order 2019. The Committee on Climate Change's (the CCC) sixth carbon budget (running from 2033-2037), which will require a 78% reduction in emissions by 2035, was introduced in April 2021.
- 5.3 In Clean Power 2030 Action Plan: A new era of clean electricity (December 2024), the Government stated that "successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK, reflecting the shared renewable ambitions of the UK, Scottish and Welsh Governments. In this plan, we are accepting Government's central role in steering the creation of this new energy system, setting our expectations for the 2030 capacities of key technologies at national and regional level. We have high ambition. That means...27-29 GW of onshore wind..., significantly reducing our fossil-fuel dependency" (page 10).

- 5.4 The Action Plan goes on to say that “all routes to a Clean Power system will require mass deployment of offshore wind, onshore wind, and solar” (page 28).
- 5.5 Page 56 of the Action Plan states that the Government is “reintroducing onshore wind into the NSIP regime at a new threshold of 100 MW...This will ensure the planning system is efficient with appropriate routes available that are proportionate to a project’s scale, impact and complexity”.
- 5.6 As a large-scale renewable energy project of proven technology, the Proposed Development will make a substantial contribution to securing the delivery of the Government’s renewable energy strategy and achieving the legally binding emissions reduction targets.
- 5.7 The Applicant intends to provide environmental enhancement works within the Proposed Site to support the approach established by NPS EN-1 that development provides environmental and biodiversity net gain. These measures also bolster the Government’s 25 Year Environment Plan to restore and create wild-life rich habitats alongside development.

6. REQUEST FOR ADDITIONAL DIRECTIONS

- 6.1 Under section 35ZA(5)(a), the SoS has the power to direct that a provision is to have effect in relation to the application, or proposed application. The Applicant requests, should he be minded to grant the direction, that the SoS uses this power to direct that section 104 of the 2008 Act shall have effect in relation to the application for the Proposed Development, such that NPSs (EN-1 and EN-3) will apply in relation to the Proposed Development. This will ensure there is no question about the status of the NPSs noting that the updated draft NPSs make clear that they apply to onshore wind development. This would be consistent with a number of precedented directions (see, for example, the directions made in respect of the Aquind Interconnector,¹ the Nautilus Interconnector,² Net Zero Teesside,³ all of which direct the relevant NPS to have effect in relation to the respective developments). The Applicant considers that precedent should be followed here to provide clarity and certainty for all parties as to the effect of the NPSs.
- 6.2 Under section 35ZA(5)(b) of the 2008 Act, when giving a direction under section 35ZA(3), the SoS can direct that provisions under the 2008 Act can be treated as having been complied with. The Applicant requests, should he be minded to grant the direction, that the SoS uses this power to direct that the Applicant has complied with provisions of sections 42 and 47 of the 2008 Act. These provisions relate to the duty to carry out statutory consultation. These provisions are proposed to be repealed under the Planning and Infrastructure Bill (the ‘Bill’), currently going through Parliament. The Applicant acknowledges that the Bill is not yet enacted but makes this request on the basis that (i) it is likely that the Bill will be enacted, (ii) the effect of the direction would be consistent with Government policy, (iii) such a direction would allow the Applicant to

¹ [Microsoft Word - Section 35 Direction notice AQUIND Interconnector 30July2018](#)

² [EN020023-000001-Section 35 Direction notice - National Grid Ventures - Nautilus Interconnector.pdf](#)

³ [Net Zero Teesside Section 35 Direction](#)

more effectively forward manage its proposed consenting program and (iv) the Proposed Development would not be subject to any duty to consult on a statutory basis if it was not directed into the regime. The Written Ministerial Statement explaining the change sets out that:

“...Reforming lengthy pre-application consultation requirements will on average halve time taken to prepare applications - saving around £1bn for industry... Developers currently spend significant time and money on long, technical documents resulting in communities feeling fatigued and confused, which is a direct result of overly complex planning rules that are leaving working people deprived of the things their areas need to thrive. It also disincentivises developers making improvements to projects for fear of having to re-consult, even if in the community’s best interest”

- 6.3 The Applicant emphasises that it is committed to effective engagement with the local communities. The Applicant intends to carry out a comprehensive consultation with local authorities and is committed to pursuing thorough engagement with stakeholders and third parties who have interest in land impacted by the Proposed Development.
- 6.4 However the Applicant considers the exceptional circumstances of a project being directed in, at this stage, would benefit from the certainty of being clear which statutory requirements apply to it. If this additional direction were not granted, the Proposed Development would potentially have to carry out unnecessary and costly document production on a precautionary basis even when those requirements are to be repealed (as is anticipated, and consistent with Government policy), or instead have to await certainty before proceeding thereby delaying the Proposed Development.

7. CONCLUSION

- 7.1 In summary, a section 35 direction is sought for the Proposed Development because it meets the legal tests and is of national significance for the following reasons:
- It comprises a large scale, complex and high value infrastructure project; it is CNP infrastructure and will deliver substantial renewable energy, which is urgent and essential to deliver the UK’s legally binding decarbonisation targets and to contribute to security of supply.
- 7.2 A section 35 direction in respect of the Proposed Development would reflect the Government’s intention to bring onshore wind projects within the scope of the NSIP regime. There are major benefits to consenting the Proposed Development via the DCO regime, where:
- The Energy NPSs can be given appropriate consideration and weight in the decision-making process; and

- The timetabling certainty will allow the Applicant to commence pre-application activities now instead of waiting for the proposed amendments to the 2008 Act to be brought into force.

Project:

Title:

Key

Notes:

Scale @ A3 1:30,000

Coordinate System: British National Grid
© Crown Copyright and Database Rights 2025
Ordnance Survey Licence 0100031673

Prepared by: KW
QA: EH

Date: 21/07/2025
Version: Final

Drawing by:
Fred Olsen Renewables Ltd
Ochil House
Sprinkerse Business Park
Stirling FK7 7XE
Fred. Olsen Renewables

Proposed Hope Moor Wind Farm

S35 Direction: Site Location

Indicative Site Boundary

Local Authority Administrative Boundary

1. where a line recorded in the key demarcates a boundary on this plan, the boundary edge is the outside edge of the line.

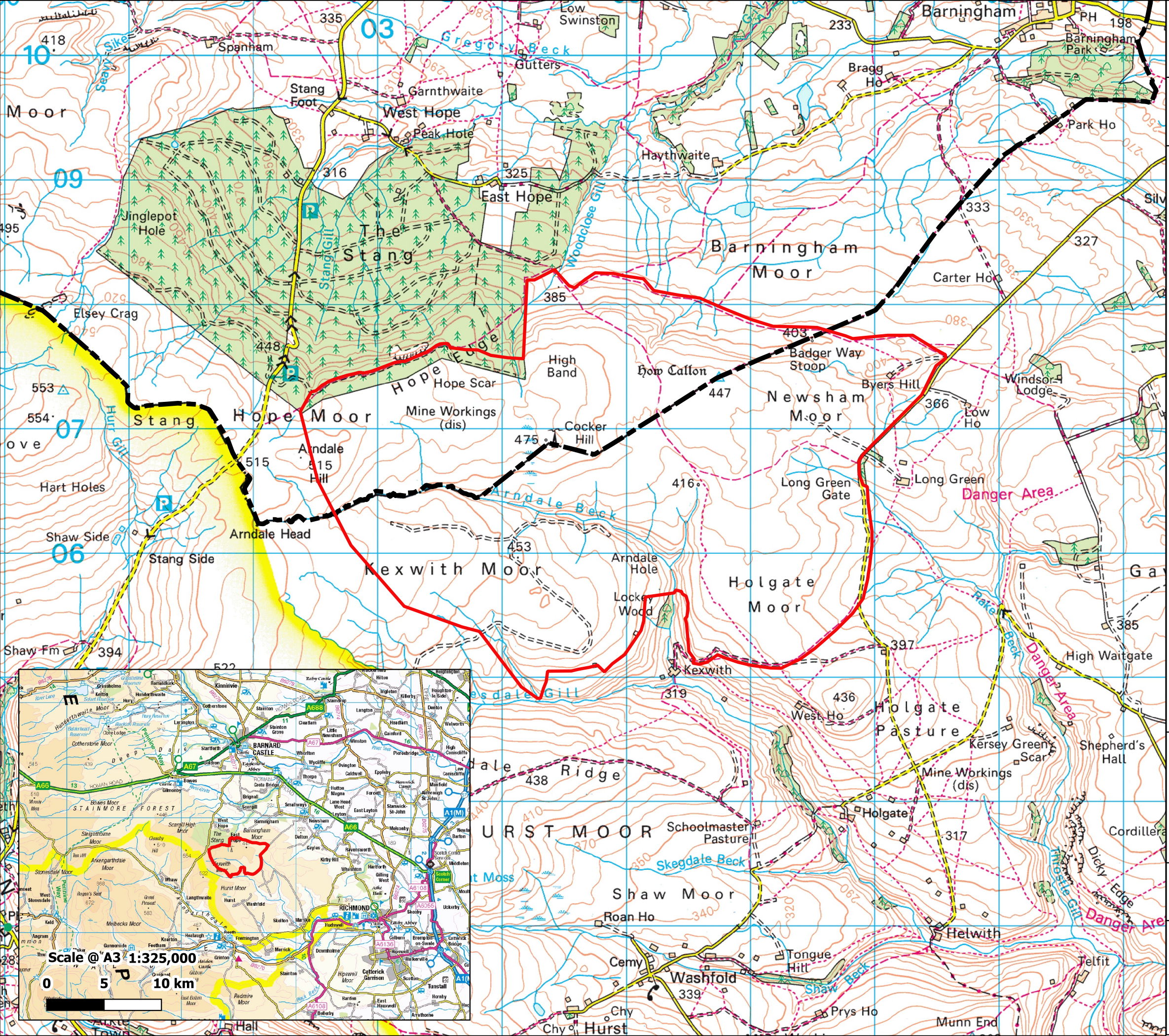
2. where a line or feature recorded in the key of this plan is also shown as a line or feature by the Ordnance Survey, and that line or feature is located in a different position on the ground than shown by the Ordnance Survey, then the line or feature shall be deemed to follow the position as existing on the ground.

3. this plan should be used for identification purposes only, unless specifically above or in accompanying documentation.

4. Fred Olsen Renewables Ltd accepts no responsibility for the accuracy of data supplied by third parties.

01 km2 km

0 1 2 km



Contact:
Direct Tel:
email: chris.shields@durham.gov.uk
Your ref:
Our ref:

