

**DIRECTION BY THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO (“THE SECRETARY OF STATE”) UNDER SECTION 35 AND SECTION 233(2) OF THE PLANNING ACT 2008 RELATING TO THE FERRYBRIDGE CARBON CAPTURE AND STORAGE PROJECT**

**ORIGINALLY GRANTED ON 20 FEBRUARY 2024, VARIED ON 16 APRIL 2024 FOLLOWING AN APPLICATION TO VARY RECEIVED ON 19 MARCH 2024**

1. By letter to the Secretary of State received on 29 January 2024, Enfinium Limited (“the Applicant”) formally requested that the Secretary of State exercise the power vested in her under section 35(1) of the Planning Act 2008 to direct that the proposed Ferrybridge Carbon and Capture Storage Project (“the Proposed Project”) be treated as development for which development consent under the Act is required.
2. The Proposed Project contains the following elements as set out in Appendix A of the Direction request:
  - the construction and operation of Carbon Capture Equipment including up to two: absorber column(s), stripper column(s), flue gas cooling/heat exchanger(s), solvent cooling/heat exchanger(s), flue gas re-heater(s), and Carbon Processing and Conditioning Plant(s) (together “the PNS development”);
  - the delivery of “associated development” (within the meaning of section 115(2) of the Act) which may include, but is not limited to, associated pipework, cables and ductwork, and associated above ground installation, improvements to the existing a rail head, internal and external modifications to the existing Ferrybridge 1 and 2 energy from waste facilities, carbon storage equipment, temporary and permanent utilities and drainage works, biodiversity and landscape mitigation and temporary work sites; and
  - ancillary matters (section 120(3) of the Act).
3. The Secretary of State is satisfied that—
  - The Proposed Project is within one of the qualifying infrastructure fields listed in section 35(2)(a)(i) (energy) and that the Proposed Project will be wholly within England;
  - The Proposed Project does not 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 Act; and
  - The Applicant’s request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Act.
4. Having considered the details of the Applicant’s proposals as set out in their letter of 29 January 2024, and having noted that the City of Wakefield Metropolitan District Council supports the request, the Secretary of State concludes that the Proposed Project is nationally significant, for the reasons set out in the Annex below.
5. The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development that is the subject of the proposed application is the same as that for which the Direction is hereby given.

6. The Secretary of State has taken the decision within the conditions as required by sections 35A(2) and (5) of the Act, and issues this Direction accordingly under sections 35(1), 35ZA and 233(2) of the Act.
7. THE SECRETARY OF STATE DIRECTS that the PNS development is to be treated as development for which development consent is required.
8. 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 or similar to that described in the qualifying request to the Secretary of State for Energy Security and Net Zero for a direction under section 35 of the Act made by Enfinium Limited on 29 January 2024 for the PNS development is to be treated as a proposed application for which development consent is required.
9. 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

John Wheadon  
Head of Energy Infrastructure Planning Delivery  
For and on behalf of the Secretary of State for Energy Security & Net Zero

16 April 2024

## **ANNEX**

### **REASONS FOR THE DECISION TO ISSUE THE VARIED DIRECTION**

The Secretary of State is of the opinion that the Direction should be issued because—

- The Proposed Project is of national significance as the Carbon Capture Equipment will enable the existing Ferrybridge energy from waste NSIP facilities to meet 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 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 carbon capture and storage facility would provide and support the decarbonisation of the largest energy from waste site in the UK, with the potential to deliver over a million tonnes of CO<sub>2</sub> savings per annum, equating to 6.5% of the government's annual carbon capture and storage ambition.
- Progressing the development through the Planning Act 2008 development consent process would provide the certainty of a single, unified consenting process and fixed timescales. This is particularly important considering the existing Electricity Act 1989 and Planning Act 2008 consents for the Ferrybridge F1 and F2 energy waste from facilities respectively, and the potentially complex interaction that any subsequent consent could require with them.

**DIRECTION BY THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO (“THE SECRETARY OF STATE”) UNDER SECTION 35 OF THE PLANNING ACT 2008 RELATING TO THE FERRYBRIDGE CARBON CAPTURE AND STORAGE PROJECT**

1. By letter to the Secretary of State received on 29 January 2024, Enfinium Limited (“the Applicant”) formally requested that the Secretary of State exercise the power vested in her under section 35(1) of the Planning Act 2008 to direct that the proposed Ferrybridge Carbon and Capture Storage Project (“the Proposed Project”) be treated as development for which development consent under the Act is required.
2. The Proposed Project contains the following elements as set out in Appendix A of the Direction request:
  - the construction and operation of Carbon Capture Equipment including up to two: absorber column(s), stripper column(s), flue gas cooling/heat exchanger(s), solvent cooling/heat exchanger(s), flue gas re-heater(s), and Carbon Processing and Conditioning Plant(s);
  - the delivery of “associated development” (within the meaning of section 115(2) of the Act) which may include, but is not limited to, associated pipework, cables and ductwork, and associated above ground installation, improvements to the existing a rail head, internal and external modifications to the existing Ferrybridge 1 and 2 energy from waste facilities, carbon storage equipment, temporary and permanent utilities and drainage works, biodiversity and landscape mitigation and temporary work sites; and
  - ancillary matters (section 120(3) of the Act).
3. The Secretary of State is satisfied that—
  - The Proposed Project is within one of the qualifying infrastructure fields listed in section 35(2)(a)(i) (energy) and that the Proposed Project will be wholly within England;
  - The Proposed Project does not 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 Act; and
  - The Applicant’s request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Act.
4. Having considered the details of the Applicant’s proposals as set out in their letter of 29 January 2024, and having noted that the City of Wakefield Metropolitan District Council supports the request, the Secretary of State concludes that the Proposed Project is nationally significant, for the reasons set out in the Annex below.
5. The Secretary of State considers that if the details of the Proposed Project change, before submitting any application to the Planning Inspectorate, the Applicant may wish to seek confirmation from the Secretary of State that the development that is the subject of the proposed application is the same as that for which the Direction is hereby given.
6. The Secretary of State has taken the decision within the conditions as required by sections 35A(2) and (5) of the Act, and issues this Direction accordingly under sections 35(1) and 35ZA of the Act.

7. THE SECRETARY OF STATE DIRECTS that the Proposed Project is to be treated as development for which development consent is required.
8. 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 or similar to that described in the qualifying request to the Secretary of State for Energy Security and Net Zero for a direction under section 35 of the Act made by Enfinium Limited on 29 January 2024 for the Proposed Project is to be treated as a proposed application for which development consent is required.
9. 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

John Wheadon  
Head of Energy Infrastructure Planning  
For and on behalf of the Secretary of State for Energy Security & Net Zero

20 February 2024

## **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 Proposed Project is of national significance as the Carbon Capture Equipment will enable the existing Ferrybridge energy from waste NSIP facilities to meet 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 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.
- As a carbon capture and storage facility, the Proposed Project would provide and support the decarbonisation of the largest energy from waste site in the UK, with the potential to deliver over a million tonnes of CO<sub>2</sub> savings per annum, equating to 6.5% of the government's annual carbon capture and storage ambition.
- Progressing the development through the Planning Act 2008 development consent process would provide the certainty of a single, unified consenting process and fixed timescales. This is particularly important considering the existing Electricity Act 1989 and Planning Act 2008 consents for the Ferrybridge F1 and F2 energy waste from facilities respectively, and the potentially complex interaction that any subsequent consent could require with them.