

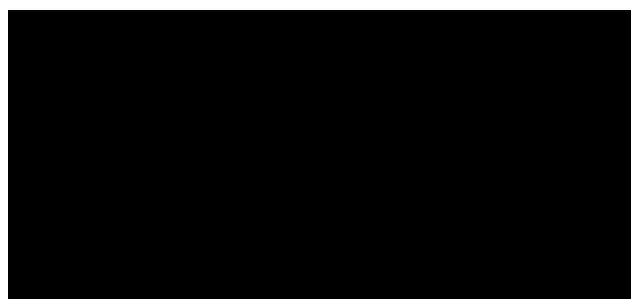


DIRECTION BY THE SECRETARY OF STATE FOR ENERGY SECURITY AND NET ZERO (“THE SECRETARY OF STATE”) UNDER SECTION 35 OF THE PLANNING ACT 2008 (AS AMENDED) RELATING TO THE H2NORTHEAST PROJECT

1. By email to the Secretary of State received on 30 October 2024, Burges Salmon on behalf of H2NorthEast Limited formally requested (“the Direction request”) that the Secretary of State exercise the power vested in him under section 35(1) of the Planning Act 2008 (as amended) to direct that the H2NorthEast Project as set out in the Direction request, be treated as development for which development consent under the Planning Act 2008 is required.
2. The following elements of the H2NorthEast Project constitute the “Proposed Project” for the purposes of this direction:
 - Hydrogen production facility (phase one) comprising a hydrogen production facility of 355 MW thermal;
 - Hydrogen production facility (phase two) comprising an increase in the capacity of the aforementioned hydrogen production facility by approximately 710 MW to a total capacity of 1,065 MW thermal; and
 - Hydrogen distribution pipelines that do not constitute nationally significant infrastructure projects (NSIPs) under the Planning Act 2008. These will supply hydrogen to various offtakers within the surrounding area, such pipelines to be utilised in association with the hydrogen production plant. The hydrogen pipelines will run up to tie-in points with the relevant offtaker (likely to be, but not necessarily having to be) at each offtaker’s site boundary. Any works beyond the tie-in points will be progressed separately by the relevant offtaker and are not the subject of this direction.
3. The Secretary of State is satisfied that—
 - a. The Proposed Project is in the field of energy and will be wholly within England or waters adjacent to England up to the seaward limits of the territorial sea and in the Renewable Energy Zone when completed;
 - b. The Proposed Project is of national significance;
 - c. 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 Planning Act 2008; and
 - d. The Direction request constitutes a “qualifying request” in accordance with section 35ZA(11) of the Planning Act 2008.
4. Having considered the details of the Direction request, the Secretary of State is of the view that the Proposed Project is nationally significant, for the reasons set out in the Annex below. For the avoidance of doubt, if the hydrogen distribution pipelines do constitute NSIPs, the Secretary of State is satisfied that the hydrogen production plant is still on its own nationally significant.

5. The Secretary of State considers that, if the details of the Proposed Project materially change, before submitting any application to The Planning Inspectorate, H2NorthEast Limited 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 primary deadline, 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.
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 Planning Act 2008 that an application for a consent or authorisation mentioned in section 33(1) or (2) of the Planning Act 2008 is to be treated as a proposed application for which development consent is required, and National Policy Statements (NPSs) EN-1, EN-3 and EN-5 will apply in relation to any application for development consent under this Direction insofar as these NPSs are relevant to the application.
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



David Wagstaff OBE

Deputy Director, Energy Infrastructure Planning Delivery

For and on behalf of the Secretary of State for the Department for Energy Security and Net Zero

22 November 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, taking into account that it is a large-scale hydrogen production facility with a capacity of 1,065 megawatt (MW) or more thermal.
- 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 H2NorthEast Project.