

PLANNING ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 3: Nationally Significant Infrastructure Projects

Section 14: Nationally Significant Infrastructure Projects: General

80. Subsection (1) lists the categories of project which are “nationally significant infrastructure projects” for the purposes of the Act. Further details of these categories are given in subsequent sections in Part 3.
81. Subsection (3) of section 14 enables the Secretary of State to make an order which amends the categories of nationally significant infrastructure project. This power is subject to the limitation in subsection (5) that new types of project may be added only if they are projects for the carrying out of works in the fields of energy, transport, water, waste water or waste, and if the works are to be carried out in the areas specified in subsection (7).

Section 15: Generating Stations

82. This section states the circumstances in which the construction or extension of a generating station will be a nationally significant infrastructure project. The expression “generating station” has the same meaning as in section 36 of the Electricity Act 1989.

Section 16: Electric lines

83. This section describes the circumstances in which the installation of an electric line above ground will be a nationally significant infrastructure project. The expression “electric line” has the same meaning as in section 37 of the Electricity Act 1989.

Section 17: Underground gas storage

84. This section describes situations where development relating to the underground storage of gas will be a nationally significant infrastructure project.
85. To avoid disturbing the devolution settlement, section 17 provides for decisions on developments in Wales by persons other than gas transporters to continue to be taken by Welsh Ministers under the Town and Country Planning Act 1990 (which is referred to in these notes as “TCPA 1990”). However, projects in Wales which would previously have been considered by the UK Government Minister under section 4 of the Gas Act 1965 are included in this category of nationally significant infrastructure project.

Sections 18 and 19: LNG facilities/ Gas reception facilities

86. These sections provide that the construction or alteration of a facility for the import of liquid natural gas or other natural gas is a nationally significant infrastructure project if specified requirements are met as to the storage capacity or flow rate of the facility.

Section 20: Gas transporter pipe-lines

87. This section describes circumstances in which the construction of a pipe-line by a gas transporter licensed under the Gas Act 1986 is a nationally significant infrastructure project.

Section 21: Other pipe-lines

88. This section sets out the circumstances in which the construction of a pipe-line other than by a gas transporter is a nationally significant infrastructure project. The section avoids disturbing the devolution settlement under which pipe-lines wholly situated within Scotland require consent from Scottish Ministers under section 1 of the Pipe-lines Act 1962.

Section 22: Highways

89. This section sets out the circumstances in which highway-related development is a nationally significant infrastructure project. The following are relevant highway-related development-:
- construction of a highway which is to form part of the Strategic Road Network (that is, a highway in England for which the Secretary of State will be the highway authority)
 - improvement of a highway which forms part of the Strategic Road Network (but only where the improvement is likely to have a significant impact on the environment)
 - construction or alteration by the Secretary of State of a highway in England for a purpose connected with the Strategic Road Network

Section 23: Airports

90. This section sets out the circumstances in which airport-related development is a nationally significant infrastructure project. Construction and alteration of an airport is included within this category if a specified minimum passenger or cargo capacity is expected to be reached. Increases in permitted use of an airport are also covered by this category if a minimum capacity increase would be reached.
91. Currently, planning permission under TCPA 1990 is needed for airport developments. To avoid disturbing the devolution settlement, Welsh Ministers will retain their existing powers to determine applications for new airports or extensions in their territory, while applications relating to nationally significant airport projects in England will be determined under the new regime.

Section 24: Harbour facilities

92. This section sets out the circumstances in which the construction or alteration of harbour facilities is a nationally significant infrastructure project. Thresholds consisting of expected capacity thresholds apply.

Sections 25 and 26: Railway and Rail Freight interchanges

93. These sections set out the circumstances in which the construction or alteration of a railway or a rail freight interchange is a nationally significant infrastructure project. Only railways and rail freight interchanges which would be situated wholly in England are included.

*These notes refer to the Planning Act 2008 (c.29)
which received Royal Assent on 26 November 2008*

Sections 27 and 28: Dams and reservoirs and transfers of water resources

94. These sections set out the circumstances in which the construction or alteration of a dam or reservoir or development relating to the transfer of water resources is a nationally significant infrastructure project. Only projects in England are included.

Section 29: Waste water treatment plants

95. This section sets out the circumstances in which the construction or alteration of a waste water treatment plant is a nationally significant infrastructure project. Only projects in England are included.

Section 30: Hazardous waste facility

96. This section sets out the circumstances in which the construction or alteration of a hazardous waste facility is a nationally significant infrastructure project. Only projects in England are included.