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STATUTORY INSTRUMENTS

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**2023 No. 778**

**The Boston Alternative Energy Facility Order 2023**

**PART 6**

**MISCELLANEOUS AND GENERAL**

**Planning permission, etc.**

**42.**—(1) If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the construction, maintenance, use or operation of that development under the terms of the planning permission does not constitute a breach of the terms of this Order.

(2) Development consent granted by this Order is to be deemed as specific planning permission for the purposes of section 264(3) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act.

(3) Development consent granted by this Order is to be treated as planning permission in accordance with Part 3 (control over development) of the 1990 Act for the purposes of regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012<sup>(1)</sup> and the Forestry Act 1967<sup>(2)</sup>.

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(1) S.I. 2012/605.  
(2) 1967 c. 10.