



Planning Act 2008

2008 CHAPTER 29

PART 3

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

Energy

15 **Generating stations**

- (1) The construction or extension of a generating station is within section 14(1)(a) only if the generating station is or (when constructed or extended) is expected to be within subsection (2) or (3).
- (2) A generating station is within this subsection if—
 - (a) it is in England or Wales,
 - [^{F1}(aa) it does not generate electricity from wind,]
 - (b) it is not an offshore generating station, and
 - (c) its capacity is more than 50 megawatts.
- (3) A generating station is within this subsection if—
 - (a) it is an offshore generating station, and
 - (b) its capacity is more than 100 megawatts.
- (4) An “offshore” generating station is a generating station that is—
 - (a) in waters in or adjacent to England or Wales up to the seaward limits of the territorial sea, or
 - (b) in a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

Textual Amendments

- F1** S. 15(2)(aa) inserted (5.3.2016) by [The Infrastructure Planning \(Onshore Wind Generating Stations\) Order 2016 \(S.I. 2016/306\)](#), arts. 1(2), 3 (with arts. 5-8)

Status: Point in time view as at 05/03/2016.

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Commencement Information

II S. 15 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 4(a)** (with **art. 6**)

16 Electric lines

- (1) The installation of an electric line above ground is within section 14(1)(b) only if (when installed) the electric line will be—
 - (a) wholly in England,
 - (b) wholly in Wales,
 - (c) partly in England and partly in Wales, or
 - (d) partly in England and partly in Scotland, subject to subsection (2).
- (2) In the case of an electric line falling within subsection (1)(d), the installation of the line above ground is within section 14(1)(b) only to the extent that (when installed) the line will be in England.
- (3) The installation of an electric line above ground is not within section 14(1)(b)—
 - (a) if the nominal voltage of the line is expected to be less than 132 kilovolts, ^{F2}...
 - [^{F3}(aa) if the length of the line (when installed) will be less than two kilometres,
 - (ab) if—
 - (i) the line will replace an existing line,
 - (ii) the nominal voltage of the line is expected to be greater than the nominal voltage of the existing line (but see subsection (3A)),
 - (iii) the height above the surface of the ground of any support for the line will not exceed the height of the highest existing support or support which is being replaced by more than 10 per cent, and
 - (iv) where the line is to be installed in a different position from the existing line, the distance between any new support and the existing line will not exceed 60 metres and the existing line will be removed within twelve months from the date on which the installation of the line which replaces it is complete,]
 - (b) to the extent that (when installed) the line will be within premises in the occupation or control of the person responsible for its installation [^{F4}, or
 - (c) if section 37(1) of the Electricity Act 1989 (consent required for overhead lines) does not apply to it by virtue of the Overhead Lines (Exemption) (England and Wales) Regulations 2009 ([S.I. 2009/640](#)), as amended by the Overhead Lines (Exempt Installations) (Consequential Provisions) Order 2010.]

[^{F5}(3A) Paragraph (ab)(ii) of subsection (3) (condition that nominal voltage of line expected to be greater than nominal voltage of existing line) does not apply if any part of the line (when installed) will be within a European site or an SSSI.]

[^{F6}(4) In this section—

“European site” has the same meaning as in the Conservation of Habitats and Species Regulations 2010 ([S.I. 2010/490](#));

“existing line” means an electric line which—

- (a) has been installed or is kept installed above ground in accordance with a consent granted under section 37(1) of the Electricity Act 1989 or an order granting development consent; or

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- (b) has been installed above ground and is an electric line to which section 37(1) of the Electricity Act 1989 does not apply by virtue of—
- (i) paragraph 5(4) or (5) of Schedule 17 to that Act, or
 - (ii) the Overhead Lines (Exemption) (England and Wales) Regulations 2009 (S.I. 2009/640), as amended by the Overhead Lines (Exempt Installations) (Consequential Provisions) Order 2010;
- “premises” includes any land, building or structure;
“SSSI” means a site of special scientific interest notified under sections 28 to 28D of the Wildlife and Countryside Act 1981.]

Textual Amendments

- F2** Word in s. 16(3)(a) omitted (1.3.2010) by [The Overhead Lines \(Exempt Installations\) Order 2010 \(S.I. 2010/277\)](#), arts. 1, **2(a)**
- F3** S. 16(3)(aa)(ab) inserted (18.6.2013) by [The Planning Act 2008 \(Nationally Significant Infrastructure Projects\) \(Electric Lines\) Order 2013 \(S.I. 2013/1479\)](#), arts. 1, **2(a)** (with art. 3)
- F4** S. 16(3)(c) and word inserted (1.3.2010) by [The Overhead Lines \(Exempt Installations\) Order 2010 \(S.I. 2010/277\)](#), arts. 1, **2(b)**
- F5** S. 16(3A) inserted (18.6.2013) by [The Planning Act 2008 \(Nationally Significant Infrastructure Projects\) \(Electric Lines\) Order 2013 \(S.I. 2013/1479\)](#), arts. 1, **2(b)** (with art. 3)
- F6** S. 16(4) substituted (18.6.2013) by [The Planning Act 2008 \(Nationally Significant Infrastructure Projects\) \(Electric Lines\) Order 2013 \(S.I. 2013/1479\)](#), arts. 1, **2(c)** (with art. 3)

Commencement Information

- I2** S. 16 in force at 1.3.2010 by [S.I. 2010/101](#), art. 4(a) (with art. 6)

17 Underground gas storage facilities

- (1) Development relating to underground gas storage facilities is within section 14(1)(c) only if the development is within subsection (2), (3) or (5).
- (2) Development is within this subsection if—
- (a) it is the carrying out of operations for the purpose of creating underground gas storage facilities in England, or
 - (b) it is starting to use underground gas storage facilities in England, and the condition in subsection (4) is met in relation to the facilities.
- (3) Development is within this subsection if—
- (a) it is starting to use underground gas storage facilities in Wales,
 - (b) the facilities are facilities for the storage of gas underground in natural porous strata,
 - (c) the proposed developer is a gas transporter, and
 - (d) the condition in subsection (4) is met in relation to the facilities.
- (4) The condition is that—
- (a) the working capacity of the facilities is expected to be at least 43 million standard cubic metres, or
 - (b) the maximum flow rate of the facilities is expected to be at least 4.5 million standard cubic metres per day.

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- (5) Development is within this subsection if—
- (a) it is the carrying out of operations for the purpose of altering underground gas storage facilities in England, and
 - (b) the effect of the alteration is expected to be—
 - (i) to increase by at least 43 million standard cubic metres the working capacity of the facilities, or
 - (ii) to increase by at least 4.5 million standard cubic metres per day the maximum flow rate of the facilities.
- (6) “Underground gas storage facilities” means facilities for the storage of gas underground in cavities or in porous strata.
- (7) In this section—
- “maximum flow rate”, in relation to underground gas storage facilities, means the maximum rate at which gas is able to flow out of the facilities, on the assumption that—
- (a) the facilities are filled to maximum capacity, and
 - (b) the rate is measured after any processing of gas required on its recovery from storage;
- “working capacity”, in relation to underground gas storage facilities, means the capacity of the facilities for storage of gas underground, ignoring any capacity for storage of cushion gas.
- (8) In subsection (7) “cushion gas” means gas which is kept in underground gas storage facilities for the purpose of enabling other gas stored there to be recovered from storage.

Commencement Information

I3 S. 17 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 4\(a\)](#) (with [art. 6](#))

18 LNG facilities

- (1) The construction of an LNG facility is within section 14(1)(d) only if (when constructed) the facility will be in England and—
 - (a) the storage capacity of the facility is expected to be at least 43 million standard cubic metres, or
 - (b) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.
- (2) The alteration of an LNG facility is within section 14(1)(d) only if the facility is in England and the effect of the alteration is expected to be—
 - (a) to increase by at least 43 million standard cubic metres the storage capacity of the facility, or
 - (b) to increase by at least 4.5 million standard cubic metres per day the maximum flow rate of the facility.
- (3) “LNG facility” means a facility for—
 - (a) the reception of liquid natural gas from outside England,
 - (b) the storage of liquid natural gas, and

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- (c) the regasification of liquid natural gas.
- (4) In this section—
- “maximum flow rate”, in relation to a facility, means the maximum rate at which gas is able to flow out of the facility, on the assumption that—
 - (a) the facility is filled to maximum capacity, and
 - (b) the rate is measured after regasification of the liquid natural gas and any other processing required on the recovery of the gas from storage;
 - “storage capacity” means the capacity of the facility for storage of liquid natural gas.
- (5) The storage capacity of an LNG facility is to be measured as if the gas were stored in regasified form.

Commencement Information

I4 S. 18 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 4\(a\)](#) (with [art. 6](#))

19 Gas reception facilities

- (1) The construction of a gas reception facility is within section 14(1)(e) only if (when constructed)—
- (a) the facility will be in England and will be within subsection (4), and
 - (b) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.
- (2) The alteration of a gas reception facility is within section 14(1)(e) only if—
- (a) the facility is in England and is within subsection (4), and
 - (b) the effect of the alteration is expected to be to increase by at least 4.5 million standard cubic metres per day the maximum flow rate of the facility.
- (3) “Gas reception facility” means a facility for—
- (a) the reception of natural gas in gaseous form from outside England, and
 - (b) the handling of natural gas (other than its storage).
- (4) A gas reception facility is within this subsection if—
- (a) the gas handled by the facility does not originate in England, Wales or Scotland,
 - (b) the gas does not arrive at the facility from Scotland or Wales, and
 - (c) the gas has not already been handled at another facility after its arrival in England.
- (5) “Maximum flow rate” means the maximum rate at which gas is able to flow out of the facility.

Commencement Information

I5 S. 19 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 4\(a\)](#) (with [art. 6](#))

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20 Gas transporter pipe-lines

- (1) The construction of a pipe-line by a gas transporter is within section 14(1)(f) only if (when constructed) each of the conditions in subsections (2) to (5) is expected to be met in relation to the pipe-line.
- (2) The pipe-line must be wholly or partly in England.
- (3) Either—
 - (a) the pipe-line must be more than 800 millimetres in diameter and more than 40 kilometres in length, or
 - (b) the construction of the pipe-line must be likely to have a significant effect on the environment.
- (4) The pipe-line must have a design operating pressure of more than 7 bar gauge.
- (5) The pipe-line must convey gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers.
- (6) In the case of a pipe-line that (when constructed) will be only partly in England, the construction of the pipe-line is within section 14(1)(f) only to the extent that the pipe-line will (when constructed) be in England.
- (7) “Gas supplier” has the same meaning as in Part 1 of the Gas Act 1986 (c. 44) (see section 7A(11) of that Act).

Commencement Information

I6 S. 20 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 4\(a\)](#) (with [art. 6](#))

21 Other pipe-lines

- (1) The construction of a pipe-line other than by a gas transporter is within section 14(1)(g) only if (when constructed) the pipe-line is expected to be—
 - (a) a cross-country pipe-line,
 - (b) a pipe-line the construction of which would (but for section 33(1) of this Act) require authorisation under section 1(1) of the Pipe-lines Act 1962 (c. 58) (cross-country pipe-lines not to be constructed without authorisation), and
 - (c) within subsection (2).
- (2) A pipe-line is within this subsection if one end of it is in England or Wales and—
 - (a) the other end of it is in England or Wales, or
 - (b) it is an oil or gas pipe-line and the other end of it is in Scotland.
- (3) For the purposes of section 14(1)(g) and the previous provisions of this section, the construction of a diversion to a pipe-line is treated as the construction of a separate pipe-line.
- (4) But if—
 - (a) the pipe-line to be diverted is itself a nationally significant pipe-line, and
 - (b) the length of the pipe-line which is to be diverted has not been constructed, the construction of the diversion is treated as the construction of a cross-country pipe-line, whatever the length of the diversion.

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- (5) For the purposes of subsection (4), a pipe-line is a nationally significant pipe-line if—
- (a) development consent is required for its construction by virtue of section 14(1)(g), and has been granted, or
 - (b) its construction has been authorised by a pipe-line construction authorisation under section 1(1) of the Pipe-lines Act 1962 (c. 58).
- (6) “Diversion” means a lateral diversion of a length of a pipe-line (whether or not that pipe-line has been constructed) where the diversion is beyond the permitted limits.
- (7) The permitted limits are the limits of lateral diversion permitted by any of the following granted in respect of the construction of the pipe-line—
- (a) development consent;
 - (b) authorisation under the Pipe-lines Act 1962;
 - (c) planning permission.

Commencement Information

I7 S. 21 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(b\)](#) (with [art. 6](#))

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