



Planning Act 2008

2008 CHAPTER 29

PART 3

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

Transport

VALID FROM 01/03/2010

22 Highways

- (1) Highway-related development is within section 14(1)(h) only if the development is—
 - (a) construction of a highway in a case within subsection (2),
 - (b) improvement of a highway in a case within subsection (3), or
 - (c) alteration of a highway in a case within subsection (4).
- (2) Construction of a highway is within this subsection only if the highway will (when constructed) be wholly in England and—
 - (a) the Secretary of State will be the highway authority for the highway, or
 - (b) the highway is to be constructed for a purpose connected with a highway for which the Secretary of State is (or will be) the highway authority.
- (3) Improvement of a highway is within this subsection only if—
 - (a) the highway is wholly in England,
 - (b) the Secretary of State is the highway authority for the highway, and
 - (c) the improvement is likely to have a significant effect on the environment.
- (4) Alteration of a highway is within this subsection only if—
 - (a) the highway is wholly in England,
 - (b) the alteration is to be carried out by or on behalf of the Secretary of State, and

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- (c) the highway is to be altered for a purpose connected with a highway for which the Secretary of State is (or will be) the highway authority.

VALID FROM 01/03/2010

23 Airports

- (1) Airport-related development is within section 14(1)(i) only if the development is—
 - (a) the construction of an airport in a case within subsection (2),
 - (b) the alteration of an airport in a case within subsection (4), or
 - (c) an increase in the permitted use of an airport in a case within subsection (7).
- (2) Construction of an airport is within this subsection only if (when constructed) the airport—
 - (a) will be in England or in English waters, and
 - (b) is expected to be capable of providing services which meet the requirements of subsection (3).
- (3) Services meet the requirements of this subsection if they are—
 - (a) air passenger transport services for at least 10 million passengers per year, or
 - (b) air cargo transport services for at least 10,000 air transport movements of cargo aircraft per year.
- (4) Alteration of an airport is within this subsection only if—
 - (a) the airport is in England or in English waters, and
 - (b) the alteration is expected to have the effect specified in subsection (5).
- (5) The effect is—
 - (a) to increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services, or
 - (b) to increase by at least 10,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services.
- (6) “Alteration”, in relation to an airport, includes the construction, extension or alteration of—
 - (a) a runway at the airport,
 - (b) a building at the airport, or
 - (c) a radar or radio mast, antenna or other apparatus at the airport.
- (7) An increase in the permitted use of an airport is within this subsection only if—
 - (a) the airport is in England or in English waters, and
 - (b) the increase is within subsection (8).
- (8) An increase is within this subsection if—
 - (a) it is an increase of at least 10 million per year in the number of passengers for whom the airport is permitted to provide air passenger transport services, or
 - (b) it is an increase of at least 10,000 per year in the number of air transport movements of cargo aircraft for which the airport is permitted to provide air cargo transport services.

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(9) In this section—

“air cargo transport services” means services for the carriage by air of cargo;

“air passenger transport services” means services for the carriage by air of passengers;

“air transport movement” means a landing or take-off of an aircraft;

“cargo” includes mail;

“cargo aircraft” means an aircraft which is—

(a) designed to transport cargo but not passengers, and

(b) engaged in the transport of cargo on commercial terms;

“English waters” means waters adjacent to England up to the seaward limits of the territorial sea;

“permitted” means permitted by planning permission or development consent.

VALID FROM 01/03/2010

24 Harbour facilities

(1) The construction of harbour facilities is within section 14(1)(j) only if (when constructed) the harbour facilities—

(a) will be in England or Wales or in waters adjacent to England or Wales up to the seaward limits of the territorial sea, and

(b) are expected to be capable of handling the embarkation or disembarkation of at least the relevant quantity of material per year.

(2) The alteration of harbour facilities is within section 14(1)(j) only if—

(a) the harbour facilities are in England or Wales or in waters adjacent to England or Wales up to the seaward limits of the territorial sea, and

(b) the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling.

(3) “The relevant quantity” is—

(a) in the case of facilities for container ships, 500,000 TEU;

(b) in the case of facilities for ro-ro ships, 250,000 units;

(c) in the case of facilities for cargo ships of any other description, 5 million tonnes;

(d) in the case of facilities for more than one of the types of ships mentioned in paragraphs (a) to (c), an equivalent quantity of material.

(4) For the purposes of subsection (3)(d), facilities are capable of handling an equivalent quantity of material if the sum of the relevant fractions is one or more.

(5) The relevant fractions are—

(a) to the extent that the facilities are for container ships—

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$$\frac{x}{500,000}$$

- where x is the number of TEU that the facilities are capable of handling;
- (b) to the extent that the facilities are for ro-ro ships—

$$\frac{y}{250,000}$$

- where y is the number of units that the facilities are capable of handling;
- (c) to the extent that the facilities are for cargo ships of any other description—

$$\frac{z}{5,000,000}$$

where z is the number of tonnes of material that the facilities are capable of handling.

- (6) In this section—

“cargo ship” means a ship which is used for carrying cargo;

“container ship” means a cargo ship which carries all or most of its cargo in containers;

“ro-ro ship” means a ship which is used for carrying wheeled cargo;

“TEU” means a twenty-foot equivalent unit;

“unit” in relation to a ro-ro ship means any item of wheeled cargo (whether or not self-propelled).

25 Railways

- (1) Construction of a railway is within section 14(1)(k) only if—
- (a) the railway will (when constructed) be wholly in England,
 - (b) the railway will (when constructed) be part of a network operated by an approved operator, and
 - (c) the construction of the railway is not permitted development.
- (2) Alteration of a railway is within section 14(1)(k) only if—
- (a) the part of the railway to be altered is wholly in England,
 - (b) the railway is part of a network operated by an approved operator, and
 - (c) the alteration of the railway is not permitted development.
- (3) Construction or alteration of a railway is not within section 14(1)(k) to the extent that the railway forms part (or will when constructed form part) of a rail freight interchange.
- (4) “Approved operator” means a person who meets the conditions in subsections (5) and (6).
- (5) The condition is that the person must be—

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- (a) a person who is authorised to be the operator of a network by a licence granted under section 8 of the Railways Act 1993 (c. 43) (licences for operation of railway assets), or
 - (b) a wholly-owned subsidiary of a company which is such a person.
- (6) The condition is that the person is designated, or is of a description designated, in an order made by the Secretary of State.
- (7) In this section—
- “network” has the meaning given by section 83(1) of the Railways Act 1993 (c. 43);
 - “permitted development” means development in relation to which planning permission is granted by article 3 of the Town and Country Planning (General Permitted Development) Order 1995;
 - “wholly-owned subsidiary” has the same meaning as in the Companies Act 2006 (c. 46) (see section 1159 of that Act).
- (8) The reference in subsection (7) to the Town and Country Planning (General Permitted Development) Order 1995 is to that Order as it has effect immediately before the day on which this section comes fully into force.

Commencement Information

- II** S. 25 partly in force; s. 25 in force for certain purposes at Royal Assent see s. 241

VALID FROM 01/03/2010

26 Rail freight interchanges

- (1) The construction of a rail freight interchange is within section 14(1)(l) only if (when constructed) each of the conditions in subsections (3) to (7) is expected to be met in relation to it.
- (2) The alteration of a rail freight interchange is within section 14(1)(l) only if—
 - (a) following the alteration, each of the conditions in subsections (3)(a) and (4) to (7) is expected to be met in relation to it, and
 - (b) the alteration is expected to have the effect specified in subsection (8).
- (3) The land on which the rail freight interchange is situated must—
 - (a) be in England, and
 - (b) be at least 60 hectares in area.
- (4) The rail freight interchange must be capable of handling—
 - (a) consignments of goods from more than one consignor and to more than one consignee, and
 - (b) at least 4 goods trains per day.
- (5) The rail freight interchange must be part of the railway network in England.
- (6) The rail freight interchange must include warehouses to which goods can be delivered from the railway network in England either directly or by means of another form of transport.

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- (7) The rail freight interchange must not be part of a military establishment.
- (8) The effect referred to in subsection (2)(b) is to increase by at least 60 hectares the area of the land on which the rail freight interchange is situated.
- (9) In this section—
“goods train” means a train that (ignoring any locomotive) consists of items of rolling stock designed to carry goods;
“military establishment” means an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.
- (10) The following terms have the meanings given by section 83(1) of the Railways Act 1993—
“network”;
“rolling stock”;
“train”.

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