

Planning Act 2008 c. 29

s. 5 National policy statements



Version 2 of 2

1 April 2012 - Present

Subjects

Planning

Keywords

Interpretation; Ministers' powers and duties; National policy statements

5 National policy statements

(1) The Secretary of State may designate a statement as a national policy statement for the purposes of this Act if the statement—

- (a) is issued by the Secretary of State, and
- (b) sets out national policy in relation to one or more specified descriptions of development.

(2) In this Act “*national policy statement*” means a statement designated under subsection (1) as a national policy statement for the purposes of this Act.

(3) Before designating a statement as a national policy statement for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the statement.

(4) A statement may be designated as a national policy statement for the purposes of this Act only if the consultation and publicity requirements set out in section 7, and the parliamentary requirements set out in section 9, have been complied with in relation to it [and—]¹ [

(a) the consideration period for the statement has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or

(b) the statement has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 9(8), and

(ii) before the end of the consideration period.

] ¹

[

(4A) In subsection (4) “*the consideration period*”, in relation to a statement, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 9(8), and here “*sitting day*” means a day on which the House of Commons sits.

]²

(5) The policy set out in a national policy statement may in particular—

(a) set out, in relation to a specified description of development, the amount, type or size of development of that description which is appropriate nationally or for a specified area;

(b) set out criteria to be applied in deciding whether a location is suitable (or potentially suitable) for a specified description of development;

(c) set out the relative weight to be given to specified criteria;

(d) identify one or more locations as suitable (or potentially suitable) or unsuitable for a specified description of development;

(e) identify one or more statutory undertakers as appropriate persons to carry out a specified description of development;

(f) set out circumstances in which it is appropriate for a specified type of action to be taken to mitigate the impact of a specified description of development.

(6) If a national policy statement sets out policy in relation to a particular description of development, the statement must set out criteria to be taken into account in the design of that description of development.

(7) A national policy statement must give reasons for the policy set out in the statement.

(8) The reasons must (in particular) include an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change.

(9) The Secretary of State must—

(a) arrange for the publication of a national policy statement [.]³

[...]³

Planning Act 2008 c. 29

s. 14 Nationally significant infrastructure projects: general



Partially In Force With Amendments Pending

View proposed draft amended version

Version 4 of 4

9 January 2019 - Present

Subjects

Planning

Keywords

Nationally significant infrastructure projects; Statutory definition

14 Nationally significant infrastructure projects: general

(1) In this Act “*nationally significant infrastructure project*” means a project which consists of any of the following—

- (a) the construction or extension of a generating station;
- (b) the installation of an electric line above ground;
- (c) development relating to underground gas storage facilities;
- (d) the construction or alteration of an LNG facility;
- (e) the construction or alteration of a gas reception facility;
- (f) the construction of a pipe-line by a gas transporter;
- (g) the construction of a pipe-line other than by a gas transporter;
- (h) highway-related development;
- (i) airport-related development;
- (j) the construction or alteration of harbour facilities;
- (k) the construction or alteration of a railway;
- (l) the construction or alteration of a rail freight interchange;

(m) the construction or alteration of a dam or reservoir;

(n) development relating to the transfer of water resources;

[

(na) the construction or alteration of a desalination plant;

] ¹

(o) the construction or alteration of a waste water treatment plant [or of infrastructure for the transfer or storage of waste water] ² ;

(p) the construction or alteration of a hazardous waste facility [;] ³

[

(q) development relating to a radioactive waste geological disposal facility.

] ³

(2) Subsection (1) is subject to [sections 15 to 30A] ⁴ .

(3) The Secretary of State may by order—

(a) amend subsection (1) to add a new type of project or vary or remove an existing type of project;

(b) make further provision, or amend or repeal existing provision, about the types of project which are, and are not, within subsection (1).

(4) An order under subsection (3)(b) may amend this Act.

(5) The power conferred by subsection (3) may be exercised to add a new type of project to subsection (1) only if—

(a) a project of the new type is a project for the carrying out of works in one or more of the fields specified in subsection (6), and

(b) the works are to be carried out wholly in one or more of the areas specified in subsection (7).

(6) The fields are—

- (a) energy;
 - (b) transport;
 - (c) water;
 - (d) waste water;
 - (e) waste.
- (7) The areas are—
- (a) England;
 - (b) waters adjacent to England up to the seaward limits of the territorial sea;
 - (c) in the case of a project for the carrying out of works in the field of energy, a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

Notes

- 1 Added by Infrastructure Planning (Water Resources) (England) Order 2019/12 art.2(2) (January 9, 2019: insertion has effect subject to transitional and savings provisions specified in SI 2019/12 arts 3-5)
- 2 Words added by Infrastructure Planning (Waste Water Transfer and Storage) Order 2012/1645 art.2(2) (June 23, 2012: insertion has effect subject to supplementary provision specified in SI 2012/1645 art.3)
- 3 Added by Infrastructure Planning (Radioactive Waste Geological Disposal Facilities) Order 2015/949 art.2(2)(a) (March 27, 2015)
- 4 Word substituted by Infrastructure Planning (Radioactive Waste Geological Disposal Facilities) Order 2015/949 art.2(2)(b) (March 27, 2015)

Part 3 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS
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