
DRAFT STATUTORY INSTRUMENTS

2011 No.

INFRASTRUCTURE PLANNING

**The Infrastructure Planning (Waste Water Transfer and Storage)
Order 2011**

Made - - - - - ***

Coming into force ***

The Secretary of State, in exercise of the powers conferred by sections 14(3) and 232(3)(b) of the Planning Act 2008(a), makes the following Order.

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 232(6) of that Act.

Citation and commencement

1. This Order may be cited as the Infrastructure Planning (Waste Water Transfer and Storage) Order 2011 and comes into force on xxx.

Amendments to the Planning Act 2008

2.—(1) The Planning Act 2008 is amended as follows.

(2) In section 14(1) (definition of “nationally significant infrastructure project”), at the end of paragraph (o), add “or of infrastructure for the transfer or storage of waste water;”.

(3) In section 29 (waste water treatment plants) —

(a) after subsection (1), insert —

“(1A) The construction of infrastructure for the transfer or storage of waste water is within section 14(1)(o) only if —

(a) the infrastructure will be wholly in England,

(b) the main purpose of the infrastructure is expected to be either or both of the following—

(i) the transfer of waste water for treatment, and

(ii) the storage of waste water prior to treatment, and

(c) the infrastructure is expected to have a capacity for the storage of waste water exceeding 350,000 cubic metres.”(b).

(b) after subsection (2), insert —

“(2A) The alteration of infrastructure for the transfer or storage of waste water is within section 14(1)(o) only if —

(a) 2008 c.29.

(b) “Planning permission” and “local planning authority” are defined in section 235 of the Act.

- (a) the part of the infrastructure to be altered is wholly in England,
- (b) the main purpose of the infrastructure is either or both of the following-
 - (i) the transfer of waste water for treatment,
 - (ii) the storage of waste water prior to treatment, and
- (c) the alteration is expected to increase the capacity of the infrastructure for the storage of waste water by more than 350,000 cubic metres.”.

Supplemental provision

3.—(1) Where a project becomes a nationally significant infrastructure project as a result of this Order, the provisions specified in paragraph (2) below shall be treated as having been complied with, to the extent of the pre-commencement compliance with those provisions.

(2) The provisions referred to in paragraph (1) are any provision of —

- (a) Chapter 2 of Part 5 of the Planning Act 2008;
- (b) the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009(a); or
- (c) the Infrastructure Planning (Application: Prescribed Forms and Procedure) Regulations 2009(b).

(3) “Pre-commencement compliance” means anything which —

- (a) was done in connection with the project before commencement of this Order, and;
- (b) would have amounted to compliance with the provisions specified in paragraph (2), had those provisions applied in relation to the project at the time.

Address	<i>Name</i> Parliamentary Under Secretary of State
Date	Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

(a) S.I. 2009/2263.
(b) S.I. 2009/2264