



# Planning Act 2008

## 2008 CHAPTER 29

### PART 3

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

##### *Waste*

### **30 Hazardous waste facilities**

- (1) The construction of a hazardous waste facility is within section 14(1)(p) only if—
  - (a) the facility (when constructed) will be in England,
  - (b) the main purpose of the facility is expected to be the final disposal or recovery of hazardous waste, and
  - (c) the facility is expected to have the capacity specified in subsection (2).
- (2) The capacity is—
  - (a) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, more than 100,000 tonnes per year;
  - (b) in any other case, more than 30,000 tonnes per year.
- (3) The alteration of a hazardous waste facility is within section 14(1)(p) only if—
  - (a) the facility is in England,
  - (b) the main purpose of the facility is the final disposal or recovery of hazardous waste, and
  - (c) the alteration is expected to have the effect specified in subsection (4).
- (4) The effect is—
  - (a) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, to increase by more than 100,000 tonnes per year the capacity of the facility;
  - (b) in any other case, to increase by more than 30,000 tonnes per year the capacity of the facility.

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*Changes to legislation: Planning Act 2008, Cross Heading: Waste is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) The following terms have the same meanings as in the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894) (see regulation 5 of those regulations)—
- “disposal”;
  - “hazardous waste”;
  - “recovery”.
- (6) “Deep storage facility” means a facility for the storage of waste underground in a deep geological cavity.

**Commencement Information**

**II** S. 30 in force at 1.10.2011 by [S.I. 2011/2054](#), [art. 2\(a\)](#)

**[<sup>F1</sup>30A Radioactive waste geological disposal facilities**

- (1) A radioactive waste geological disposal facility means a facility which meets the conditions in subsection (2).
- (2) The conditions are that—
- (a) the main purpose of the facility is expected to be the final disposal of radioactive waste,
  - (b) the part of the facility where radioactive waste is to be disposed of is expected to be constructed at a depth of at least 200 metres beneath the surface of the ground or seabed, and
  - (c) the natural environment which surrounds the facility is expected to act, in combination with any engineered measures, to inhibit the transit of radionuclides from the part of the facility where radioactive waste is to be disposed of to the surface.
- (3) Development is within section 14(1)(q) only if the development is within subsection (4) or (6) of this section.
- (4) Development is within this subsection if—
- (a) it is the construction of one or more boreholes, and the carrying out of any associated excavation, construction or building work,
  - (b) the borehole or boreholes will be constructed, and any associated excavation, construction or building work will be carried out, in England or waters adjacent to England up to the seaward limits of the territorial sea, and
  - (c) the conditions in subsection (5) are met in relation to each borehole.
- (5) The conditions are that—
- (a) the borehole is expected to be constructed to a depth of at least 150 metres beneath the surface of the ground or seabed, and
  - (b) the main purpose of constructing the borehole is to obtain information, data or samples to determine the suitability of a site for the construction or use of a radioactive waste geological disposal facility.
- (6) Development is within this subsection if—
- (a) it is the construction of a radioactive waste geological disposal facility, and
  - (b) the facility (when constructed) will be in England or waters adjacent to England up to the seaward limits of the territorial sea.

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(7) In this section—

“disposal” in relation to radioactive waste means emplacement in an appropriate facility without the intention to retrieve;

“radioactive waste” has the same meaning as in [<sup>F2</sup>the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] (see paragraph 3(1) of Part 2 of Schedule 23 to those regulations).]

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#### Textual Amendments

- F1** S. 30A inserted (27.3.2015) by [The Infrastructure Planning \(Radioactive Waste Geological Disposal Facilities\) Order 2015 \(S.I. 2015/949\)](#), arts. 1(1), **2(3)**
- F2** Words in s. 30A(7) substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 17** (with regs. 1(3), 77-79, Sch. 4)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)