



# Planning Act 2008

## 2008 CHAPTER 29

### PART 3

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

##### *Transport*

#### 24 Harbour facilities

- (1) The construction of harbour facilities is within section 14(1)(j) only if (when constructed) the harbour facilities—
  - [<sup>F1</sup>(a) will be—
    - (i) wholly or partly in England or in waters adjacent to England up to the seaward limits of the territorial sea, or
    - (ii) wholly in Wales or in waters adjacent to Wales up to the seaward limits of the territorial sea and will be, or will form part of, a reserved trust port, 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—
  - [<sup>F2</sup>(a) the harbour facilities are—
    - (i) wholly or partly in England or in waters adjacent to England up to the seaward limits of the territorial sea, or
    - (ii) wholly in Wales or in waters adjacent to Wales up to the seaward limits of the territorial sea and are, or form part of, a reserved trust port, 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;

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*Changes to legislation: Planning Act 2008, Section 24 is up to date with all changes known to be in force on or before 18 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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- (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—

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

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;

[<sup>F3</sup>“reserved trust port” has the meaning given in section 32 of the Wales Act 2017;]

“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).

#### Textual Amendments

**F1** S. 24(1)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 33\(2\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(g\)](#)

**F2** S. 24(2)(a) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 33\(3\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(g\)](#)

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**F3** Words in s. 24(6) inserted (1.4.2018) by Wales Act 2017 (c. 4), ss. 33(4), 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(g)

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**Commencement Information**

**I1** S. 24 in force at 1.3.2010 by S.I. 2010/101, art. 4(b) (with art. 6)

**Changes to legislation:**

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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](#)