

2013 No. 3221

INFRASTRUCTURE PLANNING, ENGLAND

**The Infrastructure Planning (Business or Commercial Projects)
Regulations 2013**

Made - - - - *17th December 2013*

Coming into force in accordance with article 1(1)

The Secretary of State, in exercise of the powers conferred by sections 35(2)(a)(ii) and 232(3) of the Planning Act 2008(a), makes the following Regulations.

A draft of these Regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament in accordance with section 232(7) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Infrastructure Planning (Business or Commercial Projects) Regulations 2013 and come into force on the day after the day on which they are made.

(2) In these Regulations—

“industrial process” means a process for or incidental to any of the following purposes, in the course of any trade or business—

- (a) the making of any article or part of any article;
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals;

“minerals” has the same meaning as in the Town and Country Planning Act 1990(b) (see section 336(1) of that Act).

Prescribed projects

2.—(1) The following description of business or commercial project (or proposed project) is prescribed for the purposes of section 35(2)(a)(ii) of the Planning Act 2008.

(2) The description referred to in paragraph (1) is a project (or proposed project) which—

- (a) consists wholly or mainly of either or both of the following—
 - (i) the construction of buildings or facilities for use for the purposes of one or more of the matters in the Schedule to these Regulations;

(a) 2008 c. 29. Section 35 was substituted by section 26 of the Growth and Infrastructure Act 2013 (c. 27). See section 235(1) for the definition of “prescribed”.
(b) 1990 c. 8. The definition of “minerals” in section 336(1) was amended by the Planning and Compensation Act 1991 c. 34, Schedule 1, paragraph 12(c).

- (ii) the winning and working of minerals in, on or under land; and
- (b) does not include—
 - (i) the winning or working of peat, coal, oil or gas, or
 - (ii) the construction of one or more dwellings.

Signed by authority of the Secretary of State for Communities and Local Government

17th December 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Regulation 2(2)

Matters in relation to prescribed projects

1. Office use.
2. Research and development of products or processes.
3. An industrial process or processes.
4. Storage or distribution of goods.
5. Conferences.
6. Exhibitions.
7. Sport.
8. Leisure.
9. Tourism.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 26 of the Growth and Infrastructure Act 2013 amended Part 4 of the Planning Act 2008 to enable business or commercial projects of a prescribed description to be authorised under the planning regime that currently applies to nationally significant infrastructure projects. These Regulations contain that prescribed description.

Development forming part of a project falling within the prescribed description can be authorised under that planning regime if that project meets the other requirements in section 35 of the Act and the Secretary of State gives a direction under that section. The Secretary of State can only make a direction if the Secretary of State thinks that the project is of national significance.

An impact assessment has not been prepared for these regulations as they do not have additional impact of business beyond what was examined in the Impact Assessment that accompanied the Growth and Infrastructure Bill. That assessment can be found at <http://www.parliament.uk/documents/impact-assessments/IA13-003.pdf>.

£4.00

UK2013121819 12/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/3221>

ISBN 978-0-11-110778-2



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