STATUTORY INSTRUMENTS

2015 No. 949

INFRASTRUCTURE PLANNING

The Infrastructure Planning (Radioactive Waste Geological Disposal Facilities) Order 2015

Made - - - -	*26th March 2015*
Coming into force - -	*27th March 2015*

The Secretary of State, in exercise of the powers conferred by sections 14(3) and (4) and 232(3) of the Planning Act 2008(**1**), 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, commencement and interpretation

1.—(1) This Order may be cited as the Infrastructure Planning (Radioactive Waste Geological Disposal Facilities) Order 2015 and comes into force on the day after the day on which it is made.

(2) In this Order, "the Act" means the Planning Act 2008.

Amendments to the Act

2.—(1) The Act is amended as follows.

(2) In section 14 (nationally significant infrastructure projects: general)—

(a) after subsection (1)(p), insert—

";

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

(b) in subsection (2), for "30" substitute "30A".

(3) After section 30, insert—

"**Radioactive waste geological disposal facilities**

30A.—(1) A radioactive waste geological disposal facility means a facility which meets the conditions in subsection (2).

(2) The conditions are that—

(**1**) 2008 c.29; relevant amendments are made by the Localism Act 2011 (c.20).

(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.

(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 the Environmental Permitting (England and Wales) Regulations 2010(**2**) (see paragraph 3(1) of Part 2 of Schedule 23 to those regulations).".

(4) In subsection (1)(b) of section 240 (extent), for "30" substitute "30A".

(5) In paragraph 2 of Schedule 12 (application of the Act to Scotland: modifications)—

(a) in sub-paragraph (a)(ii), for "(p)" substitute "(q)",

(b) in sub-paragraph (b), for "30" substitute "30A".

(**2**) S.I. 2010/675.