



Department for  
Communities and  
Local Government

# Planning Act 2008

Guidance on associated development applications for major  
infrastructure projects

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Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 030 3444 0000

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# Contents

Introduction	2
Associated development principles	3
Dwellings	4
Single application	4
Examples of associated development	5
Annex A: Examples of general types of associated development	6
Annex B: Examples of associated development specific to individual types of major infrastructure projects	8

# Introduction

1. The Planning Act 2008 (“the Planning Act”) created a new development consent regime for major infrastructure projects in the fields of energy, transport, water, waste water, and waste. These projects are commonly referred to as major infrastructure projects and will be throughout this document. Through the Localism Act 2011, the Government made significant changes to the regime by abolishing the Infrastructure Planning Commission and transferring decision making to the Secretary of State<sup>1</sup>.
2. Section 115 of the Planning Act provides that, in addition to the development for which development consent is required under Part 3 of the Act (“the principal development”), consent may also be granted for associated development.
3. Associated development is defined in the Planning Act as development which is associated with the principal development. Sub-sections (2) to (4) of 115 of the Planning Act set out other requirements relating to associated development. Associated development can include development in England and in waters adjacent to England. It includes development in the field of energy in a Renewable Energy Zone, but not in any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions. Associated development may not include dwellings (see paragraph 7, below), or development in Scotland, or in waters adjacent to Scotland. It may not include development in Wales, except for surface works, boreholes or pipes associated with underground gas storage by a gas transporter in natural porous strata<sup>2</sup>.
4. This guidance is designed to help those who intend to make an application for development consent under the Planning Act to determine how the provisions of the Planning Act in respect of associated development apply to their proposals. The guidance is also intended to inform others with an interest in such applications.

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<sup>1</sup> ‘Secretary of State’ in this document should be read as ‘the Secretary of State with responsibility for the relevant policy area’. Applications relating to energy projects will be decided by the Secretary of State for Energy and Climate Change; those relating to transport by the Secretary of State for Transport; hazardous waste by the Secretary of State for Communities and Local Government and those for waste water and water supply will be a joint decision by the Secretary of State for Communities and Local Government and the Secretary of State for the Environment, Food and Rural Affairs.

<sup>2</sup> This guidance will therefore be of limited relevance in Wales.

## Associated development principles

5. It is for the Secretary of State to decide on a case by case basis whether or not development should be treated as associated development. In making this decision the Secretary of State will take into account the following core principles:
- (i) The definition of associated development, as set out in paragraph 3 above, requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts.
  - (ii) Associated development should not be an aim in itself but should be subordinate to the principal development.
  - (iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross-subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then that part should not be treated as associated development.
  - (iv) Associated development should be proportionate to the nature and scale of the principal development. However, this core principle should not be read as excluding associated infrastructure development (such as a network connection) that is on a larger scale than is necessary to serve the principal development if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project.<sup>3</sup> When deciding whether it is appropriate for infrastructure which is on a larger scale than is necessary to serve a project to be treated as associated development, each application will have to be assessed on its own merits. For example, the Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application, and the time period in which a future application is proposed to be submitted.

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<sup>3</sup> For example, in the case of an application for an offshore generating station, the Secretary of State may consider it appropriate for a degree of overcapacity to be provided in respect of the associated transmission infrastructure, so that the impacts of one or more other planned future projects which could make use of that infrastructure would be reduced by taking advantage of it. Applications that include elements designed for the basis of overcapacity would be expected to demonstrate the need for the overcapacity as well as fully assessing the environmental effects.

6. It is expected that associated development will, in most cases, be typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above), a grid connection for a commercial power station.

## Dwellings

7. The Planning Act specifically excludes the construction or extension of one or more dwellings from the definition of associated development. In *R (on the application of Innovia Cellophane Ltd) v Infrastructure Planning Commission (2011)*<sup>4</sup> the Court held that the dwellings exclusion did not preclude a proposal involving temporary accommodation for workers. In principle, therefore, temporary accommodation for workers engaged in the construction or operation of infrastructure may be applied for as associated development if consistent with the core principles.

## Single application

8. It is for applicants to decide whether to include something that could be considered as associated development in an application for development consent or whether to apply for consent for it via other routes. However, where an applicant does wish to apply for consent for associated development, it should be included in the application for the principal development. The Secretary of State can only consider associated development in conjunction with the principal development and has no power to consider a separate application unless the development requires development consent under the Planning Act in its own right.
9. A single application can cover more than one project requiring development consent under the Planning Act. Applicants are encouraged, as far as is possible, to make a single application where developments are clearly linked.
10. As far as practicable, applicants should explain in their explanatory memorandum which parts (if any) of their proposal are associated development and why.
11. The applicant must ensure that the impacts of all relevant development are assessed, including any associated development. The applicant should also ensure that there is sufficient information to deal with any

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<sup>4</sup> *R (on the application of Innovia Cellophane Ltd) v. Infrastructure Planning Commission* [2011] EWHC 2883 (Admin).

relevant European environmental requirements<sup>5</sup>, which includes ensuring that any associated development is included in any request to the Secretary of State for screening and scoping opinions.

## Examples of associated development

12. Annexes A and B provide examples of the type of development that may qualify as associated development. These annexes are illustrative only. In particular the following should be noted:
  - These annexes are not intended to be exhaustive. For example, technological progress may mean that some types of associated development could not have been foreseen when this guidance was written.
  - These annexes should not be read as a statement that the development listed in them should be treated as associated development as matter of course; these lists should be read together with the core principles.
  - These annexes should not be treated as an indication that the development listed in them cannot in its own right constitute a project, or an integral part of a project, for which obtaining development consent is mandatory under the Planning Act.

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<sup>5</sup> Principally under the Environmental Impact Assessment Directive (85/337/EC), the Habitats Directive (92/43/EEC) and the legislation transposing the requirements of those directives. Relevant Advice Notes have been produced by the Planning Inspectorate and can be found on the Infrastructure Planning Portal at <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-note>

# Annex A

## Examples of general types of associated development

### Access arrangements

- Formation of new or improved vehicular or pedestrian access (to stations, work sites etc), whether temporary or permanent
- Alteration or construction of roads, footpaths and bridleways
- Diversion or realignment of watercourses
- Construction of new rail, road or foot bridges, viaducts or tunnels, and works to reconstruct, alter or replace existing ones
- Railway works and associated works (including freight sidings, passing loops, level crossings, gauge clearance and railway lines for moving aggregates during construction)
- Jetties e.g. for unloading raw materials arriving from sea
- Highway and rail route/junction improvements (which may provide some benefit to third-party network users as well as users of the principal development)
- Other highway-related works, e.g. to facilitate demand management measures or to provide lorry parking or service facilities
- Parking spaces for workers and users of the principal development
- Public transport infrastructure and services
- Temporary haul roads, vehicle-marshalling facilities and lay down areas

### Connections to national, regional or local networks

- Electricity networks
- Water/waste water networks
- Fuel and pipe-line networks

- Telecommunications networks

### Development undertaken for the purpose of addressing impacts

- Hard and soft landscaping
- Flood defences and flood mitigation measures
- Measures to prevent coastal erosion
- Creation of compensatory habitats or replacement green space
- Noise barriers
- Works to mitigate impacts on sites or features of the historic environment

### Other works

- Relocation of apparatus of statutory undertakers' equipment (mains, sewers, drains, pipes, cables, pylons etc)
- Alteration of canals, railways and watercourses
- Maintenance sites
- Temporary accommodation for staff based on site (including floating accommodation modules) to enable the construction, operation or maintenance of the principal development
- Emergency response facilities
- Security measures
- Fuel depots
- Working sites , site offices and laydown areas
- Settlement lagoons and surface water balancing facilities
- Telemetry and monitoring apparatus
- Temporary and support structures

# Annex B

## Examples of associated development specific to individual types of major infrastructure projects

### **Onshore generating stations**

- Offsite<sup>6</sup> fuel storage
- Overhead/underground lines
- Substations
- Jointing pits
- Sealing end compounds
- Waste storage facilities
- Ash processing plants for coal-fired and biomass stations
- Plant and pipework to supply waste heat to the boundary of the site
- Gas pipelines and pressure reduction stations

### **Offshore generating stations**

- Onshore substations
- Harmonic filter compounds
- Overhead/underground lines
- Jointing pits
- Sealing end compounds
- Sea/land cable interface buildings and structures

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<sup>6</sup> "Off-site" here means physically separate from the site of the principal development. As noted in paragraph 9 above, any associated development must be included in the same application as the principal development.

- Converter stations and associated storage
- Facilities for additional sub-sea cables to offshore platforms
- Additional circuit breakers or circuit breaker bays on offshore platform

### Underground gas storage facilities

- Surface works such as pumping/compressor stations
- Boreholes and pipelines to storage facilities

### Electric lines

- Substations
- Distribution lines
- Control buildings
- Sealing end compounds
- Diversion of other overhead lines
- Converter stations

### Gas transporter pipe-lines

- Above ground installations such as pumping/booster stations, compressor and/or regulator stations
- Works to support and/or protect pipelines from damage

### Oil pipelines

- Pumping equipment
- Oil processing plants to manage and control oil in the pipeline
- Storage tanks
- Road handling facilities

## Cross-country pipelines

- Above ground installations such as pumping/booster stations, compressor and/or regulator stations
- Works to support and/or protect pipelines from damage

## Highways

- Replacement roadside facilities where this becomes necessary due to the elimination of an existing facility by highway improvement
- Infrastructure associated with cycle/pedestrian access
- Off-site landscaping, habitat creation and other environmental works
- Off-site drainage works
- Alteration/diversion/stopping up of local roads, accesses and other rights of way
- Off-site diversion of statutory undertakers equipment

## Airports

- Freight distribution centre, including freight forwarding and temporary storage facilities

## Harbours

- Lights on tidal works during construction
- Supplementary harbour works for the benefit of third parties or to assist the Environment Agency
- Off-site facilities for vehicle safety or security controls
- Provision of compensatory facilities for commercial or leisure fishing
- Development required for the use or disposal on land of dredged arisings

## Railways

- Construction of new railway stations, and improvements, alterations and extensions to existing stations (new footbridges, platform extensions, ticket halls etc.)
- Construction/alteration of maintenance depots and marshalling yards
- Provision of pressure relief or ventilation shafts and access to them

## Dams/reservoirs

- Water transfer system, e.g. pumping station, water transfer tunnels, pipelines
- Recreational amenities where the reservoir is required to serve as a public amenity

## Waste water treatment plants

- Water transfer system, e.g. pumping station, water transfer tunnels, pipelines
- Waste water transfer systems
- Storage facilities (such as for sludge, grit, etc.)
- Sludge handling facilities, including incineration
- Power generation/distribution plant

## Transfer and storage of waste water facilities

- Surface works such as ventilation structures and control kiosks

## Hazardous waste facilities

- Vehicle parking for heavy goods vehicles transporting hazardous waste to the site
- Bulk storage tanks
- Leachate storage tanks
- Gas flares

- Monitoring boreholes