
Changes to legislation: Planning Act 2008, Cross Heading: Planning (Hazardous Substances) Act 1990 (c. 10) is up to date with all changes known to be in force on or before 06 July 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

SCHEDULES

SCHEDULE 2 **E+W+S**

AMENDMENTS CONSEQUENTIAL ON DEVELOPMENT CONSENT REGIME

Planning (Hazardous Substances) Act 1990 (c. 10)

42 The Hazardous Substances Act is amended as follows.

Commencement Information

I1 Sch. 2 para. 42 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

43 In section 9(2)(c) (determination of applications for hazardous substances consent: material considerations) after “planning permission” insert “ or development consent ”.

Commencement Information

I2 Sch. 2 para. 43 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

44 In section 10(1) (conditions on grant of hazardous substances consent) after “planning permission” insert “ or development consent ”.

Commencement Information

I3 Sch. 2 para. 44 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

45 (1) Section 12 (deemed hazardous substances consent: government authorisation) is amended as follows.

(2) After subsection (2A) insert—

“(2B) On making an order granting development consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”

(3) For subsection (3) substitute—

“(3) Before giving a direction under any of subsections (1) to (2B), the person having power to give the direction must consult the Health and Safety Commission.”

(4) In subsection (6)—

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- (a) for “government department or the Secretary of State” substitute “ person ”, and
- (b) after “directions” insert “ given by the person ”.

Commencement Information

I4 Sch. 2 para. 45 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

- 46 In section 14(2)(b) (power to revoke or modify hazardous substances consent)—
- (a) after “planning permission” insert “ or development consent ”;
 - (b) after “the permission” insert “ or development consent ”.

Commencement Information

I5 Sch. 2 para. 46 in force at 1.3.2010 by S.I. 2010/101, art. 2 (with art. 6)

- 47 In section 39(1) (interpretation) at the appropriate place insert—
- ““development consent” means development consent under the Planning Act 2008;”.

Commencement Information

I6 Sch. 2 para. 47 in force at 1.3.2010 by S.I. 2010/101, art. 2 (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](#)