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STATUTORY INSTRUMENTS

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**2015 No. 627**

**The Planning (Hazardous Substances) Regulations 2015**

**PART 4**

**Enforcement**

**Hazardous substances contravention notices**

**14.**—(1) A hazardous substances contravention notice must identify the land to which the notice relates, whether by reference to a plan or otherwise.

(2) The persons prescribed pursuant to section 24(4)(c) (other persons to be given notice) are all persons having an interest in the land which in the opinion of the authority issuing the notice is materially affected by the notice.

(3) Every copy of a hazardous substances contravention notice served pursuant to section 24(4) must be accompanied by a statement setting out—

- (a) the hazardous substances authority's reasons for issuing the notice; and
- (b) the right of appeal to the Secretary of State against the notice, and the persons by whom, grounds upon which and time within which such an appeal may be brought under section 174 of the principal Act.

**Appeals against hazardous substances contravention notices**

**15.** Sections 174, 175(3) and (6), 176 and 177 of the principal Act apply to appeals against hazardous substances contravention notices, subject to the modifications set out in Part 1 of Schedule 4.

**Appeals: supplementary**

**16.**—(1) A person who appeals against a hazardous substances contravention notice must, at the same time as notice of the appeal is given or sent to the Secretary of State under section 174(3) of the principal Act, serve on the hazardous substances authority a copy of the notice of appeal and accompanying material required by section 174(4) of that Act.

(2) The hazardous substances authority must, within 28 days of being served with the notice of appeal, serve on the Secretary of State and on the appellant a statement—

- (a) setting out their submissions in relation to each ground of appeal; and
- (b) indicating whether they would be prepared to grant hazardous substances consent for the presence on, over or under the land of any quantity of the hazardous substance to which the hazardous substances contravention notice relates and, if so, particulars of the conditions, if any, which they would wish to impose on the consent.

(3) The hazardous substances authority must, within the 28 day period referred to in paragraph (2), give notice of the appeal to occupiers of properties in the locality of the site to which the hazardous substances contravention notice relates.

### **Effect of hazardous substances contravention notices, etc**

17. Sections 178 to 181 of the principal Act have effect in relation to hazardous substances contravention notices, subject to the modifications set out in Part 2 of Schedule 4.

### **Enforcement register**

18. Section 188 of the principal Act (register of enforcement and stop notices) has effect in relation to hazardous substances contravention notices, subject to the modifications set out in Part 3 of Schedule 4.

### **Validity**

19.—(1) Sections 285 and 289 of the principal Act apply to appeals against hazardous substances contravention notices, subject to the modifications set out in Part 4 of Schedule 4.

(2) Section 25(2) is subject to any order under section 289(4A) of the principal Act, as applied by paragraph (1).