



2011 CHAPTER 25

Part 4

Additional planning control

CHAPTER 2

HAZARDOUS SUBSTANCES

Effect of hazardous substances consent and change of control of land

116.—(1) Without prejudice to the provisions of this Part, any hazardous substances consent shall (except in so far as it otherwise provides) have effect for the benefit of the land to which it relates and of all persons for the time being having an estate therein.

(2) A hazardous substances consent shall cease to have effect if there is a change of the person in control of part of the land to which it relates, unless an application for the continuation of the consent has previously been made to the council.

(3) Regulations may make provision in relation to applications under subsection (2) corresponding to any provision that may be made by regulations under section 109 in relation to applications for hazardous substances consent.

(4) Subsections (2) and (3) do not apply if the control of land changes from one emanation of the Crown to another.

(5) When such an application is made, the council, having regard to any material consideration—

- (a) may modify the consent in any way it considers appropriate; or
- (b) may revoke it.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 116. (See end of Document for details)

(6) Without prejudice to the generality of subsection (5), in dealing with an application the council must have regard to—

- (a) the matters to which it is required to have regard by section 110(2); and
- (b) any advice given by the Health and Safety Executive for Northern Ireland in relation to the application.

(7) If an application relates to more than one consent, the council may make different determinations in relation to each.

(8) If a consent relates to more than one hazardous substance, the council may make different determinations in relation to each.

(9) It shall be the duty of the council, when continuing hazardous substances consent, to attach to the consent one of the following—

- (a) a statement that it is unchanged in relation to the matters included in it by virtue of section 110(4);
- (b) a statement of any change in respect of those matters.

(10) The modifications which the council may make by virtue of paragraph (a) of subsection (5) include, without prejudice to the generality of that paragraph, the making of the consent subject to conditions with respect to any of the matters mentioned in section 110(5).

(11) Subject to subsection (12), section 115 shall have effect in relation to applications under subsection (2) and to decisions on such applications as though they were applications for hazardous substances consent.

(12) In the application of section 115 by virtue of subsection (11)—

- (a) subsection (2) of that section is omitted; and
- (b) in subsection (7) of that section for the words from “either” to the end there are substituted the words “ gives notice to the applicant of its decision on the application, the application shall be deemed to have been granted. ”.

Modifications etc. (not altering text)

- C1** Pt. 4 (except chpts. 1, 2) applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), 2 (with regs. 3-10)
 - C2** Ss. 105-155: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))
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Commencement Information

- I1** S. 116 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 116 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with **Sch. 2**) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 116.