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STATUTORY INSTRUMENTS

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**1991 No. 1220**

**The Planning(Northern Ireland) Order 1991**

**PART V**

**ADDITIONAL PLANNING CONTROL**

*Hazardous substances*

**Requirement of hazardous substances consent**

**53.**—(1) Subject to the provisions of this Part, the presence of a hazardous substance on, over or under land requires the consent of the Department (in this Order referred to as “hazardous substances consent”) unless the aggregate quantity of the substance—

- (a) on, over or under the land;
- (b) on, over or under other land which is within 500 metres of it and controlled by the same person; or
- (c) in or on a structure controlled by the same person any part of which is within 500 metres of it, is less than the controlled quantity.

(2) The temporary presence of a hazardous substance while it is being transported from one place to another is not to be taken into account unless it is unloaded.

(3) The Department—

- (a) shall by regulations specify—
  - (i) the substances that are hazardous substances for the purposes of this Order;
  - (ii) the quantity which is to be the controlled quantity of any such substance;
- (b) may by regulations provide that hazardous substances consent is not required or is only required—
  - (i) in relation to land of prescribed descriptions;
  - (ii) by reason of the presence of hazardous substances in prescribed circumstances;
- (c) may by regulations provide that, except in such circumstances as may be prescribed, all hazardous substances falling within a group specified in the regulations are to be treated as a single substance for the purposes of this Order.

(4) Regulations which—

- (a) are made by virtue of sub-paragraph (a)(i) of paragraph (3); or
- (b) are made by virtue of sub-paragraph (a)(ii) of that paragraph and reduce the controlled quantity of a substance, may make such transitional provision as appears to the Department to be appropriate.

(5) The power to make such transitional provision includes, without prejudice to its generality, power to apply paragraph 4 of Schedule 4, subject to such modifications as appear to the Department to be appropriate.

(6) Bodies corporate which are inter-connected for the purposes of the Fair Trading Act 1973 are to be treated as being one person for the purposes of this Article and Articles 54 to 61 and 81.