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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 344**

**The Planning (Hazardous Substances)  
(No. 2) Regulations (Northern Ireland) 2015**

**PART 1**

General

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 <sup>M1</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011;

“the CLP Regulation” means Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No. 1907/2006<sup>F1</sup> as it had effect immediately before IP completion day];

“consent” means consent required under section 108 of the 2011 Act;

[<sup>F2</sup>“the Department” means the Department for Infrastructure;]

“the Directive” means Council Directive 2012/18/EU of the European Parliament and of the Council <sup>M2</sup> on the control of major-accident hazards involving dangerous substances, [<sup>F3</sup>as it had effect immediately before exit day,];

[<sup>F4</sup>“the EIA Directive” means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment as it had effect immediately before exit day;]

“the General Development Procedure Order” means the Planning (General Development Procedure) Order (Northern Ireland) 2015 <sup>M3</sup>;

“the Hazardous Substances Regulations” means the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 <sup>M4</sup>;

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001 <sup>M5</sup>;

[<sup>F5</sup>“major accident” has the same meaning as in regulation 2 of the Control of Major Accident Hazards Regulations (Northern Ireland) 2015.]

(3) In these Regulations

(a) a reference to a section is a reference to that section of the 2011 Act.

(b) references to the CLP Regulation are references to that Regulation as amended from time to time;

- (c) expressions appearing both in these Regulations and in the Directive have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive
- (4) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—
- (a) the expression “address” includes any number or address used for the purpose of such communications except that where these Regulations impose any obligation on any person to provide a name or address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
  - (b) references to forms, maps, plans, notices or other documents or copies of such things include references to such documents or copies of them in electronic form.
- (5) Paragraphs (6) to (9) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, map, plan, notice or other document to any other person (“the recipient”).
- (6) The requirement shall be taken to be fulfilled where the application or other document transmitted by means of electronic communication is—
- (a) capable of being accessed by the recipient;
  - (b) legible in all material respects; and
  - (c) sufficiently permanent to be used for subsequent reference.
- (7) In paragraph (6), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.
- (8) Where the electronic communication is received by the recipient outside the recipient's business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.
- (9) A requirement in these Regulations that any application or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6).

#### Textual Amendments

- F1** Words in [reg. 2\(2\)](#) inserted (31.1.2020) by [The Planning \(Environmental Assessments and Technical Miscellaneous Amendments\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(SR2020/300\)](#), [regs. 1\(2\), 2\(2\)](#)
- F2** Words in [reg. 2\(2\)](#) inserted (27.3.2019) by [The Planning \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/24\)](#), [regs. 1, 8\(2\)](#)
- F3** Words in [reg. 2\(2\)](#) substituted (31.1.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), [regs. 1\(2\), 8\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 2\(2\)](#) inserted (31.1.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), [regs. 1\(2\), 8\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 2\(2\)](#) inserted (31.1.2020) by [The Planning \(Environmental Assessments and Miscellaneous Amendments\) \(EU Exit\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1235\)](#), [regs. 1\(2\), 8\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M1** 1954 c 33 (N.I.)
- M2** O.J. No. L 197, 24.7.2012, p. 1
- M3** S.R. 2015 No. 72

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**Changes to legislation:** *There are currently no known outstanding effects for the The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, Section 2. (See end of Document for details)*

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**M4** S.R. 2015 No. 61

**M5** 2001 c.9 (N.I.) as amended by 2003 c.21

**Changes to legislation:**

There are currently no known outstanding effects for the The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015, Section 2.