
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 181

**The Town and Country Planning (Hazardous
Substances) (Scotland) Regulations 2015**

PART 7

Enforcement

Hazardous substances contravention notice to have effect against the subsequent presence of hazardous substances

52.—(1) Section 138 of the 1997 Act has effect in relation to hazardous substances contravention notices with the following modifications:—

(a) for subsections (1) to (3) substitute—

“(1) Compliance with a hazardous substances contravention notice does not discharge that notice.

(2) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires a hazardous substance to be removed from the land to which the notice relates, the presence on, over or under that land of a quantity of that substance equal to or exceeding its controlled quantity at any time after the substance has been removed in compliance with the hazardous substances contravention notice is in contravention of that notice.

(3) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires the quantity of a hazardous substance on, over or under the land to which the notice relates to be reduced below a specified quantity (being greater than the controlled quantity), the presence on, over or under that land of a quantity of that substance equal to or in excess of the specified quantity at any time after the quantity of that substance has been reduced below the specified quantity in compliance with the hazardous substances contravention notice, is in contravention of that notice.”; and

(b) in subsection (4)—

(i) for “planning permission” substitute “hazardous substances consent”; and

(ii) for “carries out any development on land by way of reinstating or restoring buildings or works which have been removed or altered in compliance with an enforcement notice” substitute “is responsible for the presence of a hazardous substance on land in contravention of the requirements of a hazardous substances contravention notice as described in subsection (2) or (3)”.