
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 286

**The Town and Country Planning (Miscellaneous
Amendment) (Scotland) Regulations 2022**

Transitional exemptions

4.—(1) No offence is committed under section 21 of the Planning (Hazardous Substances) (Scotland) Act 1997 before 1 December 2023, and no hazardous substances contravention notice may be issued before that date, in relation to a hazardous substance which is on, over or under any land, if—

- (a) the relevant substance was present on, over or under the land at any time during the relevant period,
- (b) hazardous substances consent was not required for the presence of the quantity of the relevant substance at the time it was present during the relevant period,
- (c) hazardous substances consent would have been required for the presence of the quantity of the relevant substance had the amendments made by regulation 3 of these Regulations been in force at that time, and
- (d) the substance is not present during the period beginning on 1 December 2022 and ending at the end of 30 November 2023 in a quantity greater than the established quantity.

(2) In this regulation—

“the established quantity”, in relation to any land, means the maximum quantity of a relevant substance which was present on, over or under the land at any one time within the relevant period,

“the relevant period” is the period of 12 months ending at the end of 30 November 2022.