



# Planning (Hazardous Substances) Act 1990

## 1990 CHAPTER 10

### *Obtaining hazardous substances consent*

#### **9 Determination of applications for hazardous substances consent**

- (1) Subject to the following provisions of this Act, where an application is made to a hazardous substances authority for hazardous substances consent, that authority—
  - (a) may grant hazardous substances consent, either unconditionally or subject to such conditions as they think fit; or
  - (b) may refuse hazardous substances consent.
- (2) In dealing with such an application the hazardous substances authority shall have regard to any material considerations and, in particular, but without prejudice to the generality of the foregoing—
  - (a) to any current or contemplated use of the land to which the application relates;
  - (b) to the way in which land in the vicinity is being used or is likely to be used;
  - (c) to any planning permission that has been granted for development of land in the vicinity;
  - (d) to the provisions of the development plan; and
  - (e) to any advice which the Health and Safety Executive or Health and Safety Commission have given following consultations in pursuance of regulations under section 7(2).
- (3) If an application relates to more than one hazardous substance, the authority may make different determinations in relation to each.
- (4) It shall be the duty of a hazardous substances authority, when granting hazardous substances consent, to include in that consent—
  - (a) a description of the land to which the consent relates;
  - (b) a description of the hazardous substance or substances to which it relates; and

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*Status: This is the original version (as it was originally enacted).*

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- (c) in respect of each hazardous substance to which it relates, a statement of the maximum quantity allowed by the consent to be present at any one time.