



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Variation and revocation of consents

16 Determination of applications for continuation of hazardous substances consent

- (1) When an application is made under section 15(1) for the continuation of a hazardous substances consent, the planning authority—
 - (a) may modify the consent in any way they consider appropriate, or
 - (b) may revoke it.
- (2) In dealing with such an application the authority shall have regard to any material consideration and, in particular, but without prejudice to the generality of the foregoing—
 - (a) to the matters to which a planning authority are required to have regard by section 7(2)(a) to (d), and
 - (b) to any advice which the Health and Safety Executive have given following consultations in pursuance of regulations under section 15(2).
- (3) If an application relates to more than one consent, the authority may make different determinations in relation to each.
- (4) If a consent relates to more than one hazardous substance, the authority may make different determinations in relation to each.
- (5) It shall be the duty of a planning authority, when continuing hazardous substances consent, to attach to the consent either—
 - (a) a statement that is unchanged in relation to the matters included in it by virtue of sections 7(4) and 8(3), or
 - (b) a statement of any change in respect of those matters.
- (6) The modifications which a planning authority may make by virtue of subsection (1)
 - (a) include, without prejudice to the generality of that provision, making the consent subject to conditions with respect to any of the matters mentioned in section 8(1); and

Status: This is the original version (as it was originally enacted).

section 8(2) shall apply as respects those conditions as it applies to the grant of consent subject to conditions.

(7) Where any application under section 15(1) is made to a planning authority then, unless within such period as may be prescribed, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

- (a) give notice to the applicant of their decision on the application, or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 18,

the application shall be deemed to have been granted.