



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Miscellaneous provisions

26 Temporary exemption directions

(1) If it appears to the Secretary of State—

(a) either—

(i) that the community or part of it is being or is likely to be deprived of an essential service or commodity, or

(ii) that there is or is likely to be a shortage of such a service or commodity affecting the community or part of it, and

(b) that the presence of a hazardous substance on, over or under land specified in the direction, in circumstances such that hazardous substances consent would be required, is necessary for the effective provision of that service or commodity,

he may direct that, subject to such conditions or exceptions as he thinks fit, the presence of the substance on, over or under the land is not to constitute a contravention of hazardous substances control so long as the direction remains in force.

(2) A direction under this section—

(a) may be withdrawn at any time, and

(b) shall in any case cease to have effect at the end of the period of 3 months beginning with the day on which it was given, but without prejudice to the Secretary of State's power to give a further direction.

(3) The Secretary of State shall send a copy of any such direction to the planning authority for the land.