



# Planning (Hazardous Substances) (Scotland) Act 1997

## 1997 CHAPTER 10

### *Obtaining hazardous substances consent*

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

- (1) Subject to the following provisions of this Act, where an application is made to a planning authority for hazardous substances consent, that authority may—
  - (a) grant hazardous substances consent, either unconditionally or subject to such conditions as they think fit, or
  - (b) refuse hazardous substances consent.
- (2) In dealing with such an application the planning 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 have given following consultations in pursuance of regulations under section 5(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 planning 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
  - (c) in respect of each hazardous substance to which it relates, a statement of the maximum amount permitted by the consent to be present at any one time.