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STATUTORY INSTRUMENTS

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**1993 No. 323**

**The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993**

**PART 1**

**GENERAL**

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“the 1986 Act” means the Housing and Planning Act 1986;

“buried or mounded vessel” includes a vessel which is only partially buried or mounded;

“controlled quantity” shall be construed in accordance with regulation 3(3);

“established quantity” has the same meaning as in section 38(10) of the 1986 Act;

“established period” has the same meaning as in section 38(10) of the 1986 Act;

“moveable container” means any container designed or adapted to contain hazardous substances other than a vessel;

“neighbouring land” means—

(a) where storage or use of hazardous substances is to take place within a building (hereinafter referred to as “the storage building”),

(i) every other separately owned or occupied unit within the storage building, and

(ii) land which is conterminous with or within 4 metres of the boundary of land for which hazardous substances consent is applied, but only if any part of the first mentioned land is within 90 metres of storage building;

and

(b) where storage or use of hazardous substances is to take place otherwise than within a building, land which is conterminous with or within 4 metres of the boundary of land for which hazardous substances consent is applied, but only if any part of the first mentioned land is within 90 metres of the area to be used for such storage or use;

and where any unit of a building which is divided into separate units is, in term of this definition, itself “neighbouring land”, then every other unit within that building shall also be treated as “neighbouring land” for the purposes of these regulations, irrespective of the distance of that other unit from the storage building, the area to be used for storage or use, or the land for which hazardous substances consent is applied;

and, for the purposes of this definition, where a road falls within the distance of 4 metres measured from the boundary of the land for which hazardous substances consent is applied, the width of such road shall be disregarded in calculating that distance unless the road is more than 20 metres in width, and the term “land” shall include any building thereon.

“planning authority” shall be construed in accordance with section 172 of the Local Government (Scotland) Act 1973(1);

“vessel” means any container designed or adapted to contain hazardous substances which is affixed to the land, and includes a container which forms part of plant or machinery which is affixed to the land, but does not include a pipeline.

(2) Any reference to a numbered regulation or Schedule is a reference to a regulation or, as the case may be, the Schedule bearing that number in these Regulations, and a reference to a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph having that number in the regulation or Schedule in which the reference appears.

(3) Any reference in these Regulations—

- (a) to a numbered form shall be construed as a reference to the correspondingly numbered form in Schedule 2, or a form substantially to the like effect;
- (b) to a section shall be construed as a reference to that section of the Act unless there is a contrary intention.

(4) References to sections of the Act mentioned in regulations 19, 20, 21, 22 and 23 (enforcement) shall, in relation to hazardous substances control, be construed in those sections and in these Regulations as references to those sections as modified by these Regulations.

(5) Part 4 of these Regulations, Form 12 and Schedule 3 (deemed consents shall be construed in accordance with regulation 17.

(6) Schedule 1 (hazardous substances and controlled quantities) shall be construed in accordance with Part D of that Schedule.