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STATUTORY INSTRUMENTS

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**1999 No. 981**

**The Planning (Control of Major-Accident Hazards) Regulations 1999**

**Transitional provisions**

**4.—**(1) For the purposes of the transition to the amendments made by regulations 2 and 3, sections 11 (deemed hazardous substances consent: established presence) and 26 (transitional exemptions) shall apply with the following modifications.

(2) In section 11—

- (a) in subsection (1), after the words “establishment period” insert—

“for which hazardous substances consent was not required during that period,”;
- (b) in subsection (3), for the words “(4) to” substitute “(5) and”;
- (c) subsection (4) shall be omitted;
- (d) at the beginning of subsection (5) omit, “If at the relevant date such notification was not so required, hazardous” and insert “Hazardous”;
- (e) in subsection (7)(a)—
  - (i) for sub-paragraphs (ii) and (iii) substitute—
    - “(ii) on, over or under other land which is controlled by the same person and which, in all the circumstances (including in particular the purposes for which the land and the land mentioned in sub-paragraph (i) is used) forms with the land so mentioned a single establishment;
    - (iii) on, over or under other land which is within 500 metres of the land mentioned in sub-paragraph (i) and controlled by the same person; or
    - (iv) in or on a structure controlled by the same person any part of which is within 500 metres of the land mentioned in sub-paragraph (i),”
  - (ii) at the end of the subsection, add—

“and in calculating whether the established quantity is exceeded, a quantity of a substance which falls within more than one sub-paragraph of this paragraph shall only be counted once;”;
- (f) for subsection (8) substitute—

“(8) In this section—

  - “establishment period” means the period of 12 months immediately preceding the relevant date;
  - “established quantity” means in relation to any land, the maximum quantity which was present on, over or under the land at any one time within the establishment period;
  - “the relevant date” means the date on which the Planning (Control of Major-Accident Hazards) Regulations 1999 came into force;

“the transitional period” means the period of 6 months beginning with the relevant date.”.

(3) In section 26(1)–

(a) in subsection (1), for paragraphs (a) to (c) substitute–

“(a) the substance was present on, over or under the land at any time within the establishment period and was not a substance or quantity of substance for which hazardous substances consent was required before the relevant date; and

(b) the substance has not been present during the transitional period in a quantity greater in aggregate than the established quantity.”.

(b) subsection (2) shall be omitted.