
STATUTORY INSTRUMENTS

2015 No. 627

The Planning (Hazardous Substances) Regulations 2015

PART 5

Other matters relating to hazardous substances consent and enforcement

Consents register

20.—(1) The register required by section 28(1) must be kept in 6 parts—

- (a) Part 1 must contain details of every application for hazardous substances consent made to the hazardous substances authority and not finally determined;
- (b) Part 2 must contain, in respect of every application for hazardous substances consent made to the hazardous substances authority—
 - (i) details of the application;
 - (ii) particulars of any direction given under section 20;
 - (iii) details of the decision (if any) of the authority, including the date of the decision; and
 - (iv) the reference number, date and effect of any decision of the Secretary of State, whether on a reference under section 20 or on an appeal under section 21;
- (c) Part 3 must contain details of every order revoking or modifying hazardous substances consent made by the hazardous substance authority and the date and effect of any confirmation by the Secretary of State in accordance with section 15;
- (d) Part 4 must contain, in respect of every hazardous substances consent deemed to be granted under section 11(3), details of the claim;
- (e) Part 5 must contain details of every hazardous substances consent deemed to be granted by virtue of a direction given by a government department under section 12; and
- (f) Part 6 must contain details of any direction under section 27 sent to the authority by the Secretary of State.

(2) Where the Secretary of State grants hazardous substances consent under section 177 of the principal Act on the determination of an appeal against a hazardous substances contravention notice, the hazardous substances authority for the land covered by the consent must enter the date and effect of that decision in Part 2 of the register.

(3) The register must include an index to enable any person to trace an entry in the register.

(4) Every entry in the register must be made within 14 days of the relevant information being available to the hazardous substances authority.

(5) The register must be kept at the principal office of the hazardous substances authority.

(6) For the purposes of paragraph (1)(a), an application is not to be treated as finally determined unless—

- (a) it has been decided by the hazardous substances authority (or the period specified in regulation 11(4) has expired without their giving a decision) and the period specified in

regulation 13(1) has expired without any appeal having been made to the Secretary of State;

- (b) it has been referred to the Secretary of State under section 20 or an appeal has been made to the Secretary of State under section 21, the Secretary of State's decision has been issued and the period of 6 weeks specified in section 22(1) has expired without any application having been made to the High Court under that section;
 - (c) an application has been made to the High Court under section 22 and the matter has been determined, either by final dismissal of the application by a Court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under section 22 being made); or
 - (d) it has been withdrawn by the applicant before being determined; or
 - (e) an appeal under section 21 or an application under section 22 has been withdrawn by the applicant before being determined.
- (7) Where this regulation requires details of an application, direction, consent, claim form or notice to be provided in the register, the following must be provided—
- (a) details of the person in control of the land to which the application, direction, consent, claim form or notice relates, where applicable; and
 - (b) the category in Column 1 of Part 1 of Schedule 1 to these Regulations in which any substance that is the subject of the application, direction, consent, claim form or notice falls.