
STATUTORY INSTRUMENTS

2015 No. 627

The Planning (Hazardous Substances) Regulations 2015

PART 3

Hazardous substances consent procedures

Publication of notices of applications

6.—(1) Before making an application for hazardous substances consent to the hazardous substances authority, the applicant must, during the 21 day period immediately preceding the application—

- (a) inform the public by notice published in a local newspaper circulating in the locality in which the land to which the application relates is situated, or by other appropriate means, including electronic media, of the following matters—
 - (i) a description of the proposal and the address or location of the land to which the application relates;
 - (ii) where applicable, the fact that the proposal is, or is part of, a project that is subject to a national or transboundary environmental impact assessment [^{F1}(which have the same meaning as in any provision of retained EU law which implemented the EIA Directive)];
 - [^{F2}(*ia*) where applicable, the fact that the project to which the proposal relates is one in respect of which the Secretary of State is required to consult any state under any provision of retained EU law which implemented the EIA Directive or which is subject to consultations between member States in accordance with Article 14(3) of the Directive;]
 - (iii) that the hazardous substances authority (from which relevant information can be obtained) will decide whether or not to grant consent, and if to grant, will decide on what conditions to grant;
 - (iv) that representations (including comments or questions) may be made to the hazardous substances authority;
 - (v) details of how such representations should be made and the time period for making representations, which must be not less than 21 days beginning with the day after the day on which an application under regulation 5 is sent to the hazardous substances authority;
 - (vi) an indication of the times and places where, or means by which, relevant information will be made available; and
- (b) subject to paragraphs (2) and (3), post a notice containing the information referred to in paragraph (a) on the land to which the application relates for not less than 7 days sited and displayed in such a way as to be easily legible without entering onto the land.

(2) An applicant is not required to comply with paragraph (1)(b) if—

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Planning (Hazardous Substances) Regulations 2015, Section 6. (See end of Document for details)

- (a) the applicant has no right of access or other rights in respect of the land which would enable the applicant to post the notice as required; and
 - (b) the applicant has taken all reasonable steps to acquire the rights but has failed.
- (3) The applicant is not to be treated as having failed to comply with paragraph (1)(b) if the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the 7 days referred to in that paragraph have elapsed, so long as the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.
- (4) An application for hazardous substances consent must not be entertained by the hazardous substances authority unless it is accompanied by—
- (a) a copy of the notice referred to in paragraph (1) certified by, or on behalf of, the applicant as having been published in accordance with paragraph (1)(a);
 - (b) where published in a local newspaper, details of the name of the newspaper and the date of its publication;
 - (c) where published by other means, details of those other means; and
 - (d) the appropriate certificate on Form 1, signed by or on behalf of the applicant.

Textual Amendments

- F1** Words in [reg. 6\(1\)\(a\)\(ii\)](#) substituted (31.12.2020) by [The Planning \(Hazardous Substances and Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1234\)](#), regs. 1, **8(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** [Reg. 6\(1\)\(a\)\(iia\)](#) inserted (31.12.2020) by [The Planning \(Hazardous Substances and Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1234\)](#), regs. 1, **8(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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