

SCHEDULES

SCHEDULE 1 **E+W**

Regulation 3

Hazardous substances and controlled quantities

PART 1 **E+W**

Categories of substances

<i>Column 1 Hazard categories in accordance with the CLP Regulation</i>	<i>Column 2 Controlled quantity (tonnes)</i>
Section ‘H’ – HEALTH HAZARDS	
H1 ACUTE TOXIC Category 1, all exposure routes	5
H2 ACUTE TOXIC	50
— Category 2, all exposure routes	
— Category 3, inhalation exposure route (see note 8)	
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT SE Category 1	50
Section ‘P’ – PHYSICAL HAZARDS	
P1a EXPLOSIVES (see note 9)	10
— Unstable explosives or	
— Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or — Substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (see note 10) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures	
P1b EXPLOSIVES (see note 9) Explosives, Division 1.4 (see note 11)	50
P2 FLAMMABLE GASES Flammable gases, Category 1 or 2	10
P3a FLAMMABLE AEROSOLS (see note 12(1)) ‘Flammable’ aerosols Category 1 or 2, containing flammable gases Category 1 or 2 or flammable liquids Category 1	150 (net)
P3b FLAMMABLE AEROSOLS (see note 12(1)) ‘Flammable’ aerosols Category 1 or 2, not containing flammable gases Category 1 or 2 nor flammable liquids category 1 (see note 12(2))	5,000 (net)
P4 OXIDISING GASES	50

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

Oxidising gases, Category 1	
P5a FLAMMABLE LIQUIDS	10
— Flammable liquids, Category 1, or	
— Flammable liquids Category 2 or 3 maintained at a temperature above their boiling point, or	
— Other liquids with a flash point ≤ 60 °C, maintained at a temperature above their boiling point (see note 13)	
P5b FLAMMABLE LIQUIDS	50
— Flammable liquids Category 2 or 3 where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards, or	
— Other liquids with a flash point ≤ 60 °C where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards (see note 13)	
P5c FLAMMABLE LIQUIDS	5,000
Flammable liquids, Categories 2 or 3 not covered by P5a and P5b	
P6a SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES	10
Self-reactive substances and mixtures, Type A or B or organic peroxides, Type A or B	
P6b SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES	50
Self-reactive substances and mixtures, Type C, D, E or F or organic peroxides, Type C, D, E, or F	
P7 PYROPHORIC LIQUIDS AND SOLIDS	50
Pyrophoric liquids, Category 1	
Pyrophoric solids, Category 1	
P8 OXIDISING LIQUIDS AND SOLIDS	50
Oxidising Liquids, Category 1, 2 or 3, or	
Oxidising Solids, Category 1, 2 or 3	
Section ‘E’ – ENVIRONMENTAL HAZARDS	
E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200
Section ‘O’ – OTHER HAZARDS	
O1 Substances or mixtures with hazard statement EUH014	100
O2 Substances and mixtures which in contact with water emit flammable gases, Category 1	100
O3 Substances or mixtures with hazard statement EUH029	50

PART 2 **E+W**

Named hazardous substances

<i>Column 1</i>	<i>CAS number¹</i>	<i>Column 2</i>	
Hazardous substances		Controlled (tonnes)	quantity
1. Ammonium nitrate (see note 14)		5,000	
2. Ammonium nitrate (see note 15)		1,250	
3. Ammonium nitrate (see note 16)		350	
4. Ammonium nitrate (see note 17)		10	
5. Potassium nitrate (see note 18)		5,000	
6. Potassium nitrate (see note 19)		1,250	
7. Arsenic pentoxide, arsenic (V) acid and/or salts	1303-28-2	1	
8. Arsenic trioxide, arsenious (III) acid and/or salts	1327-53-3	0.1	
9. Bromine	7726-95-6	20	
10. Chlorine	7782-50-5	10	
11. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide		1	
12. Ethyleneimine	151-56-4	10	
13. Fluorine	7782-41-4	10	
14. Formaldehyde (concentration \geq 90%)	50-00-0	5	
15. Hydrogen	1333-74-0	2*	

¹ The CAS number is shown only for indication

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

16. Hydrogen chloride (liquefied gas)	7647-01-0	25
17. Lead alkyls		5
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (see note 20)		Natural gas (including liquefied natural gas): 15* Liquefied petroleum gas: 25 ^[F1*] Any other liquefied flammable gases: 50
19. Acetylene	74-86-2	5
20. Ethylene oxide	75-21-8	5
21. Propylene oxide	75-56-9	5
22. Methanol	67-56-1	500
23. 4, 4'-Methylene bis (2-chloraniline) and/or salts, in powder form	101-14-4	0.01
24. Methylisocyanate	624-83-9	0.15
25. Oxygen	7782-44-7	200
26. 2,4 -Toluene diisocyanate 2,6 - Toluene diisocyanate	584-84-9 91-08-7	10
27. Carbonyl dichloride (phosgene)	75-44-5	0.3
28. Arsine (arsenic trihydride)	7784-42-1	0.2
29. Phosphine (phosphorus trihydride)	7803-51-2	0.2
30. Sulphur dichloride	10545-99-0	1
31. Sulphur trioxide	7446-11-9	15
32. Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (see note 21)		0.001

¹ The CAS number is shown only for indication

<p>33. The following CARCINOGENS or the mixtures containing the following carcinogens at concentrations above 5% by weight: 4-Aminobiphenyl and/or its salts, Benzotrichloride, Benzidine and/or salts, Bis (chloromethyl) ether, Chloromethyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethylcarbamoyl chloride, 1,2-Dibromo-3-chloropropane, 1,2-Dimethylhydrazine, Dimethylnitrosamine, Hexamethylphosphoric triamide, Hydrazine, 2- Naphthylamine and/or salts, 4-Nitrodiphenyl, and 1,3 Propanesultone</p>	<p>0.5</p>
<p>34. Petroleum products and alternative fuels (a) gasolines and naphthas, (b) kerosenes (including jet fuels), (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams) (d) heavy fuel oils (e) alternative fuels serving the same purposes and with similar properties as regards flammability and environmental hazards as the products referred to in points (a) to (d)</p>	<p>2,500</p>
<p>35. Anhydrous ammonia</p>	<p>7664-41-7 50</p>
<p>36. Boron trifluoride</p>	<p>7637-07-2 5</p>
<p>37. Hydrogen sulphide</p>	<p>7783-06-4 5</p>
<p>38. Piperidine</p>	<p>110-89-4 50</p>
<p>39. Bis(2-dimethylaminoethyl) (methyl)amin</p>	<p>3030-47-5 50</p>
<p>40. 3-(2-Ethylhexyloxy)propylamin</p>	<p>5397-31-9 50</p>
<p>41. Mixtures (*) of sodium hypochlorite classified as Aquatic Acute Category 1 [H400] containing less than 5 % active chlorine and not classified under any of the other hazard categories in Part 1 of this Schedule provided that the mixture in the absence of sodium hypochlorite would not</p>	<p>200</p>

¹ The CAS number is shown only for indication

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

be classified as Aquatic Acute Category 1 [H400].

42. Propylamine (see note 22)	107-10-8	500
43. Tert-butyl acrylate (see note 22)	1663-39-4	200
44. 2-Methyl-3-butenenitrile (see note 22)	16529-56-9	500
45. Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (Dazomet) (see note 22)	533-74-4	100
46. Methyl acrylate (see note 22)	96-33-3	500
47. 3-Methylpyridine (see note 22)	108-99-6	500
48. 1-Bromo-3-chloropropane (see note 22)	109-70-6	500

¹ The CAS number is shown only for indication

Textual Amendments

F1 Sch. 1 Pt. 2 symbol added (E.) (10.6.2015) by [The Planning \(Hazardous Substances\) \(Amendment\) Regulations 2015 \(S.I. 2015/1359\)](#), regs. 1, **2(2)**

PART 3 **E+W**

Substances used in processes

<i>Column 1 Hazardous substances</i>	<i>Column 2 Controlled quantity</i>
Where it is reasonable to foresee that a substance falling within Part 1 or Part 2 (“HS”) may be generated during loss of control of the processes, including storage activities in any installation within an establishment, any substance which is used in that process (“S”).	The amount of S which it is believed may generate (on its own or in combination with other substances used in the relevant process) an amount equal to or exceeding the controlled quantity of the HS in question.

PART 4 **E+W**

Notes to Parts 1 to 3

1. Substances and mixtures are classified in accordance with the CLP Regulation.

2. Mixtures shall be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under the CLP Regulation, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.

3. Expressions appearing both in this Schedule and in the Directive have the same meaning for the purposes of this Schedule as they have for the purposes of the Directive.

4. The controlled quantities set out in Parts 1 to 3 of this Schedule relate to each establishment.

The quantities to be considered for the application of these Regulations are the maximum quantities which are present or are likely to be present at any one time.

[^{F25}5.—(1) In the case of an establishment where two or more below-threshold substances in the same hazard group are present, the rule in paragraph (3) applies to those substances.

(2) In this note—

“below-threshold substances” are substances falling within Part 1 or 2 of this Schedule which are present in quantities below the quantities corresponding to those substances specified in column 2 of those Parts;

“hazard group” means each of the following groups of substances—

- (a) substances listed in Part 2 of this Schedule which fall within acute toxicity category 1, 2 or 3 (inhalation route) or STOT SE category 1 and substances which fall within section H, entries H1 to H3 of Part 1;
- (b) substances listed in Part 2 of this Schedule that are explosives, flammable gases, flammable aerosols, oxidising gases, flammable liquids, self-reactive substances and mixtures, organic peroxides, pyrophoric liquids and solids, oxidising liquids and solids and substances which fall within section P, entries P1 to P8 of Part 1;
- (c) substances listed in Part 2 of this Schedule which fall within hazardous to the aquatic environment acute category 1, chronic category 1 or chronic category 2 and substances which fall within section E, entries E1 and E2 of Part 1.

(3) Where, in relation to below-threshold substances in the same hazard group, the sum produced by the formula in paragraph (4) is greater than or equal to 1, the controlled quantity of each such substance shall be the value q_n used in that formula.

(4) The formula is—

$$q_1CQ_1 + q_2CQ_2 + q_3CQ_3 + q_4CQ_4 + q_5CQ_5 + \dots$$

where—

q_n = the quantity of a below-threshold substance which is present at the establishment;

CQ_n = the quantity corresponding to that substance specified in column 2 of Part 1 or 2 of this Schedule (except for Hydrogen where CQ is to be 5, and for liquefied petroleum gas and natural gas (including liquefied natural gas) where CQ is to be 50).]

Textual Amendments

- F2** Sch. 1 Pt. 4, note 5 substituted (6.4.2017) by [The Planning \(Hazardous Substances\) \(Amendment\) Regulations 2017 \(S.I. 2017/365\)](#), regs. 1, **2(1)**

6. In the case of hazardous substances which are not covered by the CLP Regulation, including waste, but which nevertheless are present, or are likely to be present, in an establishment and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties

in terms of major accident potential, these must be provisionally assigned to the most analogous category or named hazardous substance falling within the scope of these Regulations.

7. In the case of hazardous substances with properties giving rise to more than one classification, for the purposes of these Regulations the lowest controlled quantities apply. However, for the application of the rule in note 5, the lowest controlled quantity for [^{F3}each hazard group under note 5] corresponding to the classification concerned must be used.

Textual Amendments

F3 Words in Sch. 1 Pt. 4, note 7 replaced (6.4.2017) by [The Planning \(Hazardous Substances\) \(Amendment\) Regulations 2017 \(S.I. 2017/365\)](#), regs. 1, **2(2)**

8. Hazardous substances that fall within Acute Toxic Category 3 via the oral route (H 301) fall under entry H2 ACUTE TOXIC in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.

9. The hazard class Explosives includes explosive articles (see Section 2.1 of Annex I to the CLP Regulation). If the quantity of the explosive substance or mixture contained in the article is known, that quantity must be considered for the purposes of these Regulations. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of these Regulations, the whole article must be treated as explosive.

10. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to Appendix 6, Part 3 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (UN Manual of Tests and Criteria) ^{M1} identifies the substance or mixture as potentially having explosive properties.

Marginal Citations

M1 More guidance on waiving of the test can be found in the A.14 method description in the Annex to Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration Evaluation, Authorisation and Restriction of Chemicals (REACH) (O.J. L 142, 31.5.2008, p. 1).

11. If Explosives of Division 1.4 are unpacked or repacked, they shall be assigned to the entry P1a, unless the hazard is shown to still correspond to Division 1.4, in accordance with the CLP Regulation.

12.—(1) Flammable aerosols are classified in accordance with the Council Directive [75/324/EEC](#) of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers ^{M2}(Aerosol Dispensers Directive). “Extremely flammable” and “Flammable” aerosols of Directive [75/324/EEC](#) correspond to Flammable Aerosols Category 1 or 2 respectively of the CLP Regulation.

(2) In order to use this entry, it must be documented that the aerosol dispenser does not contain Flammable Gas Category 1 or 2 nor Flammable Liquid Category 1.

Marginal Citations

M2 O.J. L 147, 9.6.1975, p. 40.

13. According to paragraph 2.6.4.5 in Annex I to the CLP Regulation, liquids with a flash point of more than 35 °C need not be classified in Category 3 if negative results have been obtained in the

sustained combustibility test L.2, Part III, section 32 of the UN Manual of Tests and Criteria. This is however not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in this entry.

14. Ammonium nitrate (5,000/10,000): fertilisers capable of self-sustaining decomposition

This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers contain ammonium nitrate with phosphate and/or potash) which are capable of self-sustaining decomposition according to the UN Trough Test (see UN Manual of Tests and Criteria, Part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is—

- (a) between 15.75% ^{M3} and 24.5% ^{M4} by weight, and either with not more than 0.4% total combustible/organic materials or which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers ^{M5};
- (b) 15.75% by weight or less and unrestricted combustible materials.

Marginal Citations

- M3** 15.75% nitrogen content by weight as a result of ammonium nitrate corresponds to 45% ammonium nitrate.
- M4** 24.5% nitrogen content by weight as a result of ammonium nitrate corresponds to 70% ammonium nitrate.
- M5** O.J. L 304, 21.11.2003, p. 1.

15. Ammonium nitrate (1,250/5,000): fertiliser grade

This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 and in which the nitrogen content as a result of ammonium nitrate is—

- (a) more than 24.5% by weight, except for mixtures of straight ammonium nitrate based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90%;
- (b) more than 15.75% by weight for mixtures of ammonium nitrate and ammonium sulphate;
- (c) more than 28%^{M6} by weight for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90%.

Marginal Citations

- M6** 28% nitrogen content by weight as a result of ammonium nitrate corresponds to 80% ammonium nitrate.

16. Ammonium nitrate (350/2,500): technical grade

This applies to ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is—

- (a) between 24.5% and 28% by weight, and which contain not more than 0.4% combustible substances;
- (b) more than 28% by weight, and which contain not more than 0.2% combustible substances.

It also applies to aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80% by weight.

17. Ammonium nitrate (10/50): ‘off-specs’ material and fertilisers not fulfilling the detonation test.

This applies to—

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

- (a) material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in [F⁴notes 15 and 16], that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of [F⁴notes 15 and 16];
- (b) fertilisers referred to in [F⁵note 14(a) and 15] to this Schedule which do not fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003.

Textual Amendments

- F4** Words in Sch. 1 para. 17(a) substituted (E.) (10.6.2015) by [The Planning \(Hazardous Substances\) \(Amendment\) Regulations 2015 \(S.I. 2015/1359\)](#), [reg. 2\(3\)\(b\)](#)
- F5** Words in Sch. 1 para. 17(b) substituted (E.) (10.6.2015) by [The Planning \(Hazardous Substances\) \(Amendment\) Regulations 2015 \(S.I. 2015/1359\)](#), [reg. 2\(3\)\(c\)](#)

18. Potassium nitrate (5,000/10,000)

This applies to those composite potassium-nitrate based fertilisers (in prilled/granular form) which have the same hazardous properties as pure potassium nitrate.

19. Potassium nitrate (1,250/5,000)

This applies to those composite potassium-nitrate based fertilisers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.

20. Upgraded biogas

For the purpose of the implementation of these Regulations, upgraded biogas may be classified under entry 18 of Part 2 of this Schedule where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of Methane, and which has a maximum of 1% Oxygen.

21. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the following factors:

WHO 2005 TEF¹

2,3,7,8-TCDD	1	2,3,7,8-TCDF	0.1
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0.3
		1,2,3,7,8-PeCDF	0.03
1,2,3,4,7,8-HxCDD	0.1		
1,2,3,6,7,8-HxCDD	0.1	1,2,3,4,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDD	0.1	1,2,3,7,8,9-HxCDF	0.1
		1,2,3,6,7,8-HxCDF	0.1
1,2,3,4,6,7,8-HpCDD	0.01	2,3,4,6,7,8-HxCDF	0.1

¹ Van den Berg et al: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds

OCDD	0.0003	1,2,3,4,6,7,8-HpCDF	0.01
		1,2,3,4,7,8,9-HpCDF	0.01
		OCDF	0.0003

(T = tetra, P = penta, Hx = hexa, Hp = hepta, O = octa)

¹ Van den Berg et al: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds

22. In cases where this hazardous substance falls within category P5a Flammable liquids or P5b Flammable liquids, then for the purposes of these Regulations the lower controlled quantity applies.

23. Where a hazardous substance falls within both Parts 1 and 2 of this Schedule, the controlled quantity in Part 2 applies.

24. In relation to Part 3—

- (a) where S also falls within Part 1 or Part 2, the classification with the lowest controlled quantity applies; and
- (b) where S also falls within Part 1 and Part 2, the controlled quantity which is lowest when the controlled quantities under Part 2 and Part 3 are compared applies.

SCHEDULE 2 E+W

Regulation 4

Exemptions

Loading, unloading and intermediate storage E+W

1. Subject to paragraph 2, hazardous substances consent is not required for the temporary presence of a hazardous substance during the period between its being unloaded from one means of transport and loaded onto another, including if it is in directly related intermediate temporary storage, while it is being transported from one place to another.

2. Paragraph 1 does not apply if the substance referred to in paragraph 1 is present on, over or under land in respect of which—

- (a) there is a hazardous substances consent for any substance; or
- (b) (not taking into account the quantity of the substance being transported) there is required to be such a consent for any substance.

Pipelines E+W

3. Hazardous substances consent is not required for the presence of a hazardous substance where it is being transported in a pipeline, including a pumping station, outside any land in respect of which—

- (a) there is a hazardous substances consent for any substance, or
- (b) (not taking into account the quantity of the substance in the pipeline or pumping station) there is required to be such a consent for any substance.

Emergency unloading from ships **E+W**

4. Hazardous substances consent is not required for the presence of a hazardous substance which has been unloaded from a ship or other sea going craft in an emergency until the expiry of the period of 14 days beginning with the day it was unloaded.

5. For the purpose of paragraph 4, a substance is to be treated as having been unloaded from a craft in an emergency if—

- (a) it was unloaded from a craft to which a direction under section 3(1) of the Dangerous Vessels Act 1985 ^{M7} (directions by Secretary of State to harbour master) applied; or
- [^{F6}(b) it was unloaded from a craft after having been brought into a harbour area, within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016, without requiring notification under paragraph (1) of regulation 6 of those Regulations by virtue of an exemption under paragraph (6) of that regulation]

Textual Amendments

F6 Sch. 2 para. 5(b) substituted (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016 \(S.I. 2016/721\)](#), reg. 1, **Sch. 5 para. 13(a)** (with reg. 5)

Marginal Citations

M7 1985 c. 22.

Landfill sites **E+W**

6. Subject to paragraph 7, hazardous substances consent is not required for the presence of a hazardous substance on, over or under land at a waste land-fill site, including underground waste storage.

7. Paragraph 6 does not apply to—

- (a) a site used for the storage of metallic mercury pursuant to Article 3(1)(b) of Regulation (EC) No 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury ^{M8};
- (b) onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines;
- (c) chemical and thermal processing operations and storage related to those operations; or
- (d) operational tailings disposal facilities, including tailing ponds or dams, containing a hazardous substance.

Marginal Citations

M8 O.J. L 304, 14.11.2008, p. 75.

Nuclear sites **E+W**

8. Hazardous substances consent is not required for the presence of a hazardous substance which creates a hazard from ionising radiation if present on, over or under land in respect of which a nuclear site licence has been granted or is required for the purposes of section 1 of the Nuclear Installations Act 1965 ^{M9}.

Marginal Citations

M9 1965 c. 57; section 1 was substituted by paragraphs 16 and 17 of Schedule 12 to the [Energy Act 2013](#) (c. 32).

Minerals **E+W**

9. Hazardous substances consent is not required for the presence of a hazardous substance for the purposes of the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes, except where present in connection with the matters referred to in paragraphs 7(b) to (d) of this Schedule.

10. Hazardous substances consent is not required for the presence of a hazardous substance for the purposes of—

- (a) the offshore exploration and exploitation of minerals, including hydrocarbons; or
- (b) the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out.

Explosives **E+W**

11. Hazardous substances consent is not required for the presence of an explosive within the meaning of regulation 2(1) of the Explosives Regulations 2014 ^{M10} in relation to which—

- (a) a licence is required and has been granted under those Regulations by the Health and Safety Executive where it is the licensing authority by virtue of—
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations, or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) a licence is required and has been granted under those Regulations by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations.

Marginal Citations

M10 [S.I. 2014/1638](#).

[^{F7}**12.** Hazardous substances consent is not required where an explosives licence within the meaning of regulation 2(1) of the Dangerous Goods in Harbour Areas Regulations 2016 has been issued.]

Textual Amendments

F7 [Sch. 2 para. 12](#) substituted (1.10.2016) by [The Dangerous Goods in Harbour Areas Regulations 2016](#) (S.I. 2016/721), [reg. 1](#), [Sch. 5 para. 13\(b\)](#) (with [reg. 5](#))

Presence of established substances **E+W**

13. Hazardous substances consent is not required in relation to a hazardous substance which is on, over or under any land (“the relevant substance”) if—

- (a) the relevant substance was present on, over or under the land at any time during the establishment period;
- (b) hazardous substances consent was not required for the presence of the relevant substance at the time it was present during the establishment period; and
- (c) hazardous substances consent would have been required for the presence of the relevant substance had these Regulations been in force at that time.

14. Paragraph 13 does not apply where the quantity of the relevant substance exceeds the maximum quantity of the relevant substance which was present on, over or under the land at any one time during the establishment period.

Presence of exempted substances **E+W**

15. The presence of a substance for which an exemption is provided under paragraphs 1 to 14 is not be taken into account when calculating the quantity of a hazardous substance present on, over or under land for any purpose of the Act or these Regulations.

Presence of small quantities of substances **E+W**

16. The presence of a quantity of a hazardous substance—

- (a) in a location where it cannot act as an initiator of a major accident elsewhere on the relevant site, and
- (b) which is equal to or less than two per cent of the relevant controlled quantity for that substance,

is not to be taken into account when calculating the quantity of a hazardous substance present on, over or under land for any purpose of the Act or these Regulations.

Minor changes to types and quantities of substances **E+W**

17. Where the conditions in paragraph 18 are met, hazardous substances consent is not required for a relevant minor change.

18. The conditions are—

- (a) that before the relevant minor change occurs, the hazardous substances authority receives from the COMAH competent authority notice in writing (which has been copied to the person in control of the land to which the hazardous substances consent in question relates) confirming—
 - (i) details of the relevant minor change, including details about how substances are to be kept and used;
 - (ii) that the relevant minor change will not result in a safety hazard change; and
 - (iii) that the relevant minor change will not result in a lower-tier establishment becoming an upper-tier establishment or vice versa; and
- (b) that any hazardous substances that are held without hazardous substances consent in reliance on this exemption are kept and used in accordance with the details set out in the notice from the COMAH competent authority.

Interpretation of this Schedule **E+W**

19. In this Schedule—

“establishment period” means the period of 12 months ending on—

- (a) the commencement date; or
- (b) (if later) the date on which hazardous substances consent was first required for the relevant substance;

“relevant minor change” means a change to the quantity or type of hazardous substances present on, over or under land in relation to which there is a hazardous substances consent, where hazardous substances consent would be required for that change but for this regulation;

“safety hazard change” means a change to an area notified to a local planning authority by the Health and Safety Executive or the Office of Nuclear Regulation for the purposes of paragraphs (e) or (f) of the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015^{M11}, where that change results in—

- (a) that area encompassing any area which it did not previously encompass; or
- (b) where the notification of that area included the identification of zones within that area corresponding to levels of risk, the expansion of any such zone.

Marginal Citations

M11 [S.I.2015/595](#).

20. Expressions appearing both in this Schedule and in the Directive have the same meaning for the purposes of this Schedule as they have for the purposes of the Directive.

SCHEDULE 3 **E+W**

Regulations 6(4), 7, 13(4) and 13(5)

Prescribed forms, notices and certificates

Form 1

Posting of Notice of Application Certificate

The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) Regulations 2015 (Regulation 6)

Certificate A

I certify that:

I/The applicant* posted the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application.

The notice was left in position for not less than 7 days during the 21 day period preceding the application.

Certificate B

I certify that:

I have/The applicant has* been unable to post the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application because I have/the applicant has* no right of access or other rights in respect of the land that would enable me/the applicant* to do so.

I have/The applicant has* taken the following steps to acquire those rights, but have/has* been unsuccessful.

(Give description of steps taken).....

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

Certificate C

I certify that:

If the applicant* posted the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application.

It was, however, left in position for less than 7 days during the 21 day period preceding the application.

This happened because it was removed/obscured/defaced* before 7 days had elapsed.

This was not my/the applicant's* fault or intention.

If the applicant* took the following steps to protect and replace the notice:

(Give description of steps taken).....

Signed.....

*On behalf of.....

Date.....

* delete where inappropriate

Form 2

Certificates under Regulation 7(1)* or 13(4)*^(a)

The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) Regulations 2015

Certificate A

I certify that:

At the beginning of the period of 21 days ending with the date of the accompanying application/appeal* only the applicant/appellant* was the owner^(b) of any part of the land to which the application/appeal* relates.

Signed.....

*on behalf of.....

Date.....

Certificate B

I certify that:

I have/The applicant has/The appellant has* given the required notice^(c) to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal*, was the owner^(b) of any part of the land to which the application/appeal* relates, as listed below.

Owner's name.....

Address at which notice was served.....

Date on which notice was served.....

Signed.....

*on behalf of.....

Date.....

Certificate C

I certify that:

If the applicant/The appellant* cannot issue a Certificate A or B in respect of the accompanying application/appeal*.

I have/The applicant has/The appellant has* given the required notice^(c) to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application/appeal*, were owners^(b) of any part of the land to which the application/appeal* relates.

Owner's name.....

Address at which notice was served.....

Date on which notice was served.....

I have/The applicant has/The appellant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the remaining owners^(b) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:—

in.....

Signed.....

*On behalf of.....

Date.....

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

Certificate D

I certify that:

If/The applicant/The appellant* cannot issue a Certificate A in respect of the accompanying application/appeal*

If/The applicant/The appellant* have/has* taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, at the beginning of the period of 21 days ending with the date of the application/appeal*, was the owner⁶⁸ of any part of the land to which the application/appeal* relates, but have/has* been unable to do so, These steps were as follows:—

a)

.....

Signed.....

*On behalf of.....

Date.....

*delete where inappropriate

⁶⁸ These Certificates are for use both with applications and appeals for hazardous substances consent. References to either regulation 7(1) or 13(4) should therefore be deleted as appropriate. One of certificates A, B, C or D must be completed.

⁶⁹ "Owner" means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

⁷⁰ Form 3 (for applications) or Form 4 (for appeals).

⁷¹ Insert description of steps taken.

Form 3

Notice of Application for Hazardous Substances Consent/ Continuation of Hazardous Substances Consent*

The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) Regulations 2015 (Regulation 7)

To be served on an owner⁶⁹

I give notice that⁷⁰.....

is applying to the⁷¹.....

for hazardous substances consent/the continuation of hazardous substances consent*

a)

a)⁷¹.....

Details about how you may inspect a copy of the application and make representations to

a)

are set out in the attached public notice.

Signed:.....

*on behalf of.....

Date.....

*delete where inappropriate

⁶⁹ "Owner" means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

⁷⁰ Insert applicant's name.

⁷¹ Insert name of Council or other body to whom the application is to be made.

⁷² Insert a description of the proposal.

⁷³ Insert address or location of the application site.

Form 4

Notice of Appeal

The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) Regulations 2015 (Regulation 13)

To be served on an owner⁶⁹

I give notice that⁷⁰.....

having applied to the⁷¹..... for hazardous substances

consent/the continuation of hazardous substances consent*

for⁷².....

a)⁷³.....

is appealing to the Secretary of State for Communities and Local Government

against the decision of the⁷⁴.....

on the failure of the⁷⁵.....to give notice of a decision*

If you wish to make representations about this appeal you should write to the Planning Inspectorate, Temple Quay House, Bristol BS1 8TY within 21 days of the date of service of this notice.

Signed:.....

*on behalf of.....

Date.....

*delete where inappropriate

⁶⁹ "Owner" means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

⁷⁰ Insert appellant's name.

⁷¹ Insert name of Council or other body to whom the application was made.

⁷² Insert a description of the proposals.

⁷³ Insert address or location of the application site.

SCHEDULE 4 **E+W**

Regulations 15, 17, 18 and 19(1)

Enforcement – application of the principal Act

PART 1 **E+W**

Appeals against hazardous substances contravention notices

1. Section 174 of the principal Act (appeals against enforcement notice) applies but as if—
 - (a) in subsection (1), for “an enforcement notice” there were substituted “ a hazardous substances contravention notice ”;
 - (b) for subsection (2) there were substituted—

“(2) An appeal may be brought on any of the following grounds-

 - (a) that, in respect of any contravention of hazardous substances control specified in the notice, hazardous substances consent ought to be granted for the quantity of the hazardous substance present on, over or under the land or, as the case may be, the condition concerned ought to be discharged;
 - (b) that the matters alleged to constitute a contravention of hazardous substances control have not occurred;
 - (c) that those matters (if they occurred) do not constitute a contravention of hazardous substances control;
 - (d) that copies of the hazardous substances contravention notice were not served as required by or under section 24(4) of the Planning (Hazardous Substances) Act 1990;
 - (e) that the steps required by the notice to be taken exceed what is necessary to remedy any contravention of hazardous substances control;
 - (f) that any period specified in the notice in accordance with section 24(5)(b) of that Act falls short of what should reasonably be allowed.”;
 - (c) subsections (2A), (2B) and (2C) were omitted;
 - (d) in subsection (3)(a), for “enforcement notice” there were substituted “ hazardous substances contravention notice ”;
 - (e) for subsection (4) there were substituted—

“(4) A notice under subsection (3) shall be accompanied by a copy of the hazardous substances contravention notice, together with a statement—

 - (a) specifying the grounds on which the appeal is being made against the hazardous substances contravention notice; and
 - (b) setting out the appellant's submissions in relation to each ground of appeal.”;
 - (f) in subsection (5), after “does not” and “failed” there were inserted “in that statement” and “within the prescribed time” and “within that time” were omitted;
 - (g) in subsection (6), for “enforcement notice” there were substituted “ hazardous substances contravention notice ”.
2. Section 175 of the principal Act (appeals: supplementary provisions) applies but as if—
 - (a) in subsections (1), (4) and (5), for “enforcement notice” there were substituted “ hazardous substances contravention notice ”;

- (b) in subsection (3), for “local planning authority” there were substituted “ hazardous substances authority ”;
 - (c) subsection (3A) were omitted;
 - (d) in subsection (6), for “any other provisions of this Act” there were substituted “ section 25(1) of the Planning (Hazardous Substances) Act 1990 ”.
3. Section 176 of the principal Act (general provisions relating to determination of appeals) applies but as if—
- (a) in subsection (1)—
 - (i) for “enforcement notice” in both places where it occurs, there were substituted “ hazardous substances contravention notice ”;
 - (ii) for “local planning authority” there were substituted “ hazardous substances authority ”;
 - (b) in subsection (3)—
 - (i) in paragraph (a) “within the prescribed time” were omitted;
 - (ii) for paragraph (b) there were substituted—
 - “(b) may allow an appeal and quash the hazardous substances contravention notice if the hazardous substances authority fail to comply with regulation 16(2) of the Planning (Hazardous Substances) Regulations 2015.”
 - (c) in subsections (4) and (5), for “enforcement notice” there were substituted “ hazardous substances contravention notice ”.
4. Section 177 of the principal Act (grant or modification of planning permission on appeal against enforcement notice) but as if—
- (a) for subsection (1) there were substituted —
 - “(1) On the determination of an appeal under section 174, the Secretary of State may—
 - (a) grant hazardous substances consent for the presence of the hazardous substance on, over or under the land to which the hazardous substances contravention notice relates or on, over or under part of that land;
 - (b) discharge any condition subject to which hazardous substances consent was granted.”;
 - (b) subsections (1A) and (1B) were omitted;
 - (c) for subsection (2) there were substituted —
 - “(2) In considering whether to grant hazardous substances consent under subsection (1), the Secretary of State shall have regard to the considerations specified in section 9(2) of the Planning (Hazardous Substances) Act 1990.”
 - (d) in subsection (3), for “planning permission” in both places where it occurs there were substituted “ hazardous substances consent ” and for “Part III” there were substituted “ the Planning (Hazardous Substances) Act 1990 ”;
 - (e) in subsection (4) “or limitation” were omitted in both places where it occurs;
 - (f) for subsection (5) there were substituted—
 - “(5) where an appeal against a hazardous substances contravention notice is brought under section 174, the appellant shall be deemed to have made an application for hazardous substances consent in respect of the matters specified in the hazardous substances contravention notice as constituting a contravention of hazardous substances control.”

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

- (g) in subsection (5A), for “section 303” there were substituted “ section 26A of the Planning (Hazardous Substances) Act 1990 ”;
- (h) in subsections (6) and (7), for “planning permission” there were substituted “ hazardous substances consent ”;
- (i) for subsection (8) there were substituted—

“(8) For the purposes of section 28 of the Planning (Hazardous Substances) Act 1990 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for hazardous substances consent made to the hazardous substances authority.”

PART 2 **E+W**

Effect of hazardous substances contravention notices, etc.

5. Section 178 of the principal Act (execution and cost of works required by enforcement notices) has effect but as if—
 - (a) for “an enforcement notice” in each place where it occurs there were substituted “ a hazardous substances contravention notice ”;
 - (b) for “local planning authority” in each place where it occurs there were substituted “ hazardous substances authority ”;
 - (c) in subsection (2) for “breach of planning control” in both places where it occurs there were substituted “ contravention of hazardous substances control ”;
 - (d) in subsection (4) for “the enforcement notice” there were substituted “ the hazardous substances contravention notice ”;
 - (e) after subsection (6) there were inserted—

“(7) Where different periods are specified for different steps under section 24(5)(b) of the Planning (Hazardous Substances) Act 1990 in relation to a hazardous substances contravention notice, references in this section and in section 179 to the period for compliance with a hazardous substances contravention notice, in relation to any step, are to the period at the end of which the step is required to have been taken.”
6. Section 179 (offence where enforcement notice not complied with) has effect but as if—
 - (a) for subsection (1) there were substituted—

“(1) Where, at any time after the end of the period for compliance with a hazardous substances contravention notice, any steps required by the notice to be taken have not been taken, the person who is then the owner of the land and any person other than the owner who is in control of the land is in breach of the notice.”;
 - (b) in subsection (2) for “the owner of the land” there were substituted “ a person ” and for “an enforcement notice” substitute “ a hazardous substances contravention notice ”;
 - (c) subsections (4) and (5) were omitted;
 - (d) in subsection (6) “or (5)” were omitted;
 - (e) in subsection (7)(a) for “enforcement notice” there were substituted “ hazardous substance contravention notice ”.
7. Section 180 (effect of planning permission etc. on enforcement or breach of condition notice) has effect but as if—
 - (a) for subsection (1) there were substituted—

“(1) Where, after the service of a copy of a hazardous substances contravention notice, hazardous substances consent is granted for the presence of a hazardous substance on, over or under the land to which the notice relates, the notice shall cease to have effect so far as inconsistent with that consent.”;

- (b) subsection (2) were omitted;
- (c) in subsection (3), for “enforcement notice or breach of conditions notice” there were substituted “ a hazardous substances contravention notice ”.

8. Section 181 (enforcement notice to have effect against subsequent development) has effect but as if it read—

“(1) Compliance with a hazardous substances contravention notice shall not discharge the notice.

(2) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires a hazardous substance to be removed from the land to which the notice relates, the presence on, over or under that land of a quantity of that substance equal to or exceeding its controlled quantity, at any time after the substance has been removed in compliance with the hazardous substances contravention notice, shall be in contravention of that notice.

(3) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires the quantity of a hazardous substance on, over or under the land to which the notice relates to be reduced below a specified quantity (being greater than the controlled quantity), the presence on, over or under that land of a quantity of that substance equal to or in excess of the specified quantity at any time after the quantity of that substance has been reduced below the specified quantity in compliance with the hazardous substances contravention notice, shall be in contravention of that notice.

(4) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires steps to be taken to remedy a failure to comply with a condition subject to which a hazardous substances consent was granted, after those steps have been taken no further steps shall be taken which would constitute a breach of that condition, and the taking of such further steps shall be in contravention of that notice.

(5) Sections 178 and 179 shall apply to the contravention of a hazardous substances contravention notice to which this section applies as if the period for compliance with the notice had expired on the date the contravention took place, but the hazardous substances authority shall not enter the land under section 178(1) without, at least 28 days before their entry, serving on the owner or occupier of the land a notice of their intention to do so.”

PART 3 **E+W**

Registers

9. Section 188 of the principal Act (register of enforcement and stop notices) has effect but as if—

- (a) for subsections (1) and (2) there were substituted—

“(1) Every hazardous substances authority shall keep an enforcement register containing the following information in respect of each hazardous substances contravention notice issued by them—

- (a) the address of the land to which the notice relates;
- (b) the date of service of copies of the notice;

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- (c) a statement of the alleged contravention of hazardous substances control, the steps required by the notice to remedy the contravention, and the period within which such steps are to be taken;
 - (d) the date specified in the notice as the date on which it is to take effect;
 - (e) the date and effect of any variation of the notice;
 - (f) the date of any appeal to the Secretary of State against the notice and the date of the final determination of the appeal.
- (1A) The entry relating to the hazardous substances contravention notice and everything relating to any such notice shall—
- (a) include the category in Column 1 of Part 1 of Schedule 1 to the Planning (Hazardous Substances) Regulations 2015 into which any substance in the notice falls; and
 - (b) be removed from the register if the notice is quashed by the Secretary of State or withdrawn.
- (1B) The register shall include an index to enable any person to trace an entry in the register.
- (1C) Every entry in the register shall be made within 14 days of the relevant information being available to the hazardous substances authority.
- (2) The register shall be kept at the principal office of the hazardous substances authority.”; and
- (b) paragraph (4) were omitted.

PART 4 E+W

Validity

- 10.** Section 285 of the principal Act (validity of enforcement notices and similar notices) applies but as if—
- (a) in subsection (1), for “an enforcement notice” there were substituted “ a hazardous substances contravention notice ”;
 - (b) in subsection (2), for “enforcement notice” in each place where it occurs there were substituted “ hazardous substances contravention notice ”;
 - (c) subsections (3) and (4) were omitted.
- 11.** Section 289 of the principal Act (appeals to the High Court relating to enforcement notices etc.) applies but as if—
- (a) in subsections (1), (4A) and (5A) for “an enforcement notice” in each place where it occurs there were substituted “ a hazardous substances contravention notice ” and in subsections (1) and (4A) for “local planning authority” in each place where it occurs there were substituted “ hazardous substances authority ”;
 - (b) subsections (2) and (4B) were omitted.

SCHEDULE 5 **E+W**

Regulation 33

Amendments

Amendment of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 **E+W**

1.—(1) The Town and Country Planning (London Spatial Development Strategy) Regulations 2000 ^{M12} are amended as follows.

(2) In regulation 6 (regard to be had to certain matters and statement of regard)—

(a) in paragraph (1), for paragraphs (b) and (c) substitute—

“(b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment;

(c) the need, in the long term—

(i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;

(ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;

(iii) in the case of existing establishments, to take additional technical measures, in accordance with Article 5 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, so as not to increase the risks to human health and the environment.”

(b) in paragraph (2), for “Council Directive 96/82/EC” substitute “ Directive 2012/18/EU ”.

Marginal Citations

M12 S.I. 2000/1491.

Amendment of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 **E+W**

2.—(1) The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ^{M13} are amended as follows.

(2) In rule 10 (documents accompanying application), in paragraph (7)—

(a) omit subparagraph (a); and

(b) in subparagraph (b), for “in such one or more of regulations 5(1)(b), 5(2)(b) and 5(3)(b) of those Regulations” substitute “ regulation 5(1)(c), 5(1)(d), 5(2)(c) to (h) and 5(3)(c) to (g) of the Planning (Hazardous Substances) Regulations 2015 ”.

(3) In the table in Schedule 5 (those to be served with a copy of the application and documents), after the row numbered 21, insert—

“21A. A relevant project as defined in regulation 26(5) of the Planning (Hazardous Substances) Regulations 2015.

21A. The COMAH competent authority as defined in regulation 2(1) of those Regulations.”

Marginal Citations

M13 [S.I. 2006/1466](#).

Amendment of the Town and Country Planning (Mayor of London) Order 2008 **E+W**

3.—(1) The Town and Country Planning (Mayor of London) Order 2008 ^{M14} is amended as follows.

(2) In article 6 (Mayor's power to direct refusal of a PSI application) for paragraphs (2)(h) and (2)(i), substitute—

- “(h) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment;
- (i) the need, in the long term—
 - (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;
 - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; and
 - (iii) in the case of existing establishments, to take additional technical measures, in accordance with Article 5 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, so as not to increase the risks to human health and the environment.”

(3) In paragraph (3), for “Council Directive [96/82/EC](#)” substitute “ Directive 2012/18/EU ”.

Marginal Citations

M14 [S.I. 2008/580](#).

Amendment of the Town and Country Planning (Local Planning) (England) Regulations 2012 **E+W**

4.—(1) The Town and Country Planning (Local Planning) (England) Regulations 2012 ^{M15} are amended as follows.

(2) In regulation 10 (Local plans and supplementary planning documents: additional matters to which regard is to be had)—

- (a) for paragraph (1)(b) substitute—
 - “(b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment by pursuing those objectives through the controls described in Article 13 of Council Directive 2012/18/EU;”
- (b) for paragraph (1)(c) substitute—
 - “(c) the need, in the long term—
 - (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;

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

- (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;
 - (ii) in the case of existing establishments, to take additional technical measures, in accordance with Article 5 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, so as not to increase the risks to human health and the environment.”
- (c) in paragraph (2), for “Council Directive 96/82/ EC (as amended by Council Directive 2003/105/EC)” substitute “ Directive 2012/18/EU ”.

Marginal Citations

M15 [S.I. 2012/767](#).

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Hazardous Substances) Regulations 2015.