
STATUTORY INSTRUMENTS

2017 No. 365

**The Planning (Hazardous Substances)
(Amendment) Regulations 2017**

Controlled quantities

2.—(1) In Part 4 of Schedule 1 to the Planning (Hazardous Substances) Regulations 2015(1), for note 5 substitute—

“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—

$$\frac{q1}{CQ1} + \frac{q2}{CQ2} + \frac{q3}{CQ3} + \frac{q4}{CQ4} + \frac{q5}{CQ5} + \dots$$

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).”

(2) In note 7, replace the words “each group of categories in notes 5(a), 5(b) and 5(c)” with “each hazard group under note 5”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
