

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 399

PLANNING

The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2009

Made - - - - 3rd December 2009

Coming into operation 31st December 2009

^{F1}The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by Articles 10, 53(3) and (4), 54(1), 60(3) and 129(1) of the Planning (Northern Ireland) Order 1991(1).

F1 Regulations revoked (except for reg. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\) and \(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(d)**

Citation, commencement and interpretation

^{F1}1.

F1 Regulations revoked (except for reg. 2) (1.4.2015) by [The Planning \(2011 Act\) \(Commencement No.3\) and \(Transitional Provisions\) Order \(Northern Ireland\) 2015 \(S.R. 2015/49\)](#), **art. 5(d)**

Amendment of the Planning (Development Plans) Regulations (Northern Ireland) 1991

2.—(1) The Planning (Development Plans) Regulations (Northern Ireland) 1991(2) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) in the definition of “the Directive” after “substances” insert “as amended by Council Directive [2003/105/EC\(3\)](#)”.

(3) For regulation 9A(b) (regard to be had to certain matters) substitute—

“(b) the need:

(i) in the long term to maintain appropriate distances between establishments covered by the Directive and residential areas, buildings and areas of public use, major

(1) [S.I. 1991/1220 \(N.I. 11\)](#) as amended by [S.I. 2003/430 \(N.I.8\)](#) and [S.I. 2006/1252 \(N.I.7\)](#)

(2) [S.R. 1991 No. 119](#), the relevant amendment is [S.R. 2000 No. 101](#)

(3) [O.J. No. L 345, 31.12.2003, p.97](#)

Changes to legislation: There are currently no known outstanding effects for the The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2009. (See end of Document for details)

transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest; and

(ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of the Directive so as not to increase the risks to people.”.

Commencement Information

I1 Reg. 2 in operation at 31.12.2009, see **reg. 1(1)**

Amendment of the Hazardous Substances Regulations

^{F1}**3.**

F1 Regulations revoked (except for reg. 2) (1.4.2015) by The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015 (S.R. 2015/49), **art. 5(d)**

Transitional provision: existing consents

^{F1}**4.**

F1 Regulations revoked (except for reg. 2) (1.4.2015) by The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015 (S.R. 2015/49), **art. 5(d)**

Transitional exemptions

^{F1}**5.**

F1 Regulations revoked (except for reg. 2) (1.4.2015) by The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015 (S.R. 2015/49), **art. 5(d)**

Sealed with the Official Seal of the Department of the Environment on 3rd December 2009



Marianne Fleming
A senior officer of the
Department of the Environment

^{F1}SCHEDULE

Regulation 3(5)

Substitution of Schedule 3 to The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in relation to planning in Northern Ireland, Article 12 of Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances (O.J. No. L.10, 14.1.1997, p.13) (“the Seveso II Directive”), as amended by Council Directive [2003/105/EC](#) (O.J. No. L.345, 31.12.2003, p.97) (“the 2003 Directive”).

Article 12 of the Seveso II Directive requires that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in land use policies; and that these objectives are achieved through controls, and the requirement to ensure that planning authorities set up appropriate consultation procedures to facilitate the implementation of these and other policies established under the Article. It also requires Member States to take account of the need, in the long term, to maintain appropriate distances between establishments covered by the Directive and residential areas, areas of public use, and areas of natural sensitivity or interest. The 2003 Directive extends this requirement to include buildings in public use, major transport routes as far as possible, and recreational areas.

The amendments made by the 2003 Directive also extend the scope of the Seveso II Directive by amending Annex I to the Seveso II Directive (application of the Seveso II Directive). Annex I applies to the presence of dangerous substances (including mixtures and preparations) at any establishment. In so doing, Annex I determines the application of Article 12. The new Annex I increases the range of dangerous substances, and revises the definitions and qualifying quantities of dangerous substances that were listed in Annex I to the Seveso II Directive. Among those dangerous substances now included by virtue of the amendments made by the 2003 Directive are those associated with risks arising from certain storage and processing activities in mining.

Regulation 2 amends the Planning (Development Plans) Regulations (Northern Ireland) 1991 to add to the matters that the Department shall have regard when formulating its development plan policies.

Regulation 3 amends the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 by substituting a new Schedule 3 prescribing the substances which are hazardous substances and their controlled quantities, in order to implement the amendments made to Annex I to the Seveso II Directive by the 2003 Directive. Regulation 3 also makes some minor amendments to reflect the substitution of the new Schedule 3.

Regulation 4 makes transitional provision to ensure that existing hazardous substances consents are not treated as invalid because hazardous substances have been renamed or re-categorised.

Regulation 5 confers transitional immunity from prosecution and contravention proceedings for a period of six months from the day these Regulations come into operation. During this time an application for consent may be made.

Changes to legislation: *There are currently no known outstanding effects for the The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2009. (See end of Document for details)*

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Planning Service Headquarters, Millennium House, 17-25 Great Victoria Street, Belfast, BT2 7BN (Tel: 028 90416967) or accessed at <http://www.planningni.gov.uk/>

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2009.