

2014 No. 190

PLANNING

**The Planning (Hazardous Substances) (Amendment)
Regulations (Northern Ireland) 2014**

Made - - - - - *26th June 2014*

Coming into operation - *28th July 2014*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by articles 53(3) and (4), 60(3) and 129(1) of the Planning (Northern Ireland) Order 1991(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Hazardous Substances) (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 28th July 2014.

(2) In these Regulations—

“the 1991 Order” means the Planning (Northern Ireland) Order 1991;

“the Hazardous Substances Regulations” means the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993(b).

Amendment of the Hazardous Substances Regulations

2.—(1) The Hazardous Substances Regulations are amended as follows.

(2) In the table in Part A (named substances) of Schedule 3 in item 36 “Petroleum products” after “(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)”, insert—

“(d) heavy fuel oils”.

(3) In relation to—

(a) any hazardous substances consent granted or deemed to have been granted before the relevant date;

(b) any application for hazardous substances consent made before the relevant date;

(c) any hazardous substances consent granted in respect of an application of the type mentioned in paragraph 3(b);

(d) any appeal made under Article 57 of the 1991 Order to which an application of the type mentioned in paragraph 3(b) relates;

(a) 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)

(b) S.R. 1993 No. 275 as amended by S.R. 2000 No. 101, S.R. 2005 No. 320, S.R. 2006 No. 218, S.R. 2006 No. 425, S.R. 2009 No. 399 and S.R. 2010 No. 329

- (e) any proceedings in relation to an offence under Article 61 of the 1991 Order committed before the relevant date;
- (f) any hazardous substances contravention notice issued by the Department before the relevant date;
- (g) any action started or anything done in relation to any matter mentioned in sub-paragraphs (a) to (f) before the relevant date,

the Hazardous Substances Regulations continue to apply without the amendment made in paragraph (2).

(4) In paragraph (3) “the relevant date” means the day on which this regulation comes into operation.

Sealed with the Official Seal of the Department of the Environment on 26th June 2014



Angus Kerr

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in relation to planning in Northern Ireland, Article 30 of Directive 2012/18/EU (O.J. L.197, 24.7.2012, p.1) (“the Seveso III Directive”) on the control of major-accident hazards involving dangerous substances, amending Council Directive 96/82/EC (O.J. L 10, 14.1.1997, p13) (“the Seveso II Directive”).

Article 30 of the Seveso III Directive amends Part 1 of Directive 96/82/EC by adding the words “(d) heavy fuel oils” to the heading “Petroleum products” in Part 1 of Annex 1.

Regulation 2 amends the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 (“the Hazardous Substances Regulations”) to add “(d) heavy fuel oils” to the item 36 “Petroleum products” in the table in Part A of Schedule 3. The effect of this is that an establishment where heavy fuel oils are present in a quantity equal to, or exceeding the controlled quantity (2,500 tonnes) becomes subject to the Hazardous Substances Regulations. It also makes saving provision to ensure that existing hazardous substances consents and other specified matters are not affected by the amendment.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Planning Policy Division, Causeway Exchange, 1-7 Bedford Street, Town Parks, Belfast BT2 7EG (Tel: 028 9082 3497) or accessed at <http://www.planningni.gov.uk/>

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STATUTORY RULES OF NORTHERN IRELAND

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The Planning (Hazardous Substances) (Amendment)
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£4.25

N6233 7/2014 446233T 19585

ISBN 978-0-337-99459-3



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