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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 344**

**The Planning (Hazardous Substances)  
(No. 2) Regulations (Northern Ireland) 2015**

**PART 7**

**Revocation, amendments, savings and transitional provisions**

**Revocation**

**24.** The Planning (Hazardous Substances) Regulations (Northern Ireland) 2015<sup>(1)</sup> are revoked subject to the savings and transitional provisions set out in this Part.

**Interpretation of existing consents**

**25.**—(1) Nothing in this regulation shall affect the operation of section 29(3)(a) of the Interpretation Act (Northern Ireland) 1954.

(2) In this regulation, “relevant consent” means a hazardous substances consent granted before the commencement of these Regulations under which the following are expressly authorised—

- (a) the presence of a category of substance listed in column 1 of Part B of Schedule 2 to the Hazardous Substances Regulations; or
- (b) the presence of a substance named in column 1 of Part A of Schedule 2 to the Hazardous Substances Regulations.

(3) This regulation applies to a relevant consent where the category or substance referred to in paragraph (1)—

- (a) is not contained in Schedule 2 to these Regulations; or
- (b) is differently named or defined under Schedule 2 to these Regulations.

(4) Where this regulation applies references in a relevant consent to a category or substance referred to in paragraph (1) are to be interpreted as if these Regulations had not come into operation.

**Notification of other establishments**

**26.**—(1) This regulation applies where—

- (a) hazardous substances consent would be required but for the exemption in regulation 4(13); and
- (b) the council receives from the person in control of the land to which the notice relates a notice in writing which contains—
  - (i) details of the location of the land to which the notice relates and the person in control of the land;

- (ii) details of the hazardous substances held at the site, including the quantities; and
- (iii) an explanation of why regulation 4(13) applies.

(2) The council must, as soon as practicable after receiving the notice, send the Health and Safety Executive for Northern Ireland (HSENI) a copy of the notice.

(3) HSENI must, within 8 weeks of receiving notification from the council under paragraph (2), determine whether the notice concerns an establishment within the meaning of the Directive and, if so, notify the council for the area in which the establishment is located.

### **Amendment of the General Development Procedure Order**

**27.—**(1) The General Development Procedure Order is amended as follows.

(2) In Parts 1 and 2 of Schedule 3, for paragraph 2(b) substitute—

“(b) where the development—

- (i) involves the siting of new establishments;
- (ii) consists of the modification of existing establishments covered by Article 11 of Council Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances; or
- (iii) involves new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident(2).”.

### **Amendment of the Local Development Plan Regulations**

**28.—**(1) The Planning (Local Development Plan) Regulations (Northern Ireland) 2015(3) are amended as follows.

(2) For Regulation 14 (additional matters to be taken into account) substitute—

“**14.—**(1) The other matters that the council must take into account in preparing a local development plan are—

- (a) 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 the Directive;
- (b) 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 the Directive, so as not to increase the risks to human health and the environment.

(2) In this regulation—

(2) O.J. L. 197, 24.7.2012, p.1 In paragraph 2(b) expressions used in that paragraph have the same meaning as in that Directive.  
 (3) S.R. 2015 No. 62

- (a) “the Directive” means Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, and
- (b) expressions used in paragraph (1) and in the Directive have the same meaning in that paragraph as in the Directive.”.