
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 61

**The Planning (Hazardous Substances)
Regulations (Northern Ireland) 2015**

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2.—(1) In these Regulations—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011;

“buried or mounded vessel” includes a vessel which is only partially buried or mounded;

“consent” means consent required under section 108 of the 2011 Act;

“the Directive” means Council Directive [96/82/EC\(1\)](#) on the control of major-accident hazards involving dangerous substances as amended by Council Directive [2003/105/EC\(2\)](#), and Council Directive [2012/18/EU\(3\)](#);

“electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001(4);

“moveable container” means any container, other than a vessel, designed or adapted to contain hazardous substances;

“vessel” means any container which is affixed to land and which is designed or adapted to contain hazardous substances, and includes a container which forms part of plant or machinery but does not include a pipeline.

(2) In these Regulations—

(a) a reference to a section is a reference to that section of the 2011 Act;

(b) a reference to a numbered form is a reference to the correspondingly numbered form in Schedule 1.

(3) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

(1) O.J. No. L10,14.1.1997, p. 13

(2) O.J. No. L345, 31.12.2003, p. 97

(3) O.J. No. L197, 24.7.2012, p. 1-37

(4) [2001 c.9 \(N.I.\)](#) as amended by [2003 c.21](#)

- (a) the expression “address” includes any number or address used for the purpose of such communications except that where these Regulations impose any obligation on any person to provide a name or address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to forms, maps, plans, notices or other documents or copies of such things include references to such documents or copies of them in electronic form.

(4) Paragraphs (5) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, map, plan, notice or other document to any other person (“the recipient”).

(5) The requirement shall be taken to be fulfilled where the application or other document transmitted by means of electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(6) In paragraph (5), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(7) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(8) A requirement in these Regulations that any application or other document should be in writing is fulfilled where the document meets the criteria in paragraph (5).