
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 61

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

PART 2

Hazardous Substances, Controlled Quantities and Exemptions

Hazardous substances and controlled quantities

- 3.—(1) Substances, mixtures or preparations—
- (a) specified in column 1 of Part A;
 - (b) falling within a category in column 1 of Part B; or
 - (c) meeting the description in column 1 of Part C,

of Schedule 2 and present as raw materials, products, by-products, residues or intermediates are hazardous substances for the purposes of the 2011 Act.

(2) The quantity specified in column 2 of Schedule 2 is the controlled quantity of the corresponding hazardous substance in column 1 of that Schedule for the purposes of the 2011 Act.

Exemptions

4.—(1) Hazardous substances consent is not required for the temporary presence of a hazardous substance during the period between its being unloaded from one means of transport to another while it is being transported from one place to another unless it is present on, over or under land in respect of which there is a hazardous substances consent for any substance, or in respect of which (not taking into account the quantity of the substance being transported) there is required to be such a consent for any substance.

(2) Hazardous substances consent is not required for the presence of a hazardous substance in, on, over or under land at military establishments, installations or storage facilities.

(3) Hazardous substances consent is not required for the presence of a hazardous substance contained in an exempt pipeline or a service pipe.

(4) Subject to paragraph (5), hazardous substances consent is not required for the presence of a hazardous substance which has been unloaded from a ship or other seagoing craft in an emergency until the expiry of a period of 14 days beginning with the day on which it was so unloaded.

(5) For the purposes of paragraph (4) a substance shall be treated as having been unloaded from a craft in an emergency if it was unloaded from a craft after having been brought into a harbour or harbour area within the meaning of regulation 2 of the Dangerous Substances in Harbour Area Regulations (Northern Ireland) 1991⁽¹⁾, without requiring notification under regulation 6(1) of those Regulations by virtue of an exemption under regulation 6(5) of those Regulations.

(6) Hazardous substances consent is not required for the presence of a hazardous substance on, over or under land at a waste land-fill site.

(7) Hazardous substances consent is not required for the presence of a hazardous substance which creates a hazard from ionising radiation if present on, over or under land in respect of which a nuclear site licence has been granted or is required for the purposes of section 1 of the Nuclear Installations Act 1965⁽²⁾.

(8) The presence of a quantity of a hazardous substance (other than that of a substance numbered 10, 18, 39 and 43 in column 1 of Part A of Schedule 2)—

- (a) in a location where it cannot act as a initiator of a major accident hazard elsewhere on the relevant site; and
- (b) which is equal to or less than two per cent of the relevant controlled quantity for that substance,

shall not be taken into account when calculating the quantity of a hazardous substance present on, over or under land for any purpose of the 2011 Act or these Regulations.

(9) The presence of a substance to which paragraphs (1) to (7) apply shall not be taken into account when calculating the quantity of a hazardous substance present on, over or under land for any purpose of the 2011 Act or these Regulations.

(10) In this regulation—

- (a) “exempt pipeline” means a pipeline used to convey a hazardous substance to or from a site, but does not include—
 - (i) that part of the pipeline on, over or under a site to which it has an outlet or inlet;
 - (ii) a service pipe;
- (b) “service pipe” means a pipeline used by a person to whom a licence has been granted under Article 8(1) of the Gas (Northern Ireland) Order 1996⁽³⁾ to supply gas to an individual customer from a main of that supplier;
- (c) “major incident” means an occurrence (including in particular, a major emission, fire or explosion) resulting from uncontrolled developments in the course of any operation carried out on, over or under land in respect of which there is required to be a hazardous substances consent and leading to serious danger to human health or the environment, immediate or delayed, and involving one or more hazardous substances;
- (d) the expressions “initiator”, “major emission, fire or explosion”, “resulting from uncontrolled developments”, “leading to serious danger to human health or the environment, immediate or delayed”, “waste land-fill site” and “ionising radiation” have the same meaning as in the Directive.

(2) 1965 c. 57; section 1 was amended by S.I. 1974/2056 and S.I. 1990/1981

(3) S.I. 1996/275 (N.I.2)