

EXPLANATORY MEMORANDUM TO

The Planning (Hazardous Substances) (Amendment) Regulations (Northern Ireland) 2016

S.R 2016 No. 116

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule 2015 No. XX which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 109(4) and 247(1) of the Planning Act (Northern Ireland) 2011 and is subject to the negative resolution procedure.

1.3 The rule is due to come into operation on 9th May 2016.

2. Purpose

2.1 These Regulations amend the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015. They are being made as a consequence of the commencement of the Departments (Transfer of Functions) Order (Northern Ireland) 2015.

3. Background

3.1 The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015 (“the No. 2 Regulations”) transposed the land-use planning requirements of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances (“the Seveso III Directive”) in respect of land-use planning in Northern Ireland.

3.2 Under the No. 2 Regulations the Department and district councils in Northern Ireland are able to function as hazardous substances authorities in compliance with the Seveso III Directive.

3.3 Hazardous substances authorities are responsible for granting hazardous substances consent (consent for the presence of a hazardous substance on, over or under land). They are required to consult with the Health and Safety Executive for Northern Ireland and prescribed bodies or persons before so doing.

3.4 These Regulations amend the No. 2 Regulations to clarify the consultation arrangements in respect of applications for hazardous substances consent made to or by councils following the changes effected by the Departments (Transfer of Functions) Order (Northern Ireland) 2016 in respect of responsibilities of the emerging Departments. Specifically, they require consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) before granting hazardous substances consent.

4. Consultation

4.1 As these Regulations simply make technical amendments arising from a change in function of Departments in Northern Ireland consultation has not been deemed necessary.

5. Equality Impact

5.1 In accordance with its duty under Section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals and has concluded that they do not have any implications for equality of opportunity

6 Regulatory Impact

6.1 As these Regulations simply make technical amendments arising from a change in function of Departments in Northern Ireland a Regulatory Impact Assessment has not been prepared.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Statutory Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act, the Human Rights Act 1998 or any statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

9.1 None..

10. Parity or Replicatory Measure

10.1 There are no parity or replicatory issues.

11. Additional Information

11.1 Brian Gorman at the Department of the Environment Tel: 02890 823536 or e-mail: Brian.Gorman@doeni.gov.uk can answer any queries regarding the new regulations.