

EXECUTIVE NOTE

THE TOWN AND COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) AMENDMENT REGULATIONS 2010 S.S.I. 2010/171

Introduction

1. The above instrument was made in exercise of the powers conferred by sections 2, 3 and 39(1) of the Planning (Hazardous Substances) (Scotland) Act 1997 (the 1997 Act), sections 8(1)(b) and 16(2)(b) of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative resolution procedure.

Background

2. These Regulations amend the Town and County Planning (Hazardous Substances)(Scotland) Regulations 1993 (the 1993 Regulations) to correct an error introduced by the Planning (Control of Major Accident-Hazards) (Scotland) Regulations 2009 (SSI 2009/ 378 – the 2009 Regulations).

3. The 2009 Regulations replaced Schedule 1 to the 1993 Regulations with a new schedule containing the revised list of substances and quantities to which hazardous substances requirements apply. Part A of the schedule contains named substances and qualifying thresholds. A qualifying threshold was incorrectly entered in column 3 for entry 1 in the schedule – this should have been blank.

4. These Amendment Regulations correct this error and provide a transitional arrangement to allow certain parties who may be affected a period of 6 months to obtain any consent required as a result of the correction before they would be guilty of an offence. The transitional only applies to those who had been storing substances without the need for consent in the period since the 2009 Regulations came into force at levels which as a result of the correction would require consent. We think it unlikely that many sites will fall into this category

Policy Objectives

9. This is an error correction to ensure compliance with Article 12 of European Directive 96/82/EC on the control of major accidents involving dangerous substances as amended by Council Directive 2003/105/EC.

Consultation

15. We have not consulted on this correction as it is in effect required to ensure compliance. We have included a transitional arrangement as described above

Financial Impacts and RIA

18. A Regulatory Impact Assessment (RIA) accompanied the 2009 Regulations and we do not anticipate significant costs as a result of this correction. The executive note and RIA for the 2009 Regulations accompany this note. As a corrective instrument Office of Public Sector Information will distribute copies free of charge and we will send copies to those to whom we sent the 2009 Regulations.

Directorate for the Built Environment
April 2010