

SCHEDULE 2

Exemptions

Presence of established substances

12. Hazardous substances consent is not required for the presence of a hazardous substance on, over or under land (“the relevant substance”) if—

- (a) the relevant substance was present on, over or under the land at any time during the establishment period;
- (b) hazardous substances consent was not required for the presence of the relevant substance at the time it was present during the establishment period; and
- (c) hazardous substances consent would have been required for the presence of the relevant substance had these Regulations been in force at that time.