

Title: Impact assessment for the transposition of the Seveso III Directive into English law through the new Planning (Hazardous Substances) Regulations 2015. IA No: RPC14-FT-CLG-2143(2) Lead department or agency: Department for Communities and Local Government Other departments or agencies:	Impact Assessment (IA)		
	Date: 11/02/2015		
	Stage: Final (validation)		
	Source of intervention: EU		
	Type of measure: Secondary legislation		
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Summary: Intervention and Options	RPC Opinion: Awaiting Validation
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Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out? Measure qualifies as
-£0.21m	-£0.21m	£0.02m	NO n/a

What is the problem under consideration? Why is government intervention necessary?

European directive 2012/18/EU (the 'Seveso III directive') on the control of major accident hazards involving hazardous substances must be transposed by 31 May 2015. The Department is responsible for implementing the directive's land-use planning requirements in England. At the same time, opportunities have been identified to deregulate existing domestic controls where these, without good reason, go beyond the requirements of Seveso III. In the interests of transparency, separate and complementary impact assessments have been prepared: an assessment of the impacts of deregulation of unwarranted additional domestic controls, and this assessment of the impacts of proposed changes in land-use planning regulations to meet the requirements of the directive.

What are the policy objectives and the intended effects?

The Department's objective in transposing Seveso III is to meet the requirements of the directive whilst minimising (i) costs to business, and (ii) administrative burdens on the regulatory bodies responsible for implementing the directive. The Department is also using the opportunity presented by the transposition to consolidate regulations on land-use planning, meeting Red Tape Challenge commitments.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

(0) Do nothing. This was not viable as the UK has a commitment to transpose the directive before the transposition deadline and failing to do so could result in infraction proceedings and related costs.
(1) Transposition only. This did not meet Red Tape Challenge commitments or policy objectives for deregulation.
(2) Transposition, deregulation, and re-working of the whole system. This is a substantial undertaking and cannot be carried out to the transposition deadline of 31 May.
(3) Transposition and deregulation. This is the preferred option as it meets Red Tape Challenge commitments while implementing directive's requirements within the necessary timeframe. Guidance is being provided to avoid the need for further regulation where consistent with EU requirements.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 06/2020					
Does implementation go beyond minimum EU requirements?				No	
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro Yes	< 20 Yes	Small Yes	Medium Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded: n/a	Non-traded: n/a

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister: _____ **Brandon Lewis** **Date** 16 February 2015

Summary: Analysis & Evidence

Policy Option 3

Description: Policy Option 3 - Transposition and Deregulation (Preferred Option)

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -£0.61m	High: -£0.066m	Best Estimate: -£0.21m

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£0	£0.007	£0.066m
High	£0	£0.063	£0.61m
Best Estimate		£0.022	£0.21m

Description and scale of key monetised costs by 'main affected groups'

Businesses holding or wishing to hold hazardous substances will incur costs associated with familiarisation with the new regulations of between £5,800 and £9,500 in total per year in England. An estimated 8 establishments holding substances could come into the scope of regulation, and could need to apply for a hazardous substances consent if they were to make changes to their activities. Based on the average estimated cost of applying for a consent, these costs to business could amount to £140,000 in total in year one.

Other key non-monetised costs by 'main affected groups'

Other changes will entail negligible (if any) costs to business which it would not be proportionate to quantify, for instance (i) there are small changes to the information which needs to be provided to the public when making an application for a consent, and (ii) establishments coming into scope of regulations for the first time will be able to notify local authorities of their presence.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups'

As a result of the changes, a net movement of sites out of scope of regulation is expected. These sites would no longer require a consent. Changes to the consent application process will also avoid delays which can be costly to business. The approach to the transposition has been informed by consultation with industry, who have been supportive of the proposals. However, due to the nature of the available evidence, benefits have not been monetised.

Other key non-monetised benefits by 'main affected groups'

Greater alignment with international standards is likely to bring trade benefits, and high levels of safety will continue to benefit business and the public.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5%
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BUSINESS ASSESSMENT (Option 3)

Direct impact on business (Equivalent Annual) £m:	In scope of OITO?	Measure qualifies as
Costs: £0.02m Benefits: £0.0 Net: -£0.02m	NO	n/a

Introduction

Please note: We have one proposal with two regulatory elements. This proposal is being taken forward through the introduction of new 'Planning (Hazardous Substances) Regulations 2015' and the wider planning regime, together delivering:

- a) Transposition of the Seveso III directive; and
- b) Deregulation of domestic rules that are more onerous than the Seveso directive

Separate and complementary assessments are provided for each element to ensure transparency in the calculation of costs and benefits. This was the format adopted at regulatory triage assessment stage and supported by the Regulatory Policy Committee.

This assessment deals with only the effects of (a) transposition of the Seveso III Directive.

1. Problem under consideration

1.1 Background to the Seveso directive and domestic regulation

1. Directive 2012/18/EU - the 'Seveso III directive' - was introduced into European law in August 2012 and is to be fully transposed by member states by 31 May 2015, to come into force on 1 June 2015¹. The Department for Communities and Local Government has responsibility for transposing the land-use planning requirements of the directive in England.
2. The stated purpose of the Seveso III directive is to prevent on-shore major accidents involving dangerous ('hazardous' in domestic regulations) substances, and limit their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the European Union in a consistent and effective manner. The directive replaces EU directive 96/82/EC ('Seveso II').
3. EU legislation aimed at preventing major accidents involving hazardous substances has been in place since 1982, when the first Seveso directive was introduced in the wake of a number of incidents across Europe, including explosions at Flixborough in the UK and a major accident at Seveso in Italy. Land-use planning requirements were introduced in 1996 under Seveso II, and are amended in Seveso III.
4. At present, the Seveso II directive applies to around 700 sites in England², mainly establishments related to petrochemical and chemical industries, large scale fuel, gas and chemical storage and distribution depots, and some pharmaceutical and metal manufacturing sites. The chemicals industry had an output of £9.5bn in 2010, employs 100,000 people and plays a key role in the supply chain for other sectors³.
5. The directive is based on a three-part strategy:
 - i. Identification of major hazard establishments by reference to either named substances or categories of substances (e.g. toxic or inflammable) above certain threshold quantities;
 - ii. Prevention and control of major accidents by technical, procedural and organisational measures and to demonstrate these in a safety report prepared by the operator and submitted to the regulator for assessment, and
 - iii. Mitigation of the consequences of a major accident by emergency plans and land use planning controls.
6. The majority of the directive's requirements are implemented by the Health and Safety Executive through Control of Major Accident Hazard regulations (known as the COMAH regulations), applicable across Great Britain. Control of Major Accident Hazard regulations deal with on-site safety measures, requirements for the inspection of sites and the preparation of site safety plans and emergency plans. The land use planning controls in the directive are a devolved matter and are implemented through separate legislation in England, Scotland and Wales. The Department for Communities and Local Government has responsibility for transposing the directive's land-use planning requirements in England.
7. At present, the land use planning requirements of the existing Seveso II directive are implemented in England primarily through two regimes:
 - (a) The Town and Country Planning regime, which requires that in drawing up local plans (which must be considered when determining new planning applications) planning authorities should ensure appropriate distances between sites storing or using hazardous substances and developments such as buildings in public use and residential or recreational areas; and

¹ Directive 2012/18/EU can be viewed at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0018>

² Please see Table 1, Section 6.1

³ BIS 'Review of Enforcement in the Chemicals Industry (COMAH)' Review, February 2013 - <http://discuss.bis.gov.uk/focusonenforcement/files/2013/02/bis-13-557-review-of-enforcement-in-chemicals-industry-comah.pdf>

(b) The Hazardous Substances Consent regime, which pre-dates the Seveso directive, has been used to deliver its requirements. The regime enables controls on where dangerous substances can be stored. Operators wishing to hold above a certain quantity of a controlled substance on site must apply for hazardous substances consent from the hazardous substances authority (which is usually the local planning authority). The authority will consider the suitability of the location with the Health and Safety Executive and other bodies where appropriate. If consent is granted, a consultation zone is established around the site. From then on, local planning authorities must consult with the Control of Major Accident Hazards Competent Authority (which in England comprises the Health and Safety Executive and the Environment Agency) on proposals for new development within that zone.

8. This procedure allows the impacts of the presence of hazardous substances on human health and the environment to be assessed when proposals for future development are considered and local plans are formulated.
9. The process of applying for consent also includes public engagement and opportunities for public representations to be considered prior to determination.

1.2 Changes brought in under the Seveso III directive

10. The need for the new Seveso III directive came as a result of recent changes in the EU chemical classification system. On 1 June 2015, the existing hazard-based classification system for chemicals upon which the scope of Seveso II is based will be replaced by new direct-acting EU Classification, Labelling and Packaging Regulation⁴. This new classification system brings greater alignment with the United Nations international chemicals classification (Globally Harmonised System), and as such is expected to bring trade benefits to industry. The new Seveso III directive therefore includes an updated list of controlled substances, based on the scope of the Classification, Labelling and Packaging Regulation.
11. At the same time the European Commission took the opportunity to bring the directive in line with the Aarhus Convention on access to information, public participation in decision-making and access to justice on environmental matters⁵.
12. The Seveso III directive introduces several changes which impact on land-use planning and require changes to the current regulations in England. These are detailed below at Section 3.

1.3 Domestic regulation

13. In transposing the directive, we have identified some areas where existing domestic regulations that clearly extend beyond those required by the directive could be addressed. These changes are detailed in the separate impact assessment provided for the deregulatory measures.

1.4 Red Tape Challenge

14. A Red Tape challenge commitment has been made to consolidate the existing planning hazardous substances regulations, which the Department for Communities and Local Government is taking forward as part of the transposition of the land-use planning requirements of the directive in England. This is part of a wider package of changes under the Planning Administration theme which identified 129 regulations, out of a total of 182, to either eliminate or improve, resulting in a 57% reduction⁶.
15. The current framework for planning for hazardous substances is contained in the Planning (Hazardous Substances) Act 1990 (as amended), the Planning (Hazardous Substances) Regulations 1992 (as amended) and other relevant planning legislation. The proposed new

⁴ For further information on CLP Regulation, please see http://ec.europa.eu/environment/chemicals/labelling/index_en.htm

⁵ For further information on the Aarhus Convention, please see <http://ec.europa.eu/environment/aarhus/>

⁶ <http://www.redtapechallenge.cabinetoffice.gov.uk/themehome/planning-administration/>

regulations, the Planning (Hazardous Substances) Regulations 2015 will consolidate and replace all previous regulations concerning planning for hazardous substances. Please refer to Section 6.3 of this assessment for further detail.

2. Rationale for intervention

16. Changes to land-use planning regulations in England are necessary in order to fully transpose the requirements of the Seveso III directive by 31 May 2015. The Department is responsible for transposing the directive's land-use planning requirements in England. Failure to transpose the directive within the transposition deadline can have legal consequences in both domestic and EU courts, and could ultimately lead to infraction proceedings and financial sanctions.
17. The proposed regulations form part of a wider package of measures being introduced by the Health and Safety Executive to transpose the Seveso III directive and ensure public safety from major accidents involving hazardous substances. If the proposed regulations were not introduced, the chemicals industry would be faced with two parallel regimes based on different chemical classification systems, and be left in an uncertain position on to how to continue operating lawfully. It would also have further implications for inward investment.
18. Given that the new directive is expected to deliver a reduction in the number of establishments within scope of regulation in England, failure to implement could put industry at a disadvantage relative to European competitors.
19. The Department for Communities and Local Government also made a Red Tape Challenge commitment to consolidate the existing hazardous substances regulations as part of the transposition of Seveso III. This commitment will be met through the introduction of the proposed new planning regulations - the Planning (Hazardous Substances) Regulations - which will deliver the requirements of Seveso III, deregulate domestic controls, and consolidate regulations on land-use planning on hazardous substances in a single set of regulations.

3. Policy Objectives

20. The aim of the Seveso directive is to prevent major accidents involving hazardous substances, and limit the consequences to people and the environment of these should they occur. The directive applies where dangerous substances are present, or may be produced, at or above specified quantities. Seveso II and Seveso III include specific requirements for land-use planning.
21. We already have a robust system in place for preventing major accident hazards through the existing hazardous substances consent regime and the wider planning system. The directive does not require fundamental changes to the existing regime. The key changes proposed are to transpose the amended requirements in the directive, which entails amending in planning regulations the classification of hazardous substances, strengthening existing provisions for public participation, and also consolidating and updating regulations.
22. **Government's intentions in transposing the directive are to meet the relevant requirements of Seveso III while:**
 - (i) **Minimising costs to business; and**
 - (ii) **Minimising administrative burdens on the regulatory bodies responsible for the directive's implementation**
23. The Government has already worked to minimise burdens on business. During the negotiation of the directive, the UK successfully cut back the amount of rules in the original proposal, and was instrumental in getting agreement to setting up an EU Expert Group to share good regulatory

practice⁷. These actions will help ensure consistency of approach and a level playing field for businesses across member states.

24. In light of feedback from industry on current processes, the Department's measures also aim to increase efficiency in the hazardous substances consent regime, whilst meeting the directive's requirements relating to consultation on the siting of establishments holding hazardous substances.
25. We have also published planning practice guidance relating to the hazardous substances consent regime⁸. This on-line guidance provides information in a more streamlined and user-friendly format for operators, local planning authorities and others. This guidance is being updated to reflect the proposal to transpose the directive, and is due to be published in March to allow industry time to prepare ahead of the new regulations coming into effect. The guidance will avoid the need for additional legislative burdens.
26. To make clear the impact of our proposed approach to the transposition, we have set out below how our policy objectives are reflected in the transposition of the principal changes relating to planning brought in by Seveso III. These principally concern:

- Changes to the list of controlled substances
- Changes in the directive's wording for dealing with hazardous substances in plan-making
- Changes in the directive's wording for handling development proposals around potentially hazardous installations
- Changes to public consultation requirements
- Establishments coming into scope as a result of changes will not need to apply for hazardous substances consent

3.1 Changes to the list of controlled substances

27. A new classification system is being introduced through the new direct-acting European Classification, Labelling and Packaging Regulation⁹. Industry has supported the change as improved integration is likely to bring international trade benefits.
28. Changes to regulations in England are therefore needed in order to ensure that land-use planning controls are applied based on the substances and quantities in scope of the new directive. The impact on industry of these changes are detailed at Section 5.1.

3.2 Hazardous substances consent and 'other establishments'

29. Some relatively minor amendments to the hazardous substances consent regime are needed so that we can effectively regulate all substances subject to control under the new directive without placing undue burdens on business.
30. Where a consent for holding a hazardous substance is linked to a proposed development, local planning authorities also exercise some control on the siting of new hazardous establishments through the decisions on an application for planning permission.
31. In order to minimise impacts on sites coming into scope of the directive for the first time as a result of changes to the list of controlled substances, we are taking advantage of changes to in the

⁷ Further detail can be found in the impact assessment for the Control of Major Accident Hazards Regulations 2015. IA HSE 0082

⁸ Planning practice guidance on Hazardous Substances is available at <http://planningguidance.planningportal.gov.uk/blog/guidance/hazardous-substances/planning-for-hazardous-substances/>

⁹ For further information on the Classification, Labelling and Packaging Regulation, please see http://ec.europa.eu/environment/chemicals/labelling/index_en.htm

directive so that such sites (termed 'other establishments' in the directive) will not need to apply for consent simply as a result of coming into scope. If they subsequently wish to make changes to their operations which could have significant consequences for major accident hazards, they would require a hazardous substances consent in accordance with the directive's obligations. Further detail of the impact on business is provided at [Section 5.2](#)

3.3 Changes to public participation requirements

32. A new obligation on public participation in decision making relating to hazardous substances has been introduced in Seveso III to bring the directive in line with the Aarhus Convention on access to information, public participation in decision-making and access to justice on environmental matters
33. Most of the new requirements of the directive are already delivered through existing regulations. However some amendments to regulations are needed in light of changes brought in by the directive to the information which will need to be made available. The amendments do not entail any significant changes to the consultation processes already in place in the hazardous substances consent regime. Additional requirements on public participation for development decisions through other regimes are already substantively met.
34. We do not expect these changes to result in any significant impact on the costs to businesses, nor the overall timetable for determining applications for consent. This is because, while some details of the information that should be provided have changed, the process for public participation remains substantively the same.

3.4 Dealing with hazardous substances in plan-making

35. When preparing local plans, local planning authorities must have regard to the prevention of major accidents, and limiting their potential consequences. They must consider the long-term need for appropriate distances between establishments holding hazardous substances and population centres or environmentally sensitive areas. They must also consider whether additional measures are needed for existing establishments so that risks to human health are not increased.
36. In order to transpose the directive, relatively minor amendments to existing regulations are required relating to the way in which local authorities take account of hazardous substances when preparing their plans. These changes are to reflect minor changes to the wording and formatting of this obligation in the directive, and they are not expected to impact on business.

3.5 Handling development proposals around hazardous installations

37. When local planning authorities consider proposals for development in the statutory consultation zones around sites holding hazardous substances, they are expected to seek technical advice from the Health and Safety Executive and the Environment Agency on the risks presented by potential major accident hazards to people and the environment. This allows planning authorities to give due weight to those risks when balanced against other relevant planning considerations in making their decision.
38. Small changes to existing regulations are necessary as a result of transposition. These changes are to reflect minor changes to the wording and formatting of this obligation in the directive, and no resulting impact on business is anticipated.

4. Options considered

39. In considering how to transpose the land-use planning requirements of Seveso III, several policy options were identified, and are explained in greater detail below:
 - [Do nothing](#)

- Option 1: Transposition only
- Option 2: Transposition, deregulation, and re-working of the whole system
- Option 3: Transposition and deregulation (Preferred option)

Option 0: Do nothing

40. This was not a viable option as the Government has a commitment to transpose the directive by the transposition deadline and failing to do so could result in infraction proceedings and related costs.

Option 1: Transposition

41. Policy option 1: Revise existing regulations to transpose the new content of the directive, adding new requirements and amending those where there have been changes between the existing and new directives. Use the European Communities Act to amend the Planning (Hazardous Substances) Regulations 1992 and, potentially, the Planning (Hazardous Substances) Act 1990. Where appropriate, transposition to be in the form of 'copy-out' in line with Government policy. Negative resolution process to be used.
42. This option is not suitable as our analysis of the hazardous substance consent regime shows that the current domestic requirements are more onerous than the directive (current and new). Option 1 would therefore result in additional domestic burdens on industry being retained. This option also fails to deliver our Red Tape Challenge commitment to consolidate existing regulations.

Option 2 : Transposition, deregulation and reworking of whole system

43. Policy option 2: Rework the system to make substantial changes to the hazardous substances consent regime, and streamline land-use planning requirements for hazardous substances, while still meeting the expectations set out in the Seveso III directive.
44. In reworking the system, objectives are not only deregulation, but also ensuring we meet the requirements of the directive, and maintain required levels of public safety. This reworking would, therefore, be a substantial project which would take significant time and consultation with industry and agencies. This would risk the Government not achieving transposition within the required time-frame, potentially resulting in legal proceedings and leaving industry at a comparative disadvantage. Transposition of the land-use planning requirements is part of a wider package of measures being introduced by the Health and Safety Executive to transpose a European directive and ensure public safety from major accidents involving hazardous substances. If these regulations were not introduced, the chemicals industry would be faced with two parallel regimes and leave an uncertain position on to how to continue operating lawfully.
45. As part of the consultation, we consulted on the scope for further reform. The responses received provide useful evidence and will be taken into account in considering the scope and shape of any future reform.

Option 3 (Preferred option): Transposition and deregulation

46. Policy option 3: Transpose the land-use planning requirements of Seveso III using existing mechanisms (i.e. the hazardous substances consent regime and wider planning system); remove unwarranted existing additional domestic regulation going beyond the requirements of the directive (current and new); consolidate hazardous substances regulations in line with our Red Tape Challenge commitment.

47. Option 3 is the best option for transposing the directive to the EU deadline, whilst meeting agreed actions for the Red Tape Challenge. As part of this approach, accompanying guidance is also being published alongside new regulations. We will also seek opportunities in future for greater streamlining and further integration of the land-use planning regime with the control of major accident hazards regime.

5. Impact on business: monetised and non-monetised costs and benefits

48. Since options 0, 1 and 2 above are not viable options, in accordance with Better Regulation guidance¹⁰, they have not been further analysed. The following is an assessment of the impact of the preferred option (Option 3) on business.

49. In this section we have detailed the number of businesses we anticipate will be affected by the transposition of the directive and the associated costs and benefits they may incur. **As explained, the details of proposed deregulatory domestic measures are addressed in a separate and complementary assessment.**

50. The Department has sought to identify monetised estimates of the savings to business where possible. However in view of the evidence available, proxy measures have been relied on as appropriate to indicate the likely scale of benefit.

Outline: Key impacts on business of transposition measures			
	Proposed Change	Anticipated Impact	Estimated Monetised Impact
1	Changes to the list of controlled substances compared to Seveso II (Section 5.1)	Net movement of 12 sites out of scope of regulation; potential for a small decrease in the number of applications for consent each year.	Savings to business through deregulation; monetised benefit not provided.
2	Changes to approach to sites coming into scope for the first time (Section 5.2)	Sites coming into scope of regulation for the first time will only have to obtain a consent if and when they make changes to their operations which will result in 'significant consequences for major accident hazards'.	Eight existing establishments are estimated to come into scope; if they then make such changes they would need to apply for a consent, incurring average estimated costs of £17,300 each.
3	Streamlining the process of applying for a consent through clearer information requirements, and introduction of a new (optional) smart form (Section 5.3)	Avoid delays in the consent applications process which can result in foregone revenue of £1-500,000 per annum per establishment, depending on the business lost.	Savings to business through greater efficiency and avoidance of delays; monetised benefit not provided.
4	Familiarisation costs: Introduction of new regulations implementing the transposition and deregulatory changes, and consolidation of land-use planning regulations (Section 5.4)	Clarification and simplification of land-use planning regulations, with accompanying guidance to be provided; meeting Red Tape Challenge commitments.	Cost to business of familiarisation of between £5,800 and £9,500 in total per annum.
5	Changes to public participation requirements (Section 5.5)	Small changes to information needing to be provided to the public.	Negligible cost to business (if any).

¹⁰ See the Better Regulation Impact Assessment Overview document : https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31606/11-1110-impact-assessment-overview.pdf

5.1 Impact of proposals to transpose Seveso III: change in scope of regulation

51. The transposition of Seveso III brings the list of substances covered by the directive into line with internationally recognised standards. These changes to the way in which substances are controlled mean that establishments holding hazardous substances may come into, or go out of scope of the new directive when it comes into force and in the future and as a result of changes to the direct-acting EU legislation (the Classification, Labelling and Packaging Regulation). Businesses that hold hazardous substances in quantities that meet the tonnage threshold for control under the new directive will require a hazardous substances consent to do so. Existing consents will still be valid when new legislation comes into force and businesses will not have to re-apply for consent where they will continue to operate in line with their existing consent conditions.
52. Recent data collected by the Health and Safety Executive shows that there are 947 sites currently within scope of Seveso II across Great Britain, with 715 of these sites located in England¹¹. As a result of the changes to the substances and quantities controlled by Seveso III compared to Seveso II, it is believed that across Great Britain, 24-30 establishments are likely to fall out of scope of the directive. Similarly, across Great Britain 5-17 establishments are likely to fall within scope for the first time¹².
53. We do not have data specifically concerning the number of sites likely to be affected in England. Extensive work was undertaken by the Health and Safety Executive and Health and Safety Laboratory to provide the above estimates of the impact across Great Britain (as detailed in the impact assessment for the new Control of Major Accident Hazards Regulations 2015). Attempts to carry out further research specific to England would have required disproportionate work, especially given the difficulties in identifying sites not already in scope of regulation that could move into scope. We have instead used the evidence available to illustrate the impact in England. By adjusting the figures above to reflect the overall proportion of Seveso controlled sites in Great Britain that are located in England¹³, we can show that around 20 sites might fall out of scope in England, and an estimated eight sites could come into scope, meaning that the overall result might be a net movement of 12 sites out of scope of regulation, representing some 1.7% of sites currently controlled under the Seveso directive in England. This is an illustrative estimate and not based on an assessment of the impact of the directive on individual sites.
54. The decrease in the number of sites in scope of regulation (and therefore subject to consent requirements) may translate into cost savings to business arising from the cost of complying with a consent, and greater operational flexibility. We do not have data related to these cost savings. The data held relates to costs incurred during the process of making a hazardous substances consent application, which only affect business when they need to apply for a consent for operational reasons. As such, we are not able to provide a monetised estimate of the savings to businesses as a result of coming out of scope of regulation. We might however expect a small reduction in the number of establishments needing to apply for consent each year¹⁴.
55. In addition to sites affected by transposition measures, some 25 additional sites may come out of scope as a result of our proposals to deregulate unwarranted domestic controls. This is further detailed in the separate and complementary assessment of the impact on business of the proposed deregulatory measures.

5.2 Impact of proposals to transpose Seveso III: establishments coming into scope as a result of proposed changes

¹¹ Please refer to Section 6.1, Table 1

¹² Please refer to Section 6.1, Table 2

¹³ Health and Safety Executive data set out in Table 1, Section 6.1, indicates that 75.5% of existing sites in Great Britain controlled under the Seveso directive are located in England.

¹⁴ At present, between 84 and 102 applications are made for hazardous substances consent in England per annum

56. In order to minimise the burden on existing establishments coming into scope for the first time, these will not be required to apply for a hazardous substances consent simply as a result of changes to the list of controlled substances. Existing establishments coming into scope (referred to in the directive as ‘other establishments’) will be able to continue to operate as they currently do without need for a consent. This will avoid a situation in which establishments currently operating in line with the law could, when the directive comes into force, find themselves operating illegally. It will also avoid imposing costs related to applying for consent on businesses just as a result of changes in regulations.
57. Instead, ‘other establishments’ will only need to obtain a consent if they subsequently wish to make changes to their operations which would result in ‘significant consequences for major accident hazards’. This is a change from previous transpositions where businesses coming into scope were required to obtain consent to continue operating in the same way. The proposed approach conforms to the requirements of the new directive, and ensures we are not imposing additional administrative and financial burdens on industry.
58. In order to ensure that the presence of ‘other establishments’ can be taken into account in land-use planning decisions in the vicinity of the establishment, operators can notify hazardous substances authorities of their presence. This will also enable the Control of Major Accident Hazards Competent Authority to draw-up a consultation zone around the establishment, which ensures that local planning authorities consult with the Control of Major Accident Hazards Competent Authority on development proposals in the vicinity of the site. This notification, together with consultation distances, will ensure that the impact for development around the site would therefore be the same as if a consent were held. Without this, hazardous establishments would be more likely to be constrained by nearby development being permitted without first considering the presence of hazardous substances.
59. As explained at Section 5.1, we may expect around eight sites to come into scope of regulation in England for the first time as a result of the changes to the list of controlled substances compared to Seveso II. Even if these sites were all to require a consent as a result of making changes to their operations in the first year, based on the estimated average cost of making an application for consent (£17,300¹⁵) the overall estimated direct cost to business would be under £140,000¹⁶ in total.
60. Even if all 17 sites were to come into scope in England and require a consent in year one which resulted in upper range costs of £41,000 being incurred, the total cost to business would still be well under £1million, at £697,000.

5.3 Impact of proposals to transpose Seveso III: streamlining the process of applying for hazardous substances consent

61. In delivering the directive’s objectives, further amendments have been made to streamline the process for hazardous substances consents to increase efficiency and simplify the process for applicants and hazardous substances authorities.
62. Feedback from industry has indicated that under the current system, decisions on applications can be subject to complications, which have the potential to result in delays and in some cases a loss of business.
63. Approximately between 84 and 102 applications for consent are made in England each year. At present, hazardous substances authorities must consult with regulators such as the Health and Safety Executive on applications for consent. Delays can arise when submitted applications are found to be incomplete, and the applicant must gather further information before re-submitting again. Evidence from industry and regulators suggests that due to the technical nature of the application and the relative infrequency with which these applications are made, omissions might

¹⁵ Please refer to Section 6.2 for further detail on the cost of making an application for a hazardous substances consent

¹⁶ Number of sites to come out of scope (8) x average cost of consent (17300) = 138,400; evidence on the cost to business of making an application for hazardous substances consent is further detailed under Section 6.2

at times only become apparent at the stage when regulators undertake their technical assessment in order to advise the hazardous substances authority on the public safety and environmental implications of an application.

64. In liaison with industry bodies, we have sought to better understand the impact of these delays. It was noted that foregone revenue could cost an operator anywhere between £1,000 to £500,000 annually depending on the business lost. Another reported instance suggested that a business had in the past suffered a loss of an estimated £30-40,000 of storage revenue as a result of the length of time taken to consider an application. The issue of delay was raised a number of times as a 'key concern' to business.
65. In order to streamline the process and increase efficiency in the process, we are replacing the application form prescribed in existing legislation with a clear list of information requirements detailing what information applicants need to include. Provision has been made so that applicants will also be able to make use of an electronic smart form developed by the Health and Safety Executive to submit applications, which will help ensure that essential information is not omitted. Use of the electronic form itself is not stipulated in the regulations and businesses are free to submit applications in other ways should they prefer.
66. The new list of information requirements will also be accompanied by guidance to ensure that applicants can provide sufficient information, which we anticipate will reduce the likelihood of the application being rejected or returned. Together with separate proposals by the Control of Major Accident Hazards Competent Authority for a pre-application service, this is intended to avoid delays caused by the need for additional information being sought at a later stage.
67. During the public consultation stage, all those who responded to the relevant question indicated general support for the suggested changes. One industry respondent considered that the existing application forms "are simply not designed to collect the information needed for a technical assessment of hazardous substance inventory and processes", and another commenting that the list of information requirements would assist in improving clarity on the scope and nature of documentation required to support an application. Respondents also stressed the need for guidance on detail to be included in an application.
68. The Department's approach also serves to meet the requirements in the Seveso directive related to how information submitted by an applicant for certain other purposes should be able to be used in applications. We have specifically designed the process to allow information gathered to meet the requirements of the control of major accident hazard regime to be used in applying for hazardous substances consent. This increased streamlining will avoid additional unnecessary burdens on business in applying for consent.
69. We have anecdotal evidence relating to the cost of delays in applying for a consent and have outlined measures to reduce the likelihood of these delays. However we do not have sufficient evidence on the costs and frequency of delays to provide an accurate estimate of the savings that our proposals could deliver, and therefore we have not provided a monetised estimate. The measure has been supported by industry and is expected to bring savings to business through avoiding delays and reducing uncertainty.

5.4 Impact of proposals to transpose Seveso III: familiarisation costs

70. As with any change, the amendments to legislation as a result of the transposition, as well as the deregulatory measures and implementation of our Red Tape Challenge commitments, will require interested parties to update their knowledge. This will apply to businesses storing or using hazardous substances and local authorities. The impacts on business are detailed below.
71. **As we are required to transpose the new directive, and this entails amendments to legislation, familiarisation costs are accounted for in this impact assessment only, and not in the separate and complementary assessment of the impact of our proposed deregulatory measures on business.**

72. Given that the regulations only affect businesses as and when they need to apply for hazardous substances consent, we can take as a proxy the number of consent applications made in England per year.
73. There are only a small number of applications for hazardous substances consent across Great Britain each year. We do not have consistent time series data on the number of applications in England. However from Health and Safety Executive data, we know that from 2011-12 to 2013-14 there were 115-140 consent applications across Great Britain per year, and that between February 2013 and February 2014 73% of those applications were in England. We can therefore estimate that between 84-102 applications are made annually in England.
74. Based on the number of consent applications in England per year, and the method for calculating familiarisation costs set out at [Section 6.3](#), we can estimate that **annual costs are likely to be between £5,800 and £9,500 across England.**

- **Red Tape Challenge:**

75. Government sought views on existing planning regulations on hazardous substances through the Red Tape Challenge. In light of the concerns expressed, the Department committed to consolidating the existing regulations into a single, coherent set of regulations on the hazardous substances consent regime.
76. While consolidating existing regulations into a single, coherent set of regulations will benefit businesses in navigating the hazardous substances consent regime, there are familiarisation costs associated with the introduction of new regulations. In order to minimise any additional familiarisation costs, the Department decided to consolidate existing regulations as part of the transposition of the land-use planning requirements of the Seveso III directive. Because of the changes introduced as a result of transposition it is not possible to separate out the familiarisation costs associated with the Red Tape Challenge as distinct from transposition. We have therefore included a full assessment of familiarisation costs associated with transposition which also covers familiarisation associated with Red Tape Challenge consolidation. These costs are accounted under transposition because the UK is required by law to transpose the land-use planning requirements of the directive.

5.5 Impact of proposals to transpose Seveso III: public participation requirements

77. The directive also introduces detailed requirements on public participation in land-use planning for new and modified establishments, and development around those locations. Existing regulations already include requirements for public participation.
78. Existing regulations require that businesses applying for hazardous substances consent notify people of their application. Local planning authorities must also consult interested parties on applications for development in the vicinity of sites with hazardous substances consent.
79. The directive adds rules on how consultation takes place. These affect operators, hazardous substances authorities and planning authorities. The directive specifies what information needs to be provided when the public are notified of an application. While there are changes to the information a notice must contain, this is not expected to result in significant additional costs for business, which already needs to provide similar information under existing regulations. Taking into account the data on the number of applications for hazardous substances consent per year, and given that the core requirement for notification already exists and lies with business, any additional costs are expected to be negligible.

5.6 Impact of proposals to transpose Seveso III: preventing major accidents

80. As stated, the main purpose of Seveso and the regulations implementing the directive it is the prevention of major incidents which could cause serious harm to people and the environment. In this way the directive also serves to protect the economy and to provide public assurance that any such risks are properly regulated.
81. Public acceptance of high hazard industries allows these industries to operate in communities and so provide essential services to society. A financial estimate of this benefit would be very difficult to develop but it is known that major accidents have a significant cost for the company concerned, individuals and government including local authorities. The final report of the Major Incident Investigation Board for the Buncefield incident in 2005 gives the total quantifiable costs as close to £1 billion.¹⁷
82. A research project¹⁸ by the Health and Safety Executive and the Health and Safety Laboratory has recently produced an estimate of the average cost of catastrophic incidents. The Health and Safety Laboratory estimated average costs in the region of £100 million for a major accident at a flammable risk site; £150 million at a toxic risk site and; up to around £400 million at certain types of overpressure (explosion) risk sites. The majority of these costs are accounted for by human impacts, including the death or injury of workers and /or members of the public.
83. The land-use planning regime is essential in establishing safe separation distances between hazardous establishments and other developments, and enabling sensitive planning around these locations to reduce the likelihood of serious harm to people and the environment in the event of a major accident. The benefits which the regulations bring through their role in preventing major accidents are difficult to quantify, and it is not possible to anticipate exactly the impact of the regulations on the prevention and consequences of major accidents, except to say that they will help to reduce the risk and impact of a major accident, and avoid costs to business that could arise were an accident to occur.

5.7 Impact of proposals to transpose Seveso III: development in the vicinity of hazardous establishments

84. When preparing local plans, local planning authorities must have regard to the prevention of major accidents, and limiting their consequences. They must also consider the long-term need for appropriate distances between establishments holding hazardous substances and population centres or environmentally sensitive areas. The proposed measures to transpose the directive will remove a number of sites from scope and, in so doing, may reduce the area of land that might otherwise be ruled out for development. This provides greater flexibility for other businesses that may want to develop in these areas, without compromising public safety.

6. Rationale and evidence

85. The Department has worked closely with the Health and Safety Executive, industry representatives, businesses and local authorities to understand as well as possible the likely impacts on business.

6.1 Information on scope of regulations

86. Estimates of the number of establishments likely to be affected by the proposed Planning (Hazardous Substances) Regulations 2015, and the number likely to fall in or out of scope of the regulations' control is based on data held by the Health and Safety Executive. Significant work was undertaken by the Executive in order to provide these estimates. Detail on how supporting evidence was collected can be found in the impact assessment for the Control of Major Accident Hazard Regulations 2015, impact assessment HSE 0082.
87. The number of establishments in scope of the Seveso directive in Great Britain (as of summer 2014) is given in

¹⁷ <http://www.buncefieldinvestigation.gov.uk/reports/volume1.pdf>, page 24

¹⁸ Report not yet published

88.

89. Table 1:

Table 1. Estimated number of establishments currently in scope of the Seveso directive, 2014

	Number of Lower Tier establishments	Number of Upper Tier establishments	Total
England	451	264	715
Scotland	113	63	176
Wales	32	24	56
Total	596	351	947

90. From this table we can see that there are at present 715 sites in England currently subject to the Seveso requirements. This represents 75.5% of total sites in Great Britain. Around 78% if these are assumed to be large companies, with only 13% estimated to be small companies¹⁹

¹⁹ Data from Health and Safety Executive survey of COMAH establishments

91. **Table 2** below shows the estimated number of establishments which will move in or out of scope of regulation as a result of the changes introduced by Seveso III. For the purposes of our analysis of the cost to business, changes in classification of establishments between Lower and Upper tier are not relevant, and we are concerned only with establishments moving entirely out of scope and those coming into scope for the first time.

Table 2: Analysis of impact on the number of establishments due to change in scope– survey results extrapolated over 937 major hazard establishments in GB at time of writing.

Movement	Estimated impact on establishments in scope – estimate A	Estimated impact on establishments in scope – estimate B
Upper Tier to Lower Tier	12	21
Lower Tier to out of scope	24	30
Lower Tier to Upper Tier	1	8
Not in scope to Lower Tier	5	14
Not in scope to Upper Tier	<1	3
Net movement Upper Tier	-11	-11
Net movement Lower Tier	-7	-2
Net movement into scope	-18	-13

N.B Totals may not sum due to rounding

92. The figures in Table 2 relate to sites across Great Britain, showing that 24-30²⁰ sites could move out of scope entirely as a result of the changes, and that 5-17²¹ sites may come into scope for the first time.

93. Evidence specific to England was not available, however we know from Health and Safety Executive data presented in Table 1 that 75.5% of existing sites in Great Britain are located in England. Our estimates have therefore been adapted for England to reflect this ratio. This illustrates the scale of impact that might be expected and is not a detailed estimate, or an assessment based on site-specific factors.

94. There is an evident difficulty in gathering information surrounding establishments currently out of scope, and as such data concerning establishments likely to come into scope is based around best estimates currently available.

²⁰ See 'Lower Tier to out of scope', estimates A and B. No sites are expected to move from Upper Tier classification to out of scope.

²¹ Estimate A: 5 (not in scope to Lower Tier) + <1 (not in scope to Upper Tier) = 5; Estimate B: 14 (not in scope to Lower Tier) + 3 (not in scope to Upper Tier) = 17

6.2 Cost of making a hazardous substances consent application

95. The lack of available data on the overall costs to business of applying for a hazardous substances consent has led the Department to represent these costs through proxy costs associated with making a planning application for a typical warehouse development. The latest figures on costs of applying for permission for a 'typical warehouse development' were calculated by Arup in research carried out for the Department in 2009. Arup found that these costs varied significantly with an average of £15,321²² at 2009 prices. These figures were used for the purpose of the Regulatory Triage Assessment. We have adjusted this figure for 2014 using the treasury deflator, giving an average figure of **£17,300** which we use in our calculations. The Arup report also provided a lower and upper bound - around £3,900 and £41,000 – showing that a wide range of costs can materialise in applying for planning consent.
96. The Department has made further attempts to secure the data necessary to more accurately estimate the cost to business of making an application for a consent. This has been done through further engagement with industry, including working with chemical industry bodies to obtain information from their members. This has involved significant efforts by industry to provide the relevant information, albeit only a relatively small number (19) of business were able to help. We have been advised this is because business do not tend to record the costs involved in the consent application process, and the knock-on effects on competitiveness of the time taken to secure a consent.
97. We were advised by industry that while in straightforward cases, costs averaging around £15,000 were indicated, for more complex applications (including new applications), where the process becomes extended, and taking into account the cost of delays and lost business alongside the consultant or man-hour costs, the average could be significantly higher. Variables such as size and type of project, and whether a consent is being sought for an entirely new site or simply straightforward modifications, mean that there can be significant differences in costs incurred in making an application for consent.
98. Given industry feedback, we have judged that the proxy cost associated with making a planning application for a warehouse development (updated to reflect 2014 prices) remains the best available way of representing the costs that businesses might expect to incur in preparing and submitting an application for hazardous substances consent. Attempting to gather more detailed evidence would cause a disproportionate burden to businesses and industry, who had already invested significant effort in gathering information. This would be particularly unwarranted given that we were advised that the information we were seeking is not usually held by businesses and was therefore not available.
99. The Department is acting on industry concerns relating to risks of delay and complications in the hazardous substances consent regime, and has sought to streamline the application process to increase efficiency in line with the directive's requirements, as detailed in Section 5.3.

6.3 Calculating familiarisation costs

100. Familiarisation costs have been calculated in a manner consistent with other impact assessments. Estimated familiarisation costs which businesses may incur were calculated based on the following assumptions:
101. One person for every application in every year is required to familiarise themselves with the new requirements. The average hourly wage of those individuals required to familiarise themselves with the updated policy is assumed to be £23.36²³: this wage is up-scaled from the median wages of 'construction project managers and related professionals' to reflect non-wage labour costs in line with HM Treasury guidance²⁴.

²² DCLG (2009) Benchmarking the costs to applicants of submitting a planning application
<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/benchmarkingcostsapplication.pdf>

²³ For assumptions see table 14.5a at <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/2013-revised-results/2013-revised-table-14.zip>

²⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220541/green_book_complete.pdf

102. Familiarisation is assumed to take between three and four hours, consistent with the assumptions in the impact assessment accompanying the National Planning Policy Framework²⁵.
103. As these costs will apply when businesses are seeking to make an application for hazardous substances consent, and there are approximately 84-102 applications for consent made in England each year, we can estimate that annual costs are likely to be between £5,800 and £9,500 across England in total per annum.

6.4 Evidence gathering

104. The Department sought to gather evidence on how best to transpose the directive and the likely impact of the transposition on business and other parties. As part of this process, the Department worked with key partners during the development of proposals and publicised the consultation document.
105. The Department has engaged with key partners to inform the approach to transposition and new regulations. Officials attended a number of conferences and workshops including conferences organised by Yorkshire Chemical Focus, Humber Chemical Focus and the Chemical Business Association. Specific land-use planning workshops were organised by the Chemical Industry Association and Yorkshire Chemical Focus where the detail of our emerging proposals was discussed. In addition to meetings with industry body representatives, we also presented our proposals to business at the Chemical Regulatory Forum. Workshops were organised by the Health and Safety Executive with local authority representatives and devolved administrations, specifically to explore the potential for deregulation. The Department has also maintained a close working relationship with devolved administrations in developing proposals in order to encourage a consistent approach on key issues where possible, and learn from experience outside of England.
106. These events and discussions have helped inform our approach and the chosen policy option for transposition and deregulation. It also made clear that, in the longer term, industry supported the intention of reworking the hazardous substances consent system. As a result of this, we asked specific questions in the consultation to help gather evidence on opinion of further reform. The responses we received will help to inform any future decisions on how the existing system can be re-engineered to provide benefits to business. A public consultation was also undertaken, the details of which can be found below.
107. The Department also engaged with businesses through key chemical industry bodies to better estimate the cost to business of applying for hazardous substances consent, and the extent to which delays in the process can be damaging to business, as detailed under Section 5.3.

• Public Consultation

108. The technical consultation on *'The role of planning in preventing major accident-hazards involving hazardous substances'*²⁶, ran for 6 weeks from 20 October 2014 until 1 December 2014, with emailed and written responses accepted for another week to allow for late submissions.
109. The consultation document was published on the Department's website at GOV.UK. Links to the consultation document were sent directly to chemical industry body representatives, and to subscribers to the Seveso III e-bulletin (approx 24,000 email addresses). Local planning authorities were made aware through the Chief Planner's newsletter, sent to all Chief Planners across English local planning authorities, and the consultation was also publicised through a number of news bulletins.

²⁵ Impact Assessment accompanying the National Planning Policy Framework:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11804/2172846.pdf

²⁶ <https://www.gov.uk/government/consultations/the-role-of-planning-in-preventing-major-accident-hazards-involving-hazardous-substances>

110. In total, 43 individual official responses were received; these came from both individuals and organisations including trade associations, operators and businesses, representatives of local authorities and emergency services, and members of the public.
111. The majority of the responses were positive and supportive of the proposals. A number of questions arising from the consultation are clarified in guidance where appropriate. This includes detail on the information needed in an application (which will vary, depending on the substances for which consent is sought) and the operation of the minor modifications process (please refer to the separate and complementary assessment for further detail of the proposed minor modifications process).
112. The Government response to the consultation will be published in due course.

7. Risks and Assumptions

113. This assessment in identifying potential costs and benefits to business has set out in the relevant sections how estimates have been derived and where assumptions have had to be made.
114. In estimating the number of businesses to come in or out of scope, figures are based on the underlying assumption that establishments would continue to operate as they did when surveyed in summer 2014. If businesses make significant changes to the substances which they hold on site (comparative to their operations as of summer 2014), this may affect the overall number of businesses coming in or out of scope when regulations are implemented.

8. Direct costs and benefits to business calculations (following One In Two Out methodology);

115. The proposal is European in origin and is thus **out of scope of One In Two Out**.
116. Costs to business have been calculated based on (i) familiarisation costs, and (ii) costs that establishments coming into scope of regulations in England for the first time may incur in applying for hazardous substances consent. Please note that establishments coming into scope for the first time will only incur these costs if and when they seek to make changes to their operations which result in significant consequences for major accident hazards.
117. Due to the reasons given in this assessment, a monetised estimate of the benefits to business has not been provided. However, overall the proposed changes will result in a net movement of sites out of scope of regulation, bringing associated cost-savings and benefits through increased flexibility going forwards.

9. Wider impacts

118. We have considered the potential impacts of the proposed project in the context of the general equality duty and concluded that they are not likely to result in any significant differential impacts on any of the protected characteristics.

10. Summary of preferred option and implementation plan

119. The Seveso III directive on the control of major accident hazards must be transposed by 31 May 2015. The Department for Communities and Local Government has responsibility for implementing the land-use planning requirements of the directive in England.
120. Some of the directive's provisions require changes to land-use planning regulations in England. The most significant of these changes is the need to update the list of controlled substances to reflect the scope of the new directive. This change will mean that some sites will move in or out of scope depending on the substances they hold and the quantities held. Establishments coming into scope for the first time will not be required to apply for consent simply as a result of the changes and will only require a consent if and when they seek to make changes to their current operations.

Overall we might expect to see a net movement of around 12 sites coming out of scope of regulations in England, and benefitting from associated cost savings.

121. Other proposed changes include greater streamlining of the consent application process through clarification of information requirements and introduction of a new smart form, which will serve to increase efficiency and reduce delays which we have heard can be responsible for a business losing revenue worth anything from £1,000 to £500,000 per year, depending on the business lost.
122. The Department has also taken the opportunity to consolidate hazardous substances land use planning regulations into a single coherent set of new regulations, thus meeting an agreed Red Tape Challenge commitment. Additionally, we have taken the opportunity to deregulate unwarranted additional domestic deregulation. The benefits of this deregulation are considered in a separate and complimentary impact assessment. The cost to business of familiarisation with the new regulations is accounted for in this assessment and is expected to total between £5,800 and £9,500 across England per year.
123. Industry has been supportive of the changes proposed and consultation with industry has informed the Department's approach at each stage of the transposition. Guidance will be provided where appropriate, reflecting comments received at consultation stage.
124. Further advantages to business will follow from other changes as a result of the deregulation of unwarranted domestic controls going beyond the requirements of the directive. These are detailed in the separate and complementary assessment of the deregulatory measures.
125. The directive will be transposed largely through 'copy-out', and the Planning (Hazardous Substances) 2015 regulations will be laid before Parliament in March 2015, to come into effect in England on 1 June 2015, the EU deadline for implementation.

Post-implementation review:

126. The proposed Planning (Hazardous Substances) Regulations will be reviewed within five years of commencement. Furthermore, by 30 September 2020, the European Commission will review the implementation and functioning of the Seveso III directive.