



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Obtaining hazardous substances consent

7 Determination of applications for hazardous substances consent.

- (1) Subject to the following provisions of this Act, where an application is made to a planning authority for hazardous substances consent, that authority may—
 - (a) grant hazardous substances consent, either unconditionally or subject to such conditions as they think fit, or
 - (b) refuse hazardous substances consent.
- (2) In dealing with such an application the planning authority shall have regard to any material considerations and, in particular, but without prejudice to the generality of the foregoing—
 - (a) to any current or contemplated use of the land to which the application relates,
 - (b) to the way in which land in the vicinity is being used or is likely to be used,
 - (c) to any planning permission [^{F1}or development consent] that has been granted for development of land in the vicinity,
 - (d) to the provisions of the development plan, and
 - (e) to any advice which the [^{F2}safety regulator has] given following consultations in pursuance of regulations under section 5(2).
- (3) If an application relates to more than one hazardous substance, the authority may make different determinations in relation to each.
- (4) It shall be the duty of a planning authority, when granting hazardous substances consent, to include in that consent—
 - (a) a description of the land to which the consent relates,
 - (b) a description of the hazardous substance or substances to which it relates, and
 - (c) in respect of each hazardous substance to which it relates, a statement of the maximum amount permitted by the consent to be present at any one time.

Changes to legislation: There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 7. (See end of Document for details)

Textual Amendments

- F1** Words in s. 7(2)(c) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 2 para. 60** (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)
- F2** Words in s. 7(2)(e) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 17** (with Sch. 4)
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Modifications etc. (not altering text)

- C1** [S. 7](#) applied (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), regs. 1, **56(4)**

Changes to legislation:

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