

SCHEDULE 2

Regulations 5, 6, 7, 8, 14 and 15

PRESCRIBED FORMS, NOTICES AND CERTIFICATES

**Form 1 The Town and Country Planning (Scotland) Act 1972—Section 56D(1) The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993—Regulation 5(1) Application for Hazardous Substances Consent**

**1. Applicant (BLOCK LETTERS)**

Address

Tel No

Agent (if any) to whom correspondence should be sent (BLOCK LETTERS)

Address

Tel No

Contact

**2. Address or location of application site**

**3. Substance(s) covered by application**

Name of substance	Entry number in Schedule 1 to the 1993 Regulations	Maximum quantity proposed to be present (in tonnes)*
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\*or kilograms in the case of substance with entry number 21, 26 or 34

**4. Manner in which substance(s) to be kept and used**

Provide the following information for each substance covered by the application (referring to the substance location plan where appropriate)

(a) Insert substance entry number in column (1) below and tick whichever of columns (2) and (3) is appropriate:

(1) Substance Entry Number	(2) Storage Only	(3) Stored and involved in industrial process
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(h) For each vessel to be used for storing the substance(s), give the following information:

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Vessel No*	Entry No substance(s) to be stored in vessel	Installed above ground (yes/no)	Buried (yes/no)	Mounded (yes/no)	Max Capacity (cubic metres)	Highest vessel design temperature(°C)	Highest design pressure (bar absolute)
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\* Identify by reference to substance location plan.  
 † If "yes" specify whether or not it will be provided with full secondary containment.

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- (c) State for each substance the largest size (capacity in cubic metres) of any moveable container to be used for that substance:
- (d) Where the substance is to be used in a manufacturing, treatment or other industrial process(es), give a general description of the process(es), describe the major items of plant which will contain the substance; and state the maximum quantity (in tonnes) which is liable to be present in the major items of the plant, and the maximum temperature (°C) and pressure (bar absolute) at which the substance is liable to be present:

Substance Entry No	Description of process(es)	Major items of plant*	Max quantity (tonnes)	Max Temp (°C)	Max pressure (bar absolute)
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\*identify by reference to substance location plan

**5. Additional Information**

- (a) Has any application for hazardous substance consent or planning permission relating to the application site been made which has not yet been determined? YES/NO
- (b) Will any such application be submitted at the same time as this application YES/NO
- If you have answered "YES" to either of the preceding questions, give sufficient details to enable the application(s) to be identified.
- (c) Plans. Please list the maps and any explanatory scale drawings of plant/buildings submitted with this application.
- (d) Give any further information which you consider to be relevant to the determination of this application.

I/We\* hereby apply for hazardous substances consent in accordance with the proposals described in the application.

Signed .....

On behalf of (BLOCK LETTERS) .....  
(insert applicant's name if signed by agent)

Date .....

\*delete where inappropriate

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Application for either: (tick appropriate box)

Hazardous Substances Consent without condition(s) attached to previous consent (section 56H)

OR

Continuation of Hazardous Substances Consent following a change in control of part of the land (section 56K)

1. Applicant (BLOCK LETTERS)

Address

Tel No

Agent (if any) to whom correspondence should be sent (BLOCK LETTERS)

Address

Tel. No.

Contact

2. Address or location of Application Site

3. Substances covered by application

Name of substance	Entry number in Schedule 1 to the 1993 Regulations	Maximum quantity proposed to be present (in tonnes)*

\*or kilograms in the case of substance with entry number 21, 26 or 34

4. In the case of an application for hazardous substances consent(s) without a condition attached to a previous consent (section 56H)

(a) identify the condition(s) previously attached which it is intended should not be attached to the consent, or should be attached only in a modified form (in the latter case, indicate the proposed modification)-

(b) give the reasons why the condition(s) referred to in (a) should not be attached or should be attached only in a modified form-

(c) describe any relevant changes in circumstances since the previous consent was granted-

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5. In the case of an application for the continuation of hazardous substances consent(s) following a change in the person in control of part of the land (section 56K)

(a) describe the use of each area of the site identified in the accompanying change of control plan;

(b) describe any relevant changes in circumstances since the existing consent was granted.

6. Additional Information

Plans. Please list the maps and any explanatory scale drawings of plant/buildings submitted with this application

Give any further information which you consider to be relevant to the determination of the application—

I/We\* hereby apply for hazardous substances consent/the continuation of hazardous substances consent\* in accordance with this application

Signed.....

On behalf of (BLOCK LETTERS) .....  
(insert applicant's name if signed by agent)

Date .....

\*delete where inappropriate

FORM 3The Town and Country Planning (Scotland) Act 1972The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993—Regulation 6(1)Notification of and information on application for hazardous substances consent/continuation of hazardous substances consent\*

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Notification of and information on application for hazardous substances consent/continuation of hazardous substances consent\*

Address or location of application site.....

NOTICE is hereby given that-

1. Application is being made to-

(a) (BLOCK LETTERS) ..... Council

by (b) (BLOCK LETTERS) ..... (the applicant) for hazardous substances consent/continuation of hazardous substances consent\* to

(c) .....

2. A copy of a plan showing the situation or location of the land to which the application relates is attached.

3. The application, plans, maps and other documents submitted may be inspected at all reasonable hours in the Register of Applications for Hazardous Substances Consent kept by the planning authority at

(d) ..... and also at

(e) .....

during the period of 21 days beginning with the date of this notice.

4. Any person who wishes to make representations to the above mentioned council about the application should make them in writing within that period to the council at the address of the planning authority shown on the application.

Signed .....

\*On behalf of (BLOCK LETTERS) ..... (insert applicant's name if signed by agent)

.....

Date .....

.....

NOTES

- (a) Insert name of planning authority.
- (b) Insert name of applicant.
- (c) Insert brief details of the consent being sought.
- (d) Insert address of planning authority.
- (e) Insert other address in the locality at which plans etc may be inspected. (The applicant is required to make the application available for inspection at a place within the locality of the site to which the application relates.)

\*delete where inappropriate

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**Certificate under Regulation 6(4)(a)(i)**

I hereby certify that—

(1) \*I have/the applicant has in accordance with regulation 6(1), (2)(a), (3)(a)(i) and (4)(a)(i)(aa) of the above Regulations sent the requisite notice to each of the persons holding a notifiable interest in neighbouring land, together with a plan showing the location of the land to which the application relates.

The names and addresses of all of those persons who have been notified, with a note of their interest (being that of owner, lessee or occupier) are as follows:

Name	Address	Interest (as owner lessee or occupier)
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(2) \*I have/the applicant has in accordance with regulation 6(1), (2)(a), (3)(a)(ii) and (4)(a)(i)(bb) of the above regulations sent the requisite notices to the addresses set out below, being addressed to the owner, the lessee or the occupier or to any or all of them as the case may be, together with a plan showing the location of the land to which the application relates.

- \* Owner
- \* Lessee ..... (Address)
- \* Occupier
- \* Owner
- \* Lessee ..... (Address)
- \* Occupier
- \* Owner
- \* Lessee ..... (Address)
- \* Occupier

Signed.....

Name of applicant (BLOCK LETTERS) .....

Address .....

If signature is not that of applicant, insert below name and address of signatory, and capacity in which he acts.

Name (BLOCK LETTERS) .....

Address .....

Capacity .....

Date .....

\*delete where inappropriate

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**Certificate under Regulation 6(4)(a)(ii)**

**I hereby certify that—**

**\*I have/the applicant has in accordance with regulation 6(1), (2)(b), (3)(b) and (4)(a)(ii) of the above Regulations sent the requisite notices addressed to the owners and occupiers who hold notifiable interests in neighbouring land at the addresses of the premises as listed below, together with a plan showing the location of the land to which the application relates. Addresses to which requisite notices sent are as follows—**

..... (Address)

..... (Address)

**Signed**.....

**Name of Applicant (BLOCK LETTERS)** .....

**Address** .....

**If signature is not that of applicant, insert below name and address of signatory and capacity in which he acts.**

**Name (BLOCK LETTERS)** .....

**Address** .....

**Capacity** .....

**Date** .....

<sup>†</sup>delete where inappropriate

**FORM 6The Town and Country Planning (Scotland) Act 1972The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993Certificate under Regulation 6(4)(B)**



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Certificate under Regulation 6(4)(b)**

**\*I/The applicant hereby \*certify/certifies that no notification is required in accordance with regulation 6(1) to (3) of the above Regulations since there are no parties holding a notifiable interest in neighbouring land.**

Signed.....

Name of Applicant (BLOCK LETTERS) .....

Address .....

If signature is not that of applicant, insert below name and address of signatory and capacity in which he acts.

Name (BLOCK LETTERS) .....

Address .....

Capacity .....

Date .....

\*delete where inappropriate

**FORM 7The Town and Country Planning (Scotland) Act 1972The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993Certificate under Regulation 6(4)(c)**

**Certificate under Regulation 6(4)(c)**

**\*I/The applicant hereby \*certify/certifies that it has not been possible for me/the applicant\* to carry out notification in terms of regulation 6(1) to (3) of the above Regulations because there are no premises on the neighbouring land to which the notification can be sent.**

Signed.....

Name of Applicant (BLOCK LETTERS) .....

Address .....

If signature is not that of applicant, insert below name and address of signatory and capacity in which he acts.

Name (BLOCK LETTERS) .....

Address .....

Capacity .....

Date .....

\*delete where inappropriate

**FORM 8The Town and Country Planning (Scotland) Act 1972The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993—Regulation 7Notice of Application for Hazardous Substances Consent/Continuation of Hazardous Substances Consent\***

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I/the applicant\* give notice that (a) (BLOCK LETTERS) .....  
is applying to the (b) .....  
for hazardous substances consent/the continuation of hazardous substance consent\* to permit (c)....  
.....  
in respect of (d) .....

A copy of the application may be inspected at (e) .....  
.....  
during all reasonable hours until (f) .....

Representations may be made about this application by writing to the (b) .....  
at (g) .....  
by (f) .....

Signed: .....

\*on behalf of (BLOCK LETTERS) .....  
(Insert applicant's name if signed by agent)

Date .....

Notes

- (a) Insert applicant's name.
- (b) Insert name of planning authority to whom the application is to be made.
- (c) Insert brief details of the consent being sought.
- (d) Insert address or location of the site to which the application relates.
- (e) Insert address at which the application may be inspected. (The applicant is required to make the application available for inspection at a place within the locality of the site to which the application relates.)
- (f) Insert date giving a period of not less than 21 days, beginning with the date when the notice is published.
- (g) Insert address of planning authority to whom the application is to be made.

\*delete where inappropriate

FORM 9 The Town and Country Planning (Scotland) Act 1972 The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993

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**Certificates A–D in terms of Regulation 8(1) or 14(4)\***

**Certificate A**

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application/appeal\* nobody, except the applicant/appellant\*, was the owner(a) of any part of the land to which the application/appeal\* relates.

Signed.....

\*On behalf of (BLOCK LETTERS) .....  
(insert applicant's name if signed by agent)

Date .....

**Certificate B**

I certify that:

I have/the applicant has/the appellant has\* given the required notice(b) to everyone, other than the applicant/appellant\*, who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal, was the owner(a) of any part of the land to which the application/appeal\* relates, as listed below.

Owner's name	Address at which notice was served	Date on which notice was served
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Signed.....

\*On behalf of (BLOCK LETTERS) .....  
(insert applicant's name if signed by agent)

Date .....

**Certificate C**

I certify that:

I/the applicant/the appellant\* cannot issue a Certificate A or B in respect of the accompanying application/appeal\*.

I have/the applicant/the appellant has\* given the required notice(b) to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application/appeal\*, were owners(a) of any part of the land to which the application/appeal\* relates.

Owner's name	Address at which notice was served	Date on which notice was served
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I have/the applicant/the appellant has\* taken all reasonable steps to find out the names and addresses of the remaining owners(a) of the land, or of a part of it, but have/has\* been unable to do so. These steps were as follows:

(c) .....  
.....  
.....  
.....

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Signed .....

\*On behalf of (BLOCK LETTERS) .....  
(insert applicant's name if signed by agent)

Date .....

*Certificate D*

I certify that:

I/the applicant/the appellant\* cannot issue a Certificate A in respect of the accompanying application/appeal\*.

I have/the applicant/the appellant has\* taken all reasonable steps to find out the names and addresses of everyone other than the applicant/appellant\* who at the beginning of the period of 21 days ending with the date of the application/appeal\*, was the owner(a) of any part of the land to which the application/appeal\* relates, but have/has\* been unable to do so. These steps were as follows:

(c) .....  
.....  
.....  
.....

Signed .....

\*On behalf of (BLOCK LETTERS) .....  
(insert applicant's name if signed by agent)

Date .....

*Notes*

- (a) Owner means a person who, in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease thereof where not less than seven years remain unexpired.
- (b) In accordance with Form 10 (for application) or Form 11 (for appeal).
- (c) Insert description of steps taken.

\*delete where inappropriate

FORM 10 The Town and Country Planning (Scotland) Act 1972 The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993—Regulation 8(2) Notice of Application for Hazardous Substances Consent/Continuation of Hazardous Substances Consent\*

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(“Required Notice” to owner(a) for Purposes of Certificate B or C of Form 9)

To (b) (BLOCK LETTERS).....  
at (c) .....

I/the applicant\* give notice that

(d) (BLOCK LETTERS) .....

is applying to the

(e) .....

for hazardous substances consent/the continuation of hazardous substances consent\* to permit

(f) .....

in respect of (g) .....

A copy of the application may be inspected at

(h) .....

within 21 days of the service of this notice.

Representations may be made about this application by writing to the (i) .....

at (j) .....

within 21 days of the service of this notice.

Signed .....

\*On behalf of (BLOCK LETTERS) .....

(insert applicant’s name if signed by agent)

Date .....

*Notes*

- (a) Owner means a person who, in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease thereof where not less than seven years remain unexpired.
- (b) Insert name of owner to whom notice addressed.
- (c) Insert address of owner to whom notice addressed.
- (d) Insert name of applicant.
- (e) Insert name of Council to whom the application is to be made.
- (f) Insert brief details of the consent being sought.
- (g) Insert address of location of the application site.
- (h) Insert address at which the application may be inspected.
- (i) Insert name of Council to whom representations may be made.
- (j) Insert address of Council to whom representations may be made.

\*delete where inappropriate

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(“Required Notice” to owner(a) for Purposes of Certificate B or C of Form 9)

**Notice of Appeal**

To (b) (BLOCK LETTERS).....  
at (c) .....

I/the appellant\* give notice that  
(d) (BLOCK LETTERS) .....  
having applied to the (e).....  
for hazardous substances consent/the continuation of hazardous substances consent\* to permit  
(f) .....

in respect of (g) .....

is appealing to the Secretary of State for Scotland:-  
against the decision of the (e) .....  
on the failure of the (f) ..... to give notice of a decision\*

Representations may be made to the Secretary of State about this appeal in writing to the Chief Reporter, Scottish Office Inquiry Reporter’s Unit, 2 Greenside Lane, Edinburgh, EH1 3AG within 21 days of the date of service of this notice.

Signed.....

\*On behalf of (BLOCK LETTERS) .....  
(insert applicant’s name if signed by agent)

Date .....

*Notes*

- (a) Owner means a person who, in respect of any part of the land, is the proprietor of the dominium utile or is the lessee under a lease thereof where not less than seven years remain unexpired.
- (b) Insert name of owner to whom notice addressed.
- (c) Insert address of owner to whom notice addressed.
- (d) Insert name of applicant.
- (e) Insert name of Council to whom the application was made.
- (f) Insert brief details of the consent sought.
- (g) Insert address of location of the application site.

\*Delete where inappropriate

FORM 12The Housing and Planning Act 1986—Section 38The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993—Regulation 15Claim for Deemed Consent

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**Part 1 – Claimant and Site**

Claimant (BLOCK LETTERS)  
Address

Tel No

Agent (if any) to whom correspondence should be sent (BLOCK LETTERS)  
Address

Tel No

Contact

Full postal address or location of land to which the claim relates.

General description of activities carried on at the site during the establishment period.

**Part 2 – Substances for which consent is being claimed and established quantity**

*Table A*

To be completed for substances notified to HSE(a) under NIHHS(b) before the relevant date(c)

(1) Name of Substance(s) present during establishment period(d)	(2) Entry number in Schedule 1 to the 1993 Regulations(e)	(3) Quantity last notified to HSE before the relevant date	(4) Quantity notified before start of the establishment period (if applicable)	(5) Established quantity (f)
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*Notes for Part 2 – Table A*

- (a) "HSE" stands for Health and Safety Executive.
- (b) "NIHHS" stands for the Notification of Installations Handling Hazardous Substances Regulations 1982 (S.I. 1982/1357).
- (c) The relevant date is 1st May 1993.
- (d) The establishment period is the 12 month period immediately preceding the relevant date.
- (e) The 1993 Regulations means the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 (S.I. 1993/323).
- (f) The established quantity in Table A for a substance is the quantity in column (3) of that table for the substance, or twice the quantity specified in column (4) for that substance, if greater.

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*Table B*

To be completed for substances **not** required to be notified under NIHHS(a) before the relevant date(b) and where a quantity not less than the controlled quantity(c) was present at any one time during the establishment period(d).

(1) Name of Substance(s) present during establishment period	(2) Entry number in Schedule 1 to the 1993 Regulations(e)	(3) Maximum quantity present during establishment period	(4) Established quantity(f)
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*Notes for Part 2 – Table B*

- (a) “NIHHS” stands for the Notification of Installations Handling Hazardous Substances Regulations 1982 (S.I. 1982/1357).
- (b) The relevant date is 1st May 1993.
- (c) The controlled quantity means the quantity specified for that substance in column 2 of the table in Part 1 of Schedule 1 to the 1993 Regulations.
- (d) The establishment period is the 12 month period immediately preceding the relevant date.
- (e) The 1993 Regulations means the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 (S.I. 1993/323).
- (f) The established quantity in Table B for a substance is the quantity specified in column (3) of that table for that substance multiplied by 1.5.

**Part 3 – Moveable Container Storage Areas**

For each area identified in any moveable container storage area plan which accompanies this claim specify–

- (a) the maximum quantity of the hazardous substance stored in the area in moveable containers at any time during the establishment period–
- (b) whether the substance was stored in a moveable container with a capacity in excess of 10% of the substance’s controlled quantity in that area during that period and, if so, the capacity (in tonnes) of the largest moveable container in which the substance was so stored

**Part 4 – Vessel Capacity, Temperature and Pressure**

(see next page)



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Vessel area (d)	Entry number of substance in Schedule 1 to the 1992 Regulations	Below ambient temperature (b)		At ambient temperature (c)					Above ambient temperature (d)				
		1(c)	2(f)	3(g)	4(h)	5(i)	6(j)	7(k)	8(l)	9(m)	10(n)	11(o)	
		Largest capacity vessel	Highest vessel design pressure	Buried or mounded vessels largest capacity vessel	Buried or mounded vessels highest vessel design pressure	Non buried or non mounded vessels largest capacity vessel	Non buried or non mounded vessels highest vessel design pressure	Present at or below boiling point at 1 bar largest capacity vessel	Present at or below boiling point at 1 bar highest vessel design pressure	Highest design temperature	Present at above boiling point at 1 bar largest capacity vessel	Present at above boiling point at 1 bar highest vessel design pressure	

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**Notes for Part 4 – Table C**

- (a) This table should be completed for each vessel area identified in any vessel location plan which accompanies this claim, with a separate row being completed for each hazardous substance in that vessel area.
- (b) Only complete columns 1 and 2 in respect of a vessel area in which the substance was present in a vessel at below ambient temperature at any time during the establishment period.
- (c) Only complete columns 3 to 6 in respect of a vessel area in which the substance was present in a vessel at ambient temperature at any time during the establishment period.
- (d) Only complete columns 7 to 11 in respect of a vessel area in which the substance was present in a vessel at above ambient temperature at any time during the establishment period.
- (e) **Column 1** Enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present in the relevant vessel area at below ambient temperature at any time during the establishment period.
- (f) **Column 2** Only complete if the substance was present in a vessel at above atmospheric pressure at below ambient temperature in the relevant vessel area at any time during the establishment period.  
To complete, enter the highest vessel design pressure of any vessel in which the substance was present in the relevant vessel area at above atmospheric pressure at below ambient temperature at any time during the establishment period.
- (g) **Column 3** Only complete if the substance was present at ambient temperature in a vessel which was buried or mounded in the relevant vessel area at any time during the establishment period.  
To complete, enter the capacity (in cubic metres) of the largest capacity buried or mounded vessel in which the substance was present at ambient temperature in the relevant vessel area at any time during the establishment period.
- (h) **Column 4** Only complete if the substance was present at above atmospheric pressure at ambient temperature in a vessel which was buried or mounded in the relevant vessel area at any time during the establishment period.  
To complete, enter the highest vessel design operating pressure of any buried or mounded vessel in which the substance was present in the relevant vessel area at above atmospheric pressure at ambient temperature at any time during the establishment period.
- (i) **Column 5** Only complete if the substance was present at ambient temperature in a non-buried or non-mounded vessel in the relevant vessel area at any time during the establishment period.  
To complete, enter the capacity (in cubic metres) of the largest capacity non-buried or non-mounded vessel in which the substance was present at ambient temperature in the relevant vessel area at any time during the establishment period.
- (j) **Column 6** Only complete if the substance was present at above atmospheric pressure at ambient temperature in a non-buried or non-mounded vessel in the relevant vessel area at any time during the establishment period.  
To complete, enter the highest vessel design operating pressure of any non-buried or non-mounded vessel in which the substance was present in the relevant vessel area at above atmospheric pressure at ambient temperature at any time during the establishment period.
- (k) **Column 7** Only complete if the substance was present in a vessel at above ambient temperature at or below its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.  
To complete, enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present at above ambient temperature at or below its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.
- (l) **Column 8** Only complete if the substance was present at above atmospheric pressure at above ambient temperature at or below its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period.  
To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present at above atmospheric pressure at above ambient temperature at or below its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period.
- (m) **Column 9** Enter the highest design operating temperature (in centigrade) of any vessel in which the substance was present at above ambient temperature in the relevant vessel area at any time during the establishment period.
- (n) **Column 10** Only complete if the substance was present in a vessel at above its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.  
To complete, enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present at above its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.

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- (o) **Column 11** Only complete if the substance was present at above atmospheric pressure above its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period.

To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present at above atmospheric pressure at above its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.

**Part 5**

\*I/We hereby claim hazardous substances consent in accordance with the information provided(a).

Signed .....

\*On behalf of (BLOCK LETTERS) .....

(insert applicant's name if signed by agent)

Date .....

\*delete where inappropriate

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**Note for Part 5**

- (a) The planning authority is required to notify you within 2 weeks from receipt of the claim if, in their opinion, the claim is invalid and to give their reasons for that opinion. If the claim is valid that authority shall be deemed to have granted the hazardous substances consent claimed, subject to the conditions set out in section 38(9) of the Housing and Planning Act 1986 and Schedule 3 to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 (S.I. 1993/323).