
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in relation to town and country planning in England and Wales, Article 12 of Council Directive [96/82/EC](#) (O.J. No. L. 10, 14.1.1997, p. 13) on the control of major-accident hazards involving dangerous substances.

The main requirements of Article 12 of the Directive, are as follows. The requirement to ensure that the objectives of preventing major accidents and limiting their consequences are taken into account in land-use planning policies and that these objectives are pursued through controls. The requirement to ensure that planning authorities set up appropriate consultation procedures to facilitate implementation of these and other policies established under the Article.

These Regulations amend the Planning (Hazardous Substances) Act 1990 (“the Act”), the Planning (Hazardous Substances) Regulations 1992, the Town and Country Planning (Development Plan) Regulations 1991 and the Town and Country Planning (General Development Procedure) Order 1995.

The Act provides that the presence of a hazardous substance on, over or under land at or above the controlled quantity requires hazardous substances consent. The controlled quantity must be calculated by aggregating the quantity of a substance on, over or under land and certain other land or structures (together “the control zone”). Regulation 2 amends section 4 of the Act by adding to the control zone any other land which forms part of a single establishment.

Regulation 3 amends the Planning (Hazardous Substances) Regulations 1992. The main change is that it provides a new Schedule 1 prescribing the substances which are hazardous substances and their controlled quantities. Regulation 3(4) and regulation 2(2) amend provisions relating to exemptions from hazardous substances consent. Regulation 3(5) adds to the requirements for hazardous substances authorities to consult before granting hazardous substances consent. Regulation 3(8) and Schedule 2 prescribe new application and claim forms for hazardous substances consent.

Regulation 4 makes provision for deemed consents for hazardous substances for which a hazardous substances consent was not required before these Regulations came into force.

Regulation 5 amends the Town and Country Planning (Development Plan) Regulations 1991 to add to the matters that local planning authorities shall have regard when formulating their policies in a unitary development or structure plan.

Regulation 6 amends the Town and Country Planning (General Development Procedure) Order 1995 to add to the categories of development in relation to which local planning authorities are required to consult before granting planning permission.

A Regulatory Impact Appraisal has been prepared in relation to these Regulations. It has been placed in the Library of each House of Parliament and copies may be obtained from PD5A Division, Department of the Environment, Transport and the Regions, Eland House, Bressenden Place, London SW1E 5DU (Telephone 0171–890–3902) or Planning Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ (Telephone 01222–823479).