

EXPLANATORY MEMORANDUM TO
THE PLANNING (HAZARDOUS SUBSTANCES) (AMENDMENT) (ENGLAND)
REGULATIONS 2010

2010 No. 1050

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
The purpose of this instrument is to correct two errors in the Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 (SI 2009/1901) (“the 2009 Regulations”). The required corrections are achieved by further amendments to the Planning (Hazardous Substances) Regulations 1992 (SI 1992/656) (“the 1992 Regulations”) which were amended by the 2009 Regulations.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
None.
4. **Legislative Context**
 - 4.1 The 2009 Regulations implemented the land use planning provisions of European Directive 96/82/EC (“the Directive”) on the control of major accidents involving dangerous substances as amended by Council Directive 2003/105/EC.
 - 4.2 As part of the implementation of the Directive the 2009 Regulations substituted a new Schedule 1 to the 1992 Regulations. There are two errors in the substituted Schedule 1. Firstly, a figure of 10000 was erroneously included in Column 3 for the first substance listed in the table in Part A. Secondly, the reference to the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (SI 2002/1689) in the notes to Part B should be a reference to the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 (SI 2009/716). These Regulations correct those errors and provide for a period of six months for the making of applications for hazardous substances consent by those site operators who will require consent as a result of the corrections.
 - 4.3 A transposition note was attached to the explanatory memorandum accompanying the 2009 Regulations.
5. **Territorial Extent and Application**
This instrument applies to England.
6. **European Convention on Human Rights**
As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**

The purpose of these Regulations is to make technical drafting corrections as a result of errors in the 2009 Regulations. The policy background to the 2009 Regulations was explained in the explanatory memorandum which accompanied them and it has not changed.

8. Consultation outcome

Not applicable.

9. Guidance

Not applicable.

10. Impact

An impact assessment is not required for this instrument.

11. Regulating small business

Not applicable.

12. Monitoring & review

Not applicable.

13. Contact

Louise Waring at the Department for Communities and Local Government (Tel: 03034 441722 or email: louise.waring@communities.gsi.gov.uk) can answer any queries regarding the instrument.