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
Regulations”). The required corrections are achieved by further amendments to the
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

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.

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.