EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the land-use planning obligations (articles 13 and 15) in Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances (O.J. L 197, 24.7.2012, p.1)(the "Seveso III Directive").

These Regulations also consolidate, with amendments, existing regulations made under the Planning (Hazardous Substances) Act 1990 ("the Act") and revoke the following statutory instruments to the extent specified—

(1) The Planning (Hazardous Substances) Regulations 1992;

(2) The Planning (Control of Major-Accident Hazards) Regulations 1999;

(3) The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006;

(4) The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009;

(5) The Planning (Hazardous Substances) (Amendment) (England) Regulations 2010; and

(6) The Explosives Regulations 2014.

These Regulations apply to England. Certain provisions (as set out in regulation 1) also apply in relation to Scotland and Wales to the extent that they relate to non-devolved infrastructure planning matters. The devolved administrations are separately implementing the land-use planning requirements of the Seveso III Directive in relation to devolved planning matters. The non-planning aspects of the Seveso III Directive are implemented through The Control of Major Accident Hazards Regulations 2015 (S.I. 2015/483).

These Regulations set out—

(1) in Part 2 and Schedules 1 and 2, the substances which are hazardous substances for the purposes of the Act, the controlled quantities of those substances, and exemptions from the need for hazardous substances consent;

(2) in Part 3 and Schedule 3, procedures to be followed for applications for hazardous substances consent;

(3) in Part 4 and Schedule 4, procedures for the enforcement of hazardous substances control;

(4) in Part 5, the information to be held in a consents register, the fees required in connection with an application for hazardous substances consent, and how hazardous substances control applies to hazardous substances authorities;

(5) in Part 6, obligations to take certain matters in the Seveso III Directive into account in land-use planning policies and other relevant policies, and public consultation and participation obligations in relation to certain plans, programmes and projects where the presence of hazardous substances is relevant; and

(6) in Part 7, revocations, amendments, savings, transitional provisions, Crown application provisions and review obligations.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF, and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk. A transposition note, indicating

the parts of these Regulations which implement obligations in the Seveso III Directive, is published with the Explanatory Memorandum and is also available at those places.