
STATUTORY INSTRUMENTS

2015 No. 627

The Planning (Hazardous Substances) Regulations 2015

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Planning (Hazardous Substances) Regulations 2015 and come into force on 1st June 2015.

(2) Except as provided by paragraphs (3) to (5), these Regulations apply in relation to England only.

(3) Regulation 24 applies in relation to England and, in so far as it applies to national policy statements designated under section 5(1) of the Planning Act 2008⁽¹⁾, to Wales and Scotland.

(4) Regulation 26—

(a) applies in relation to England;

(b) applies in relation to Wales and Scotland in so far as it applies to making development consent orders under section 114(1) of the Planning Act 2008; and

(c) applies in relation to Wales in so far as it applies to a decision by the Secretary of State authorising development in Wales under—

(i) section 5(1) of the Pipe-lines Act 1962⁽²⁾; and

(ii) section 14(1) or section 16(1) of the Harbours Act 1964⁽³⁾.

Interpretation

2.—(1) In these Regulations—

“the 1992 Regulations” means the Planning (Hazardous Substances) Regulations 1992⁽⁴⁾;

“the Act” means the Planning (Hazardous Substances) Act 1990;

“COMAH competent authority” means the control of major accident hazards competent authority which is—

(a) in relation to a nuclear site, the Office of Nuclear Regulation and the Environment Agency acting jointly,

(b) otherwise, the Health and Safety Executive and the Environment Agency acting jointly;

“commencement date” means the date these Regulations come into force;

(1) 2008 c.29.

(2) 1962 c.58.

(3) 1964 c. 40.

(4) S.I. 1992/656; relevant amendments were made by section 76(7) of the Utilities Act 2000 (c.27) and by S.I. 1999/981, S.I. 2006/1282, S.I. 2006/1283, S.I. 2009/1901, S.I. 2010/1050 and S.I. 2014/162.

“the Directive” means Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances⁽⁵⁾; and

“nuclear site” has the same meaning as in section 112(1) of the Energy Act 2013⁽⁶⁾.

(2) In these Regulations—

(a) a reference to a section is a reference to that section of the Act, unless there is a contrary indication; and

(b) a reference to a numbered form is a reference to the correspondingly numbered form in Schedule 3 to these Regulations.

(3) Parts 1 to 3 of Schedule 1 to these Regulations (hazardous substances and controlled quantities) are to be construed in accordance with the notes in Part 4 of that Schedule and a reference in that Schedule to a note is a reference to a note in Part 4 of that Schedule.

(4) References to sections of the principal Act⁽⁷⁾ mentioned in regulations 15, 17, 18 and 19 (enforcement) are, in those sections and these Regulations, to be construed as references to those sections as modified by these Regulations in relation to hazardous substances control.

(5) References in these Regulations to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (“the CLP Regulation”) are references to that Regulation as amended from time to time.

⁽⁵⁾ O.J. L 197, 24.7.2012, p. 1.

⁽⁶⁾ 2013 c. 32.

⁽⁷⁾ Section 39(1) of the Act defines “principal Act” as the Town and Country Planning Act 1990 (c.8).