
STATUTORY INSTRUMENTS

2015 No. 627

The Planning (Hazardous Substances) Regulations 2015

PART 7

Revocations, amendments, savings, transitional provisions, Crown application and review

Revocations

28. The following enactments are revoked to the extent specified, subject to the savings and transitional provisions set out in this Part—

<i>(1) Instrument revoked</i>	<i>(2) References</i>	<i>(3) Extent of revocation</i>
The Planning (Hazardous Substances) Regulations 1992	S.I. 1992/656	The Regulations so far as they apply to England
The Planning (Control of Major-Accident Hazards) Regulations 1999	S.I. 1999/981	The Regulations so far as they apply to England
The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006	S.I. 2006/1282	Article 10 so far as it applies to England
The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009	S.I. 2009/1901	The whole Regulations
The Planning (Hazardous Substances) (Amendment) (England) Regulations 2010	S.I. 2010/1050	The whole Regulations
The Explosives Regulations 2014	S.I. 2014/1638	Paragraphs 14(2) and (4) of Part 2 of Schedule 13

Transitional applications and appeals

29.—(1) If an application or appeal relating to a hazardous substances consent made in accordance with the 1992 Regulations has not been determined by the commencement date, the application or appeal is taken to be made under these Regulations.

(2) Anything done under the 1992 Regulations in relation to that application or appeal before the commencement date is taken to be done under these Regulations.

Interpretation of existing consents

30.—(1) In this regulation, “relevant consent” means a hazardous substances consent granted under the 1992 Regulations or a deemed consent claimed before the commencement date under which the following are expressly authorised—

- (a) the presence of a category of substance listed in column 1 of part B of Schedule 1 to the 1992 Regulations; or
- (b) the presence of a substance named in column 1 of part A of Schedule 1 to the 1992 Regulations.

(2) This regulation applies to a relevant consent where the category or substance referred to in paragraph (1) above—

- (a) is not contained in Schedule 1 to these Regulations; or
- (b) is differently named or defined under Schedule 1 to these Regulations.

(3) Where this regulation applies references in a relevant consent to a category or substance referred to in paragraph (1) are to be interpreted as if these Regulations had not come into force.

Saving for deemed consent conditions

31.—(1) This regulation applies to any consent that was deemed to be granted under section 11 (deemed hazardous substances consent; established presence) or 30B (Crown application: transitional) before the commencement date.

(2) In relation to any consent to which this regulation applies—

- (a) the conditions set out in Schedule 3 of the 1992 Regulations continue to apply (unless any condition was removed following an application under section 13); and
- (b) those conditions continue to be interpreted in accordance with regulation 15 (conditions on deemed consent) of the 1992 Regulations.

Notification of other establishments

32.—(1) This regulation applies where—

- (a) hazardous substance consent would be required but for the exemption in paragraph 13 of Schedule 2 to these Regulations; and
- (b) a hazardous substance authority receives from the person in control of the land to which the notice relates a notice in writing which contains—
 - (i) details of the location of the land to which the notice relates and the person in control of the land;
 - (ii) details of the hazardous substances held at the site, including the quantities; and
 - (iii) an explanation of why paragraph 13 of Schedule 2 to these Regulations applies.

(2) The hazardous substances authority must, as soon as practicable after receiving the notice, send the COMAH competent authority a copy of the notice.

(3) The COMAH competent authority must, within 8 weeks of receiving notification from the hazardous substances authority under paragraph (2), determine whether the notice concerns an establishment within the meaning of the Directive and, if so, notify the local planning authority for the area in which the establishment is located.

Amendments

33. Schedule 5 to these Regulations has effect.

Application to the Crown

34. These Regulations apply to the Crown as if, in Schedule 2 to these Regulations, after paragraph 2 there were inserted—

“2A Hazardous substances consent is not required for the presence of a hazardous substance in, on, over or under land at military establishments, installations or storage facilities.”.

Review

35.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations so far as they implement the land-use aspects of the Directive in relation to England (and in relation to Wales and Scotland, to the extent that these Regulations apply in relation to Wales and Scotland);
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the land-use aspects of the Directive and by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the commencement date.

(5) Reports under this regulation must afterwards be published at intervals not exceeding five years.