



## 2011 CHAPTER 25

### **Part 4**

#### Additional planning control

#### CHAPTER 2

#### HAZARDOUS SUBSTANCES

#### **Determination of applications for hazardous substances consent**

**110.**—(1) Subject to the following provisions of this Act, where an application is made to a council for hazardous substances consent, the council, in dealing with the application, must have regard to any material considerations, and—

- (a) may grant hazardous substances consent, either unconditionally or subject to such conditions as it thinks fit; or
- (b) may refuse hazardous substances consent.

(2) Without prejudice to the generality of subsection (1), in dealing with an application the council must have regard—

- (a) to any current or contemplated use of the land to which the application relates;
- (b) to the way in which land in the vicinity is being used or is likely to be used;
- (c) to any planning permission that has been granted for development of land in the vicinity;
- (d) to the provisions of the local development plan; and

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*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 110. (See end of Document for details)*

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- (e) to any advice which the Health and Safety Executive for Northern Ireland has given following consultations in pursuance of regulations made under section 109(4).
- (3) If an application relates to more than one hazardous substance, the council may make different determinations in relation to each.
- (4) It shall be the duty of a council, when granting hazardous substances consent, to include in that consent—
- (a) a description of the land to which the consent relates;
  - (b) a description of the hazardous substance or substances to which it relates; and
  - (c) in respect of each hazardous substance to which it relates, a statement of the maximum quantity permitted by the consent to be present at any one time and of all conditions relating to that substance subject to which the consent is granted.
- (5) Without prejudice to the generality of subsection (1), a council may grant hazardous substances consent subject to conditions with respect to any of the following—
- (a) how and where any hazardous substance to which the consent relates is to be kept or used;
  - (b) times between which any such substance may be present;
  - (c) the permanent removal of any such substance—
    - (i) on or before a date specified in the consent; or
    - (ii) before the end of a period specified in it and commencing on the date on which it is granted;
  - (d) the consent being conditional on the commencement or partial or complete execution of development on the land which is authorised by a specified planning permission.
- (6) A council may only grant consent subject to conditions as to how a hazardous substance is to be kept or used if the conditions are conditions to which the Health and Safety Executive for Northern Ireland has advised the council that any consent it might grant should be subject.

**Modifications etc. (not altering text)**

- C1 Pt. 4 (except chpts. 1, 2) applied with modification(s) (1.4.2015) by [The Planning General Regulations \(Northern Ireland\) 2015 \(S.R. 2015/39\)](#), regs. 1(1), 2 (with regs. 3-10)
- C2 S. 110 applied (1.4.2015) by [The Planning \(Hazardous Substances\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/61\)](#), regs. 1, 15(3)
- C3 S. 110 applied with modification(s) (16.10.2015) by [The Planning \(Hazardous Substances\) \(No. 2\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/344\)](#), regs. 1, 16(3)

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- C4** Ss. 105-155: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 5 Pt. 2](#) (with art. 9(2))

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**Commencement Information**

- I1** S. 110 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, [Sch. 1](#)
- I2** S. 110 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, [Sch. 1](#) (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 110.