#### SCOTTISH STATUTORY INSTRUMENTS

## 2015 No. 181

### TOWN AND COUNTRY PLANNING

# The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015

Made - - - - 28th April 2015
Laid before the Scottish
Parliament - 30th April 2015
Coming into force 1st June 2015

# THE TOWN AND COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) REGULATIONS 2015

#### PART 1

- 1. Citation and commencement
- 2. Interpretation

#### PART 2

- 3. Hazardous substances and controlled quantities
- 4. Exemptions

#### PART 3

- 5. Notice to owner by applicants
- 6. Applications for hazardous substances consent
- 7. Applications for removal of conditions
- 8. Applications for continuation of hazardous substances consent where there has been a change in the person in control of part of the land
- 9. Neighbour notification by planning authorities
- 10. Publication of receipt of application by planning authorities
- 11. Validation date
- 12. Acknowledgment of applications
- 13. Further information
- 14. Consultation before determination of applications
- 15. Representations
- 16. Duty to notify the Scottish Ministers of applications

- 17. Time period for determination
- 18. Decision notices on applications under regulation 6, 7 or 8
- 19. Notices of decision on applications for approval of matters specified in conditions
- 20. Notice of reference of applications to the Scottish Ministers

#### PART 4

- 21. Policies
- 22. Plans and programmes
- 23. Other planning approvals for projects

#### PART 5

#### principal Act

- 24. Notice of appeal
- 25. Intimation to planning authority and planning authority's response
- 26. Notification to interested parties
- 27. Publication of appeal documents
- 28. Determination without further procedure
- 29. Opt-in notice to interested parties
- 30. Decisions as to further procedure
- 31. Pre-examination meetings
- 32. Written submissions procedure
- 33. Site inspections
- 34. New evidence
- 35. Further copies of documents etc.
- 36. Compliance with notification and consultation procedures
- 37. Appointment of assessor
- 38. Notice of decision on appeal
- 39. Called-in applications
- 40. Non-delegated appeals

#### PART 6

#### 41. Register of hazardous substances consents

#### PART 7

- 42. Hazardous substances contravention notices
- 43. Appeals against hazardous substances contravention notices
- 44. Intimation of appeal to planning authority and planning authority's response
- 45. Notification to other parties
- 46. Determination of an appeal against a hazardous substances contravention
- 47. Appeals against hazardous substances contravention notices: supplementary
- 48. Validity of a hazardous substances contravention notice
- 49. Execution and cost of works required by hazardous substances contravention notice
- 50. Offence where hazardous substances contravention notice not complied with
- 51. Effect of hazardous substances consent on hazardous substances contravention notice

Status: This is the original version (as it was originally made).

- 52. Hazardous substances contravention notice to have effect against the subsequent presence of hazardous substances
- 53. Register of hazardous substances contravention notices
- 54. Proceedings for questioning the validity of other orders, decisions and directions

#### PART 8

- 55. Fees for applications
- 56. Applications by planning authorities
- 57. Access to review procedure before a court
- 58. Electronic communications
- 59. Service of notices
- 60. Applications made before the commencement date
- 61. Interpretation of existing consents
- 62. Saving provision for deemed consent conditions
- 63. Notification of other establishments
- 64. Appeals made after the commencement date
- 65. Appeals made before the commencement date
- 66. Applications referred to the Scottish Ministers before the commencement date
- 67. Amendments
- 68. Revocations Signature

SCHEDULE 1 Hazardous substances and controlled quantities
PART 1 Categories of substances
PART 2 Named hazardous substances
PART 3 Substances used in processes

SCHEDULE 2 Exemptions

- 1. Military establishments
- 2. Nuclear sites
- 3. Intermediate presence related to the transport of hazardous substances
- 4. Pipelines
- 5. Minerals
- 6. Paragraph 5 does not apply to a hazardous substance present...
- 7. Land-fill sites
- 8. Paragraph 7 does not apply to a hazardous substance present...
- 9. Emergency unloading from ships
- 10. Explosives
- 11. Hazardous substance consent is not required where an explosives licence...
- 12. Presence of established substances
- 13. Paragraph 12 does not apply where the quantity of the...
- 14. Presence of exempted substances
- 15. Presence of small quantities of substances
- 16. Minor changes to types and quantities of substances
- 17. The conditions are that—(a) before the relevant minor change...
- 18. Interpretation
- 19. Expressions appearing in this Schedule and in the Directive have...

SCHEDULE 3 Notice to owner by applicant

SCHEDULE 4 Notice for publication in newspaper

SCHEDULE 5 Notice to be attached to decision notice given under

regulation 18

SCHEDULE 6 Notice to be attached to notice of decision on an

application for approval, consent or agreement required by a condition imposed on a grant of hazardous substances

consent

SCHEDULE 7 Hearing Session Rules

- 1. Notice of hearing session and specified matters
- 2. Appearances at hearing session
- 3. Date and notification of hearing session
- 4. Service of hearing statements and documents
- 5. Procedure at hearing

SCHEDULE 8 Consequential amendments

- 1. Amendment of the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007
- 2. Amendment of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008
- 3. Amendment of the 2013 Regulations

SCHEDULE 9 Revocations

**Explanatory Note**