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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 181**

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

**PART 1**

**General**

**Citation and commencement**

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

**Interpretation**

2.—(1) In these Regulations, unless the context requires otherwise—

“the 1993 Regulations” means the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993(1);

“the 1997 Act” means the Town and Country Planning (Scotland) Act 1997;

“the 2013 Regulations” means the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013(2);

“appellant” in Part 5 means a person who gives notice of appeal under section 19 of the principal Act and in Part 7 a person who gives notice of appeal under regulation 43(2);

“appointed person” means a person appointed under paragraph 1 of the Schedule to the principal Act or paragraph 1 of Schedule 4 to the 1997 Act (as applied by virtue of regulation 43), as the case may be, to determine an appeal instead of the Scottish Ministers;

“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006;

“commencement date” means 1st June 2015;

“decision notice” means a notice issued under regulation 18;

“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, amending and subsequently repealing Council Directive 96/82/EC(3);

“Hazardous Substances Inquiry Session Rules” means the Town and Country Planning (Hazardous Substances Inquiry Session Procedure) (Scotland) Rules 2015(4);

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(1) S.I. 1993/323 as amended by S.I. 1994/2567, S.I. 1996/252, S.S.I. 2000/179, S.S.I. 2003/1, S.S.I. 2006/270, S.S.I. 2009/378, S.S.I. 2010/171, S.S.I. 2013/119, S.S.I. 2014/51 and S.I. 2014/469.

(2) S.S.I. 2013/155.

(3) OJ L 197, 24.7.2012, p.1.

(4) S.S.I. 2015/182

“hearing session” means a hearing held or to be held into matters specified in a procedure notice given under rule 1(1) of the Hearing Session Rules;

“Hearing Session Rules” means the rules set out in Schedule 7;

“inquiry session” means a local inquiry held or to be held under—

- (a) section 265 of the 1997 Act as applied by section 36(1) of the principal Act; or
- (b) paragraph 6 of the Schedule to the principal Act;

“interested party” means in relation to an appeal under section 19 of the principal Act—

- (a) any person consulted by the planning authority in accordance with regulation 14 and from whom the planning authority received representations (which were not subsequently withdrawn) in connection with the application to which the appeal relates; and
- (b) any other person from whom the planning authority received representations (which were not subsequently withdrawn) in connection with the application to which the appeal relates;

“notice of appeal” in Part 5 means a notice of appeal given under regulation 24(1) and in Part 7 a notice of appeal given under regulation 43(2);

“the principal Act” means the Planning (Hazardous Substances) (Scotland) Act 1997;

“procedure notice” means a notice given (whether separately or in combination) under regulation 32(1), rule 1(1) of the Hearing Session Rules or rule 4(1) of the Hazardous Substances Inquiry Session Rules;

“relevant consent” means—

- (a) the consent, in the case of a hazardous substances consent granted on an application for such consent;
- (b) the relevant claim, in the case of a consent deemed to be granted under section 9 or 10A of the principal Act<sup>(5)</sup> (deemed hazardous substances consent: established presence); and
- (c) the relevant direction, in the case of a consent deemed to be granted, or having effect as if deemed to be granted, by virtue of section 10 of the principal Act (deemed hazardous substances consent: government authorisation)<sup>(6)</sup>,

and includes any continuation of a consent referred to in paragraphs (a) to (c) which is granted or deemed to be granted under section 16 of the principal Act (determination of applications for continuation of hazardous substances consent);

“safety regulator” has the same meaning as in section 38(1) of the principal Act<sup>(7)</sup>; and

“validation date” is the date on which an application under regulation 6, 7 or 8 as the case may be, is taken to have been made in terms of regulation 11.

(2) References in these Regulations to the CLP Regulation are references to that Regulation as amended from time to time.

(3) Schedule 1 (hazardous substances and controlled quantities) is to be construed in accordance with the notes to that Schedule.

(4) Any requirement that a form is to be as set out in a specified Schedule is to be construed as meaning a form as so specified or a form substantially to the like effect.

(5) Section 9 provides that hazardous substances consent deemed to be granted by a planning authority under section 38 of the Housing and Planning Act 1986 shall continue to have effect notwithstanding the repeal of that section and shall be deemed to be granted by the authority under said section 9, and the relevant claim is the claim submitted under said section 38. Section 10A was inserted by [S.S.I. 2000/179](#).

(6) Section 10 was amended by paragraph 62 of Schedule 2 to the Planning Act 2008 (c.29) and [S.S.I. 2007/569](#).

(7) The definition of “safety regulator” was inserted by [S.I. 2014/469](#).

