
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Infrastructure Planning (Decisions) Regulations 2010

Hazardous substances

6. When deciding an application in respect of development that would involve the presence of a hazardous substance on, over or under land to which section 12(2B) of the Planning (Hazardous Substances) Act 1990⁽¹⁾ applies (deemed hazardous substances consent: government authorisation) or for Scotland to which section 10(2B) of the Planning (Hazardous Substances) (Scotland) Act 1997⁽²⁾ applies, the decision-maker must have regard to—

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

(1) 1990 c.10. Section 12(2B) was inserted by the Act, section 36 of and paragraphs 42, 45(1), (2) to the Planning Act 2008.
(2) 1997 c.10. Section 10(2B) was inserted by paragraphs 59 and 62(1) and (2) of Schedule 2 to the Planning Act 2008.