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STATUTORY INSTRUMENTS

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**1992 No. 656**

**The Planning (Hazardous Substances) Regulations 1992**

**PART 4**

**DEEMED CONSENT**

**Claim for deemed consent**

**14.—(1)** A claim for deemed consent under section 11 shall—

- (a) be made to the hazardous substances authority on Form 8;
- (b) include the information specified by the form, a site map, and, where applicable, a moveable container storage area plan and a vessel location plan for each hazardous substance included in the claim;
- (c) be accompanied by 3 copies of the form and the map and any plan submitted with it.

(2) The site map required by paragraph (1)(b) shall be a map, reproduced from, or based upon, an Ordnance Survey map with a scale of not less than 1 to 10,000, which identifies the land to which the claim relates and shows National Grid lines and reference numbers.

(3) The moveable container storage area plan required by paragraph (1)(b) shall be a plan of the land to which the claim relates, drawn to a scale of not less than 1 to 2,500, which identifies any area of the site where the hazardous substance has been stored in moveable containers at any time during the establishment period.

(4) The vessel location plan required by paragraph (1)(b) shall be a plan of the land to which the claim relates, drawn to a scale of not less than 1 to 2,500, which identifies any area of the site where the hazardous substance has been present in a vessel at any time during the establishment period; provided that—

- (a) no point on the boundary of the area so identified shall be more than 75 metres away from—
  - (i) a building which is or was within the area and which at any time during the establishment period contained a vessel in which the substance was present;
  - (ii) plant and machinery (other than pipe work) which is or was affixed to land within the area and which, at any time during the establishment period whilst it was so affixed, was used for an industrial process involving the substance; or
  - (iii) a vessel which is or was located outside a building and within the area and in which, at any time during the establishment period whilst it was so located, the substance was present;
- (b) no area identified in accordance with this paragraph shall overlap with any other area so identified in respect of the same substance.

### Conditions on deemed consent

15. The conditions set out in Schedule 3 are the prescribed conditions for the purposes of section 11(7)(b).

### Interpretation of deemed consent provisions

16.—(1) For the purpose of paragraph (3) of regulation 14 and the condition set out in paragraph 7(1) of Schedule 3, no account shall be taken of the storage of a hazardous substance in moveable containers in an area, if the quantity of the substance so stored in that area does not exceed 10% of the substance's controlled quantity.

(2) For the purpose of the 75 metre limit in paragraph (4)(a) of regulation 14, where a petroleum — spirit licence under the Petroleum (Consolidation) Act 1928(1) applying to the site was in force at any time during the establishment period, the reference to a vessel in which the hazardous substance was present shall, in relation to hazardous substance number 71 in column 1 of Schedule 1, include any vessel identified in the licence.

(3) For the purpose of paragraph (4) of regulation 14 and the conditions set out in paragraphs 1 to 6 of Schedule 3, and for the purpose of completing Table C in Form 8, no account shall be taken of the presence in a vessel of a hazardous substance if the quantity present in the vessel does not exceed 10% of the substance's controlled quantity.

(4) For the purpose of the conditions set out in paragraphs 1 to 5 of Schedule 3, and for the purpose of completing Table C in Form 8, a hazardous substance shall not be treated as being present in a vessel at other than ambient temperature by virtue only of—

- (a) the heating of the substance to maintain its fluidity during seasonal variations in temperature; or
- (b) any cooling effect resulting from the vaporisation of the substance during the withdrawal of vapour from the vessel; or
- (c) the presence of the substance at above or below ambient temperature on entry into the vessel, if the temperature of the substance is allowed to move to ambient temperature upon entry.

(5) For the purpose of the conditions set out in paragraphs 1 to 5 of Schedule 3, and for the purpose of completing Table C in Form 8, a hazardous substance shall not be treated as being present at above atmospheric pressure unless the pressure at which it is present exceeds 1.5 bar absolute.

(6) For the purpose of the conditions set out in paragraphs 1 to 5 of Schedule 3, no account shall be taken of an increase in pressure during the operation of a pressure relief system.

(7) In Schedule 3 and Table C in Form 8 “vessel area” means an area identified in a vessel location plan in accordance with paragraph (4) of regulation 14.

(8) In Schedule 3, references to a column of Table C refer to the relevant column of Table C of the form on which the claim for deemed consent is made which applies to the relevant hazardous substance and vessel area.