



# Planning (Hazardous Substances) Act 1990

## CHAPTER 10

### PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

#### *Hazardous substances authorities*

- 1 Hazardous substances authorities: general.
- 2 Hazardous substances authorities: statutory undertakers.
- 3 Hazardous substances authorities: other special cases.

#### *Control over presence of hazardous substances*

- 4 Requirement of hazardous substances consent.
- 5 Power to prescribe hazardous substances.

#### *Obtaining hazardous substances consent*

- 6 Hazardous substances consent: general.
- 7 Applications for hazardous substances consent.
- 8 Certificates as to applicant's status etc.
- 9 Determination of applications for hazardous substances consent.
- 10 Power to impose conditions on grant of hazardous substances consent.
- 11 Deemed hazardous substances consent: established presence.
- 12 Deemed hazardous substances consent: government authorisation.

#### *Variation and revocation of consents*

- 13 Application for hazardous substances consent without condition attached to previous consent.
- 14 General power by order to revoke or modify hazardous substances consent.

*Changes to legislation: Planning (Hazardous Substances) Act 1990 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- 15 Confirmation by Secretary of State of s. 14 orders.
- 16 Compensation in respect of s. 14 orders.
- 17 Revocation of hazardous substances consent on change of control of land.
- 18 Determination of applications for continuation of hazardous substances consent.
- 19 Compensation on revocation or modification of consent under s. 18.

*Secretary of State's powers*

- 20 Reference of applications to Secretary of State.
- 21 Appeals against decisions or failure to take decisions relating to hazardous substances.
- 21A Determination by Secretary of State of procedure for certain proceedings
- 21B Determination by the Welsh Ministers of procedure for certain proceedings
- 22 Validity of decisions as to applications.

*Contraventions of hazardous substances control*

- 23 Offences.
- 24 Power to issue hazardous substances contravention notice.
- 24A Variation of hazardous substances contravention notices.
- 25 Hazardous substances contravention notices: supplementary provisions.
- 26 Transitional exemptions.

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- 26A Fees for consent applications.
- 26AA Injunctions.
- 27 Temporary exemption directions.
- 28 Registers etc.
- 29 Health and safety requirements.

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- 30 Application of this Act to certain authorities and persons.
- 30A Application to the Crown
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- 31 Exercise of powers in relation to Crown land.
- 31A Applications for hazardous substances consent by Crown
- 32 Application for hazardous substances consent in anticipation of disposal of Crown land.
- 33 British Coal.
- 34 Ecclesiastical property.
- 35 Application of Act to Isles of Scilly.
- 36 Rights of entry.
- 36A Warrants to enter land.
- 36B Rights of entry: supplementary provisions.
- 36C Rights of entry: Crown land
- 37 Application of certain general provisions of principal Act.
- 38 Financial provisions.

*Supplemental*

- 39 Interpretation.
- 40 Regulations and orders.
- 41 Short title, commencement and extent.

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SCHEDULE — Determination of Appeals by Person Appointed by Secretary of State

*Determination of appeals by appointed person*

- 1 (1) The Secretary of State may by regulations prescribe the...

*Powers and duties of appointed person*

- 2 (1) An appointed person shall have the same powers and...

*Determination of appeals by Secretary of State*

- 3 (1) The Secretary of State may, if he thinks fit,...
- 4 (1) The Secretary of State may by a further direction...

*Appointment of another person to determine appeal*

- 5 (1) At any time before the appointed person has determined...

*Local inquiries and hearings*

- 6 (1) Whether or not the parties to an appeal have...
- 6A (1) If the Secretary of State is considering giving a...

*Supplementary provisions*

- 7 (1) The Tribunals and Inquiries Act 1992 shall apply to...

*Local inquiries: Wales*

- 8 (1) This paragraph applies in relation to a local inquiry...

*Table of Derivations*

- 1 *Notes:*
- 2 The letter R followed by a number indicates that the...
- 3 The entry “drafting” indicates a provision of a mechanical or...

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 3(4) words inserted by 2023 c. 55 Sch. 17 para. 4(a)(ii)
- s. 3(4) words substituted by 2023 c. 55 Sch. 17 para. 4(a)(i)
- s. 25(1)(b)(v) words inserted by 2008 c. 29 Sch. 10 para. 28(a)
- s. 25(1)(c) words substituted by 2008 c. 29 Sch. 10 para. 28(b)
- s. 37(2) words inserted by 2023 c. 55 s. 124(7)(a)
- Sch. para. 3(5) words inserted by 2008 c. 29 Sch. 10 para. 30(5)
- Sch. para. 6(2)(a) words inserted by 2008 c. 29 Sch. 10 para. 30(7)
- Sch. para. 6(3)(a) words inserted by 2008 c. 29 Sch. 10 para. 30(7)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4A) inserted by 2023 c. 55 Sch. 17 para. 4(b)
- s. 9(2)(ca) inserted by 2023 c. 55 Sch. 6 para. 14
- s. 10(4) inserted by 2023 c. 55 s. 124(6)
- s. 20(4A) inserted by 2008 c. 29 Sch. 10 para. 26
- s. 21(5A) inserted by 2008 c. 29 Sch. 10 para. 27
- s. 37(3) inserted by 2008 c. 29 Sch. 10 para. 29
- s. 37(5) inserted by 2023 c. 55 s. 124(7)(b)
- Sch. para. 2(4A) inserted by 2008 c. 29 Sch. 10 para. 30(2)
- Sch. para. 2(9) inserted by 2008 c. 29 Sch. 10 para. 30(3)
- Sch. para. 3(4A)(4B) inserted by 2008 c. 29 Sch. 10 para. 30(4)
- Sch. para. 6(1A) inserted by 2008 c. 29 Sch. 10 para. 30(6)