



Planning (Hazardous Substances) Act 1990

1990 CHAPTER 10

Hazardous substances authorities

1 Hazardous substances authorities: general.

The council of the district [^{F1}, Welsh county, county borough]or London borough in which land is situated shall be the hazardous substances authority in relation to the land except in cases where section ^{F2}. . . 3 applies. [^{F3}But, in the case of a London borough, see also section 2B(5) of the principal Act (Mayor of London to be the hazardous substances authority in certain circumstances).]

Textual Amendments

- F1** Words in s. 1 inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 26(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F2** Words repealed (1.1.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), **Sch. 16 Pt. VII**; S.I. 1991/2829, **art. 3**
- F3** Words in s. 1 inserted (23.10.2007 for specified purposes, 6.4.2008 in so far as not already in force) by Greater London Authority Act 2007 (c. 24), **ss. 31(4), 59(4)(b)**; S.I. 2008/582, art. 2(a)

Commencement Information

- I1** S. 1 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; s. 1 in force for certain purposes at 11.3.1992 see S.I. 1992/725, art. 2

Changes to legislation: Planning (Hazardous Substances) Act 1990, Cross Heading: Hazardous substances authorities is up to date with all changes known to be in force on or before 19 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

Textual Amendments

F4 S. 2 repealed (1.1.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 144, 162(2), [Sch. 13 para. 2\(1\)](#), [Sch. 16 Pt. VII](#); S.I. 1991/2829, [art. 3](#)

3 Hazardous substances authorities: other special cases.

(1) The county council shall be the hazardous substances authority for land which is in a non-metropolitan county [^{F5}in England] and—

- ^{F6}(a)
- (b) is used for the winning and working of minerals (including their extraction from a mineral-working deposit); or
- (c) is situated in England and used for the disposal of refuse or waste materials,
^{F6} . . .

^{F6}(2)

(3) The Broads Authority is the hazardous substances authority for the Broads unless subsection (1) ^{F7} . . . applies.

(4) If the land is in an area for which an urban development corporation [^{F8} or a Mayoral development corporation] is the local planning authority in relation to all kinds of development, the corporation shall be the hazardous substances authority for the land unless subsection (1) ^{F7} . . . applies.

(5) If the land is in an area for which a housing action trust established under Part III of the ^{M1}Housing Act 1988 is the local planning authority in relation to all kinds of development, the trust shall be the hazardous substances authority for the land unless subsection (1) ^{F7} . . . applies.

[^{F9}(5A) The power to make a designation order under section 13 of the Housing and Regeneration Act 2008 which contains provision of the kind mentioned in section 14(3) of that Act does not extend to providing for the Homes and Communities Agency to be the hazardous substances authority (whether instead of, or concurrently with, a county council) in relation to land to which subsection (1) above applies.

(5B) Subject to this, section 1 and this section are subject to any provision made by such an order.]

[^{F10}(5C) A joint planning board constituted under section 2(1B) of the principal Act for a united district in Wales is the hazardous substances authority for land in the united district unless subsection (4) or (5) applies.]

^{F11}(6)

Textual Amendments

F5 Words in s. 3(1) inserted (1.4.1996) by [1994 c. 19, s. 20\(4\)](#), [Sch. 6 Pt. II para. 26\(2\)](#) (with ss. 54(5) (7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, [art. 3](#), [Sch. 1](#)

F6 S. 3(1)(a)(2) and words in s. 3(1) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#)

F7 Words in s. 3(3)-(5A) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#)

Changes to legislation: Planning (Hazardous Substances) Act 1990, Cross Heading: Hazardous substances authorities is up to date with all changes known to be in force on or before 19 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](#)

- F8** Words in s. 3(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 38](#)
- F9** S. 3(5A)(5B) substituted (1.12.2008) for s. 3(5A) (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 54](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6, 6-13)
- F10** S. 3(5C) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), [ss. 40, 58\(2\)\(b\)\(4\)\(b\)](#); S.I. 2015/1987, art. 4(b)
- F11** S. 3(6) repealed (1.1.1992) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. VII](#); S.I. 1991/2829, [art. 3](#)

Commencement Information

- I2** S. 3 wholly in force at 1.6.1992 see S.I. 1992/725, art. 3; S. 3 in force for certain purposes at 11.3.1992 see S. I. 1992/725, art 2

Marginal Citations

- M1** [1988 c. 50](#).

Changes to legislation:

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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\(6\)](#)