
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are concerned with the implementation of Article 12 of Council Directive [96/82/EC](#) (O.J. No. L10, 14.1.1997, p. 13) on the control of major-accident hazards involving dangerous substances.

The main provisions of Article 12 of the Directive are the requirement to ensure that the objectives of preventing major accidents and limiting their consequences are taken into account in land-use planning policies and that these objectives are pursued through controls. There is also a requirement to ensure that planning authorities set up appropriate consultation procedures to facilitate implementation of these and other policies established under that Article.

These Regulations amend the Planning (Northern Ireland) Order 1991 (“the 1991 Order”), the Planning (Development Plans) Regulations (Northern Ireland) 1991 and the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 (“the Hazardous Substances Regulations”) and the Planning (General Development) Order (Northern Ireland) 1993.

Article 53 of the 1991 Order provides that the presence of a hazardous substance on, over or under land at or above the controlled quantity requires hazardous substances consent. The controlled quantity must be calculated by aggregating the quantity of a substance on, over or under land and certain other land or structure (together “the control zone”). Regulation 2(1) — (3) amends Article 53 by adding to the control zone any other land which forms part of a single establishment.

Regulation 2(4) amends provisions in the 1991 Order in relation to the temporary presence of hazardous substances.

Regulation 3 amends the Hazardous Substances Regulations. The main changes are amendments to the provisions for exemption from hazardous substances consent (Regulation 3(4)), the prescription of new application and claim form for hazardous substances consent (Regulation 3(7) with Schedule 1) amendment to the deemed consent conditions (Regulation 3(8)) and the prescription of a new Schedule of substances which are hazardous substances and their controlled quantities (Regulation 3(9) and Schedule 2).

Regulation 4 modifies the transitional provisions in paragraph 4 of Schedule 4 to the 1991 Order and Schedule 2 to the Hazardous Substances Regulations to make provision for deemed consent for those hazardous substances for which hazardous substances consent was not required before the commencement of these Regulations.

Regulation 5 amends the Planning (Development Plans) Regulations (Northern Ireland) 1991 to require the Department to have regard to the prevention of major-accident hazards when formulating its development plan policies.

Regulation 6 amends the Planning (General Development) Order (Northern Ireland) 1993 to require consultation with the Health and Safety Executive Northern Ireland before granting planning permission for certain categories of development.