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STATUTORY INSTRUMENTS

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**1992 No. 656**

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

**PART 5**

**ENFORCEMENT**

**Hazardous substances contravention notices**

**17.**—(1) A hazardous substances contravention notice shall identify the land to which the notice relates, whether by reference to a plan or otherwise.

(2) The persons prescribed pursuant to section 24(4)(c) (other persons to be given notice) are all persons having an interest in the land which in the opinion of the authority issuing the notice is materially affected by the notice.

(3) Every copy of a hazardous substances contravention notice served pursuant to section 24(4) shall be accompanied by a statement setting out—

- (a) the hazardous substances authority's reasons for issuing the notice;
- (b) the right of appeal to the Secretary of State against the notice, and the persons by whom, grounds upon which and time within which such an appeal may be brought under section 174 of the principal Act.

**Appeals against hazardous substances contravention notices**

**18.**—(1) Sections 174, 175(3), (6), 176 and 177(1) of the principal Act shall apply to appeals against hazardous substances contravention notices, subject to the modifications set out in Part 1 of Schedule 4.

(2) The provisions of those sections, as modified under paragraph (1), are set out in Part 5 of Schedule 4.

**Appeals: supplementary**

**19.**—(1) A person who appeals against a hazardous substances contravention notice shall, at the same time as notice of the appeal is given or sent to the Secretary of State under section 174(3) of the principal Act, serve on the hazardous substances authority a copy of the notice of appeal and accompanying material required by section 174(4) of that Act.

(2) The hazardous substances authority shall, within 28 days of being served with the notice of appeal, serve on the Secretary of State and on the appellant a statement—

- (a) setting out their submissions in relation to each ground of appeal; and
- (b) indicating whether they would be prepared to grant hazardous substances consent for the presence on, over or under the land of any quantity of the hazardous substance to which the

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(1) Section 174 was amended by section 6(1) of, and paragraph 22 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34). Section 176 was amended by paragraph 23 of that Schedule; and section 177 was amended by section 6(3) of, and paragraph 24 of Schedule 7 to, that Act.

hazardous substances contravention notice relates and, if so, particulars of the conditions, if any, which they would wish to impose on such consent.

(3) The hazardous substances authority shall, within that 28 day period, give notice of the appeal to occupiers of properties in the locality of the site to which the hazardous substances contravention notice relates.

#### **Effect of hazardous substances contravention notices, etc**

**20.**—(1) Sections 178 to 181(2) of the principal Act shall have effect in relation to hazardous substances contravention notices, subject to the modifications set out in Part 2 of Schedule 4.

(2) The provisions of those sections, as modified under paragraph (1), are set out in Part 5 of Schedule 4.

#### **Enforcement register**

**21.**—(1) Section 188(3) of the principal Act (register of enforcement and stop notices) shall have effect in relation to hazardous substances contravention notices, subject to the modifications set out in Part 3 of Schedule 4.

(2) The provisions of that section, as modified under paragraph (1), are set out in Part 5 of Schedule 4.

#### **Validity**

**22.**—(1) Sections 285 and 289(4) of the principal Act shall apply to appeals against hazardous substances contravention notices, subject to the modifications set out in Part 4 of Schedule 4.

(2) Section 25(2) is subject to any order under section 289(4A) of the principal Act, as applied by paragraph (1).

(3) The provisions of sections 285 and 289 of the principal Act, as modified under paragraph (1), are set out in Part 5 of Schedule 4.

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- (2) Section 178 was amended by section 7 of, and paragraph 25 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34); section 179 was substituted by section 8 of that Act; section 180 was substituted by paragraph 26 of Schedule 7 to that Act; and section 181 was amended by paragraph 27 of that Schedule.
- (3) Section 188 was amended by paragraph 30 of Schedule 7 to the Planning and Compensation Act 1991.
- (4) Section 285 was amended by paragraph 41 of Schedule 7 to the Planning and Compensation Act 1991; and section 289 was amended by section 6 of that Act.