

---

STATUTORY INSTRUMENTS

---

**1992 No. 656**

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

**PART 7**

**MISCELLANEOUS**

**Fees for applications**

**24.**—(1) Subject to paragraph (3), a fee shall be payable to a hazardous substances authority on an application for hazardous substances consent as follows—

- (a) if section 13(1) applies (new consent without previous conditions), £200;
- (b) if section 13(1) does not apply and the quantity specified in the application as the maximum quantity proposed to be present exceeds twice the controlled quantity, £400;
- (c) in all other cases, £250;

(2) Subject to paragraph (3), a fee shall be payable to a hazardous substances authority on an application for the continuation of hazardous substances consent under section 17(1) of £200.

(3) Where applications relating to the same site are made to two or more hazardous substances authorities, a fee shall be payable only to the authority in whose area the largest part of the site is situated and the amount payable shall be the amount that would have been payable if application had fallen to be made to one authority in relation to the whole site.

(4) Any fee due in respect of an application shall accompany the application when it is made to the hazardous substances authority.

(5) Any fee paid pursuant to this regulation shall be refunded if the application is rejected as invalidly made.

**Fees for deemed applications**

**25.**—(1) Subject to paragraph (4), a fee shall be paid to the Secretary of State in every case where an application for hazardous substances consent is deemed to have been made by virtue of section 177(5) of the principal Act (in consequence of an appeal under section 174 of that Act against a hazardous substances contravention notice) by every person who has made a valid appeal against the relevant hazardous substances contravention notice and whose appeal has not been withdrawn before the date on which the Secretary of State issues a notice under paragraph (3).

(2) Subject to paragraph (6), the fee payable shall be the amount which would be payable under regulation 24 if the application were an application to which that regulation applied.

(3) The fee due shall be paid at such time as the Secretary of State may in the particular case specify by notice in writing to the appellant.

(4) This regulation shall not apply where the appellant had—

- (a) before the date when the hazardous substances contravention notice was issued, applied to the hazardous substances authority for hazardous substances consent for the presence

of the quantity of the substance to which the notice relates, and had paid to the authority the fee payable in respect of that application; or

- (b) before the date specified in the notice as the date on which it is to take effect, made an appeal to the Secretary of State against the refusal of the hazardous substances authority to grant such consent,

and at the date when the relevant notice was issued that application or, in the case of an appeal made before that date, that appeal, had not been determined.

(5) Any fee paid in respect of the deemed application shall be refunded to the appellant by the Secretary of State if—

- (a) the Secretary of State declines jurisdiction on the relevant appeal on the grounds that it does not comply with one or more of the requirements of subsections (1) to (3) of section 174 of the principal Act;
- (b) the Secretary of State dismisses the relevant appeal in exercise of his powers under section 176(3)(a) of the principal Act (on the grounds that the appellant has failed to comply with section 174(4) of that Act);
- (c) the Secretary of State allows the relevant appeal and quashes the relevant hazardous substances contravention notice in exercise of his powers under section 176(3)(b) of the principal Act (on the grounds that the hazardous substances authority have failed to comply with regulation 19(2) of these Regulations);
- (d) the relevant appeal is withdrawn with the result that there are at least 21 days between the date on which notice in writing of the withdrawal is received by the Secretary of State and—
  - (i) the date (or in the event of postponement, the latest date) appointed for the holding of an inquiry or hearing into that appeal; or
  - (ii) in the case of an appeal which is being dealt with by written representations, the date (or in the event of postponement, the latest date) appointed for the inspection of the site to which the notice relates;
- (e) the hazardous substances authority withdraws the relevant hazardous substances contravention notice before it takes effect, or the Secretary of State decides that the notice is a nullity;
- (f) the Secretary of State allows the relevant appeal on any of the grounds set out in section 174(2)(b) to (e) of the principal Act; or
- (g) the Secretary of State allows the relevant appeal on the ground that the notice is invalid, or that it contains a defect, error or misdescription which cannot be corrected under section 176(1)(a) of the principal Act.

(6) Where a hazardous substances contravention notice is varied under section 176(1) of the principal Act otherwise than to take account of a grant of hazardous substances consent under section 177(1), and the fee calculated in accordance with paragraph (2) would have been a lesser amount if the original notice had been in the terms of the varied notice, the fee payable shall be that lesser amount and any excess amount already paid shall be refunded.

(7) In determining a fee under paragraph (6) no account shall be taken of any change in fees which takes effect after the making of the deemed application.

#### **Application of the Act to hazardous substances authorities**

**26.—(1)** Any application by a hazardous substances authority for hazardous substances consent shall be made to the Secretary of State.

(2) Regulations 5 to 8 shall apply to the making of such applications as they apply to applications made to a hazardous substances authority.

(3) For the purpose of regulation 23, an application made to the Secretary of State by a hazardous substances authority shall be treated as an application made to the hazardous substances authority and referred to the Secretary of State under section 20.

(4) Section 9 (other than subsection (2)(e)) shall apply in relation to an application made to the Secretary of State by a hazardous substances authority as it applies in relation to an application made to a hazardous substances authority.

(5) For the purpose of section 22, a decision of the Secretary of State on an application made to him by a hazardous substances authority shall be treated as a decision under section 20.