

---

STATUTORY INSTRUMENTS

---

**1993 No. 323 (S.31)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (Hazardous  
Substances) (Scotland) Regulations 1993**

*Made* - - - - - *18th February 1993*  
*Laid before Parliament* *8th March 1993*  
*Coming into force* *1st May 1993*

**THE TOWN AND COUNTRY PLANNING (HAZARDOUS  
SUBSTANCES) (SCOTLAND) REGULATIONS 1993**

PART 1

GENERAL

1. Citation and commencement
2. Interpretation

PART 2

HAZARDOUS SUBSTANCES, CONTROLLED QUANTITIES AND EXEMPTIONS

3. Hazardous substances and controlled quantities
4. Exemptions.

PART 3

EXPRESS CONSENT

5. Applications for hazardous substances consent
6. Neighbour notification
7. Publication of notices of applications
8. Notification of applications to owners
9. Inspection of applications
10. Procedure on receipt of applications by planning authority
11. Consultation before the grant of hazardous substances consent
12. Determination of applications for hazardous substances consent
13. Notice of reference of applications to the Secretary of State or regional planning authority

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

14. Appeals

PART 4

DEEMED CONSENT

- 15. Claim for deemed consent
- 16. Conditions on deemed consent
- 17. Interpretation of deemed consent provisions

PART 5

ENFORCEMENT

- 18. Hazardous substances contravention notices
- 19. Appeals against hazardous substances contravention notices
- 20. Appeals: supplementary
- 21. Effect of hazardous substances contravention notices, etc
- 22. Enforcement register
- 23. Validity

PART 6

CONSENTS REGISTER

- 24. Consents register

PART 7

MISCELLANEOUS

- 25. Fees for applications
- 26. Fees for deemed applications
- 27. Applications by a planning authority  
Signature

---

SCHEDULE 1 — HAZARDOUS SUBSTANCES AND CONTROLLED QUANTITIES

PART A — TOXIC SUBSTANCES

PART B — HIGHLY REACTIVE SUBSTANCES AND EXPLOSIVE SUBSTANCES

PART C — FLAMMABLE SUBSTANCES (UNLESS SPECIFICALLY NAMED IN PART A OR PART B)

PART D — INTERPRETATION

SCHEDULE 2 — PRESCRIBED FORMS, NOTICES AND CERTIFICATES

SCHEDULE 3 — DEEMED CONSENT CONDITIONS

- 1. Below ambient temperature vessel conditions
- 2. Ambient temperature vessel conditions
- 3. A hazardous substance shall be present at ambient temperature in...
- 4. Above ambient temperature vessel conditions
- 5. A hazardous substance shall be present at above its boiling...
- 6. Vessel location condition
- 7. Moveable container storage area conditions

SCHEDULE 4 — ENFORCEMENT—MODIFICATIONS OF THE ACT  
PART 1 — APPEALS AGAINST HAZARDOUS SUBSTANCES  
CONTRAVENTION NOTICES

1. In section 85 of the Act (appeals against enforcement notice)—...  
PART 2 — EFFECT OF HAZARDOUS SUBSTANCES CONTRAVENTION  
NOTICES, ETC.
  2. In section 86 (offence where enforcement notice not complied with)—...
  3. In section 88 of the Act (execution and cost of...
  4. For section 89 (enforcement notice to have effect against subsequent...
  5. In section 89A (effect of planning permission etc on enforcement...  
PART 3 — REGISTERS
  6. For subsection (1) of section 87A of the Act (register...  
PART 4 — VALIDITY
  7. In section 231(3) of the Act (validity of development plans...  
PART 5 — ANNOTATED TEXT OF SECTIONS 85, 86, 87A, 88, 89 AND  
89A OF THE ACT AS MODIFIED BY SCHEDULE 4 (PARTS 1-3)  
TO THESE REGULATIONS
85. Appeal against enforcement notice  
86. Offence where enforcement notice not complied with  
87A Register of waste land, enforcement and stop notices  
88. Execution and cost of works required by enforcement notice  
89. Enforcement notice to have effect against subsequent development  
89A Effect of planning permission, etc. on enforcement or breach of condition  
notice

Explanatory Note