
STATUTORY INSTRUMENTS

1993 No. 323

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

PART 3

EXPRESS CONSENT

Consultation before the grant of hazardous substances consent

11.—(1) Except where the consultee has notified the planning authority in writing that it does not wish to be consulted, the authority shall, before determining an application for hazardous substances consent, consult—

- (a) the Health and Safety Executive;
- (b) the Regional or District council concerned, where that council is not also the planning authority;
- (c) Scottish Natural Heritage⁽¹⁾;
- (d) the community council concerned;
- (e) the fire and civil defence authority concerned, where that authority is not also the planning authority;
- (f) the river purification authority for the area concerned;
- (g) the public gas supplier concerned;
- (h) the electricity company concerned;
- (i) where the land to which the application relates is within 2 kilometres of a royal palace park or residence the Secretary of State;
- (j) where the land to which the application relates is in an area designated as a new town, the development corporation for the new town;
- (k) where the land to which the application relates is situated within 2000 metres of—
 - (i) an adjacent Region or District, the council for that Region or District;
 - (ii) the area of an adjacent fire authority and civil defence authority, that authority;
 - (iii) an adjacent new town, the development corporation for the new town;
- (l) where it appears to the planning authority dealing with the application that land in the area of any other planning authority may be affected, that authority;
- (m) where the application relates to land in an area of coal working or former or proposed coal working notified to the planning authority by the British Coal Corporation, that Corporation;

⁽¹⁾ See 1991 c. 28.

(n) where the application relates to land which is used for disposal or storage of controlled waste, the waste disposal authority concerned, where that authority is not also the planning authority.

(2) Where, under this regulation, a planning authority is required to consult in respect of an application, they shall, unless a copy of the application has been served on the consultee by the applicant, serve the consultee with a copy of the application within 7 days of its receipt by the authority.

(3) In this regulation—

“consultee” means any body listed in paragraph (1)(a)—(n);

“controlled waste” has the meaning given to that expression by section 75(4) of the Environmental Protection Act 1990(2);

“river purification authority” means a river purification board established under section 135 as read with section 135A of the Local Government (Scotland) Act 1973(3) or an island council;

“waste disposal authority” means a district or island council exercising their functions as a disposal authority under Part I of the Control of Pollution Act 1974(4) or as a waste disposal authority under Part II of the Environmental Protection Act 1990.

(2) 1990 c. 43.

(3) 1973 c. 65; section 135 was amended by the Control of Pollution Act 1974 (c. 40), Schedule 4 and the Water (Scotland) Act 1980 (c. 45), Schedule 9, paragraph 3; section 135A was inserted by the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 10, paragraph 6.

(4) 1974 c. 40.