

2010 No. 329

PLANNING

**The Planning (Hazardous Substances) (Amendment)
Regulations (Northern Ireland) 2010**

Made - - - - *22nd September 2010*

Coming into operation - *22nd October 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by Articles 53(3) and (4), 60(3) and 129(1) of the Planning (Northern Ireland) Order 1991(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Hazardous Substances) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 22nd October 2010.

(2) In these Regulations—

“the 1991 Order” means the Planning (Northern Ireland) Order 1991;

“the Hazardous Substances Regulations” means the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993(b).

Amendment of the Hazardous Substances Regulations

2.—(1) The Hazardous Substances Regulations are amended as follows.

(2) In the table in Part A (named substances) of Schedule 3 omit the entry in column 3 for the item “1. Ammonium nitrate to which Note 1 of the notes to this Part applies”.

Transitional exemptions

3.—(1) No offence is committed under Article 61 of the 1991 Order (offences) before 22nd April 2011 and no hazardous substances contravention notice may be issued before that date in relation to a hazardous substance which is on, over or under any land, where—

(a) the presence of the substance on, over or under that land during the period beginning on 22nd October 2010 and ending on 21st April 2011 would not have required hazardous substances consent in terms of the Hazardous Substances Regulations as they were in effect immediately before the coming into operation of these Regulations; and

(b) the substance is not present during the period beginning 22nd October 2010 and ending on 21st April 2011 in a quantity greater in aggregate than the established quantity; and

(a) S.I. 1991/1220 (N.I. 11) as amended by S.I. 2003/430 (N.I.8) and S.I. 2006/1252 (N.I. 7)

(b) S.R. 1993 No. 275 as amended by S.R. 2000 No.101, S.R. 2005 No. 320, S.R. 2006 No.218, S.R. 2006 No. 425 and S.R. 2009 No. 399.

(c) ammonium nitrate was present on, over or under that land at any time during the period beginning on 31st December 2009 and ending on 21st October 2010 without hazardous substances consent being required.

(2) In paragraph (1) “the established quantity”, in relation to any land, means the maximum quantity which was present on, over or under the land at any one time within the period beginning on 31st December 2009 and ending on 21st October 2010.

Sealed with the Official Seal of the Department of the Environment on 22nd September 2010



Maggie Smith
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Planning (Control of Major-Accident-Hazards) Regulations (Northern Ireland) 2009 (“the 2009 Regulations”) implemented, in relation to Northern Ireland, the land use planning provisions of Directive 96/82/EC on the control of major accident hazards involving dangerous substances (O.J. No.L.10, 14.1.1997, p.13) (“the Seveso II Directive”), as amended by Council Directive 2003/105/EC (O.J. No. L345, 31.12.2003, p.97).

As part of the implementation of the Seveso II Directive, the 2009 Regulations substituted a new Schedule 3 to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993. Regulation 2 corrects an error in the substituted Schedule 3.

Regulation 3 confers transitional immunity from prosecution and contravention proceedings for a period of six months from the day these Regulations come into operation. During this time an application for consent may be made.

A Regulatory Impact Assessment has not been prepared for these Regulations as their only purpose is to correct the error in the substituted Schedule 3 to the Hazardous Substances Regulations.

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