

2016 No. 116

PLANNING

**The Planning (Hazardous Substances) (No.2) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - *2nd March 2016*

Coming into operation - *9th May 2016*

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 109(4) and 247(1) of the Planning Act (Northern Ireland) 2011(a).

Citation and commencement

1. These Regulations may be cited as the Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 9th May 2016.

Amendment of the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015

2.—(1) The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015(b) are amended as follows.

(2) In regulation 11 (consultations before determining applications for hazardous substances consent) in paragraph (1) after “Department” insert “of Agriculture, Environment and Rural Affairs”.

(3) In regulation 16 (application of the 2011 Act to councils) for paragraph (2) substitute—

“(2) Regulations 5 to 8, 11 and 12(2) shall apply to the making of such applications as they apply to applications made to the council subject to the modification that a reference to “the council” is to be read as a reference to “the Department”.”

Sealed with the Official Seal of the Department of the Environment on 2nd March 2016



Angus Kerr
A senior officer of the
Department of the Environment

(a) 2011 c.25 (N.I.) see section 250(1) for definition of “the Department” and “prescribed”.
(b) S.R. 2015 No. 344.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015 (“the 2015 Regulations”) as a consequence of the commencement of the Departments (Transfer of Functions) Order (Northern Ireland) 2016.

Regulation 2(2) amends regulation 11(1)(a) of the 2015 Regulations to provide that before determining an application for hazardous substance consent, the council must consult with the Department of Agriculture, Environment and Rural Affairs (previously this consultation requirement fell on the Department of the Environment).

Regulation 2(3) substitutes regulation 16(2) of the 2015 Regulations to provide that where an application is made by a council to the Department for hazardous substance consent, the Department for Infrastructure will have to consult with the Department of Agriculture, Environment and Rural Affairs under regulation 11(1)(a).

A Regulatory Impact Assessment has not been prepared. The technical changes made by these Regulations are simply the result of a change in the functions of Departments in Northern Ireland and will ensure the continuity of consultation arrangements in respect of hazardous substances consents.

The Explanatory Memorandum is available on the government’s website www.legislation.gov.uk

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