

ANNEX 2

Standard Deemed Consent Conditions (Schedule 3 of the Planning (Hazardous Substances) Regulations 1992)

Deemed consent conditions

BELOW AMBIENT TEMPERATURE VESSEL CONDITIONS

1. A hazardous substance shall only be present at below ambient temperature in a vessel in a vessel area if
 - (a) it was present at below ambient temperature in a vessel in that vessel area at any time during the establishment period;
 - (b) the vessel in which it is present does not have a greater capacity than that specified in column 1 of Table C; and
 - (c) the pressure at which it is present does not exceed
 - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at below ambient temperature in a vessel in that vessel area at any time during the establishment period; or
 - (ii) the pressure specified in column 2 of Table C, in any other case.

AMBIENT TEMPERATURE VESSEL, CONDITIONS

2. A hazardous substance shall only be present at ambient temperature in a buried or mounded vessel in a vessel area if
 - (a) it was present at ambient temperature in a buried or mounded vessel in that vessel area at any time during the establishment period;
 - (b) the buried or mounded vessel in which it is present does not have a greater capacity than that specified in column 3 of Table C; and
 - (c) the pressure at which it is present in the buried or mounded vessel does not exceed

- (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at ambient temperature in a buried or mounded vessel in that vessel area at any time during the establishment period; or
 - (ii) the pressure specified in column 4 of Table C, in any other case.
- 3. A hazardous substance shall only be present at ambient temperature in a non-buried or nonmounded vessel in a vessel area if
 - (a) it was present at ambient temperature in a non-buried or non-mounded vessel in that vessel area at any time during the establishment period;
 - (b) the non-buried or non-mounded vessel in which it is present does not have a greater capacity than that specified in column 5 of Table C; and
 - (c) the pressure at which it is present in the non-buried or non-mounded vessel does not exceed
 - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at ambient temperature in a non-buried or non-mounded vessel in that vessel area at any time during the establishment period; or
 - (ii) the pressure specified in column 6 of Table C, in any other case.

ABOVE AMBIENT TEMPERATURE VESSEL CONDITIONS

- 4. A hazardous substance shall only be present at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in a vessel area if
 - (a) it was present at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period;
 - (b) the vessel in which it is present does not have a greater capacity than that specified in column 7 of Table C; and
 - (c) the pressure at which it is present does not exceed
 - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period; or
 - (ii) the pressure specified in column 8 of Table C, in any other case.
- 5. A hazardous substance shall only be present at above its boiling point at 1 bar absolute in a vessel area if
 - (a) it was present at above its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period;
 - (b) the temperature at which it is present does not exceed the temperature specified in column 9 of Table C;

- (c) the vessel in which it is present does not have a greater capacity than that specified in column 10 of Table C; and
- (d) the pressure at which it is present does not exceed
- (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at above its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period; or
- (ii) the pressure specified in column 11 of Table C, in any other case.

VESSEL LOCATION CONDITION

- 6. A hazardous substance shall not be present in a vessel outside of a vessel area.

MOVEABLE CONTAINER STORAGE AREA CONDITIONS

- 7. (1) A hazardous substance shall only be stored in moveable containers in an area identified in a moveable container storage area plan for that substance in accordance with regulation 14(3).
- (2) The quantity of a hazardous substance stored in such an area shall not exceed the maximum quantity of the substance stored in moveable containers in that area at any time during the establishment period.
- (3) A hazardous substance shall not be stored in such an area in a moveable container with a capacity in excess of
 - (a) 10% of the substance's controlled quantity, if it was not stored in a moveable container with a capacity in excess of 10⁶ of that quantity in that area at any time during the establishment period; or
 - (b) the capacity of the largest moveable container in which it was stored during that period in that area, in any other case.