
Amendments to the Planning (Hazardous Substances) Regulations 2015

Department for Communities and Local Government

**RPC rating: confirmed as a non-qualifying regulatory
provision**

Description of proposal

The proposal will amend note 5 to Part 4 of the Planning (Hazardous Substances) Regulations 2015 to clarify application of the “addition rule”. This rule is applied when two or more hazardous substances are present on a site, but in quantities below those that are normally controlled. In such circumstances, the IA explains that operators, local authorities and the Health and Safety Executive use the rule to ascertain whether hazardous substances consents would be required and, if so, to establish the size of the consultation zone required for any future planning applications within the area. The Department has received support from business for clarifying the wording of the “addition rule” in order to provide greater certainty as to when hazardous substances consent is required.

Impacts of proposal

The IA states that the amendment will clarify when hazardous substances consents are required for sites with small quantities of several hazardous substances. There will be no change to the intention of the Regulations and the amendment is expected to lead to negligible familiarisation costs to business. The Department estimates that one individual per business would need to familiarise themselves with the amended rule for every application made each year. The Department has supported this assumption by consulting with several industry professionals, stating that it will take an individual around 30 minutes to familiarise themselves with the amendment to the Regulations.

Using data from the HSE, the Department has estimated that 60 applications are made in England each year. The Department states that in line with the approach taken in the previous impact assessments for the 2015 Regulations, this implies an annual familiarisation cost across England in respect of the amended addition rule of approximately **£660** per annum.

The IA explains that the amended Regulation is not reflecting a new policy or change of policy approach. Rather, it offers clarity and certainty regarding the application of an EU directive. This will therefore be a non-qualifying regulatory provision that will not score under the business impact target.

Quality of submission

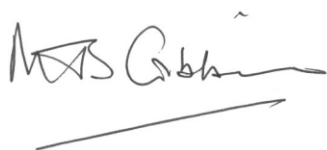
The Department has provided sufficient information for the RPC to confirm that this proposal is a non-qualifying regulatory provision, which does not go beyond the minimum requirement of the Seveso III Directive in relation to planning consents. The Department has provided adequate assurance that the proposal as a whole is neutral or net beneficial, and that the additional familiarisation cost which will be required is negligible. The IA would benefit from providing further evidence or analysis of the number of businesses affected.

Departmental assessment

Classification	Non-qualifying regulatory provision (EU)
Equivalent annual net direct cost to business (EANDCB)	Not applicable (low cost non-qualifying regulatory provision)

RPC assessment

Classification	Non-qualifying regulatory provision (EU)
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Michael Gibbons CBE, Chairman