

**The Planning (Hazardous Substances) Act 1990 - Sections 13 and 17**  
**The Planning (Hazardous Substances) Regulations 1992 - (Regulation 5)**



Barrow-in-Furness  
Borough Council

Application for either : (tick relevant box)

Hazardous Substances Consent (Section 9)

Hazardous Substances Consent  
without a condition(s) imposed on a  
previous consent (Section 13)

or

Continuation of Hazardous Substances Consent  
following a change in control of part of the land  
(Section 17)

**1. Name and Address of Applicant**

Contact :-

Telephone No :-

Fax No :-

E-mail address :-

**2. Address or location of Application Site :-**

Grid Reference :-

**3. Substances covered by the application**

- a. In the table below, list named substances within Part A of Schedule 1 to the 1992 regulations (a) first, then list any substances falling within the categories in Part B of that Schedule; finally list substances falling within the description in Part C.
- b. Substances falling within Parts B or C of Schedule 1 to the 1992 Regulations may be listed under the relevant category or description or named specifically. Where a substance falls within Part A or B list under Part A only; where a substance falls within more than one category in Part B list under the category which has the

lowest controlled quantity (b). Where a substance falling within Part A or B also falls within Part C list under the part which has the lowest controlled quantity.

Name or relevant category or Description of substance	Part and entry number( c) in Schedule 1 to the 1992 Regulations	Maximum quantity proposed to be present (in tonnes)

Notes :-

- a) The "1992 Regulations" are the Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major-Accidents Hazards) Regulations 1999.
- b) The "controlled quantity" means the quantity specified for that substance in column 2 of Parts A, B or C of Schedule 1 to the 1992 Regulations.
- c) For Part C, state the Part only.

**4. Application for removal of a condition(s) imposed on a previous consent (Section 13)**

- a) I identify the condition(s) previously imposed which it is intended should no longer be imposed on the consent, or which should only be imposed in a modified form. In the latter case, indicate the proposed modification –
  
  
  
  
  
  
  
  
  
  
- b) Give the reasons why the conditions(s) referred to in a) should not be imposed, or should only be imposed in a modified form –
  
  
  
  
  
  
  
  
  
  
- c) Describe any relevant changes in circumstances since the previous consent was granted –

**5. Application for the continuation of a hazardous substances consent following a change in the person in control of part of the land (Section 17)**

- a) State the date on which the change in the person in control of the part of the land is to take place, where known –
  
- b) Describe the use of each area of the site identified in the accompanying change of control plan –
  
- c) Describe any relevant changes in circumstances since the existing consent was granted –

**6. Additional information**

Give any further information which you consider to be relevant to the determination of this application –

I /we hereby apply for hazardous substances consent/the continuation of hazardous substances consent in accordance with this application.

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_  
(insert applicant's name if signed by agent)

Date :- \_\_\_\_\_

**The Planning (Hazardous Substances) Act 1990**

**The Planning (Hazardous Substances) Regulations 1992 (Regulation 6)**

It is hereby certified on behalf of \_\_\_\_\_, that this notice  
has been published in the \_\_\_\_\_ during the week  
commencing \_\_\_\_\_ in accordance with paragraph (1) (a) of  
Regulation 6 of the Planning (Hazardous Substances) Regulations 1992.

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_

**The Planning (Hazardous Substances) Act 1990**

**The Planning (Hazardous Substances) Regulations 1992 (Regulation 6)**

**Notice of Application for Hazardous Substances Consent/  
Continuation of Hazardous Substances Consent\***

I give notice that (a) \_\_\_\_\_

Is applying to the Borough of Barrow-in-Furness. For Hazardous Substances Consent/the  
Continuation of Hazardous Substance Consent\* (b) \_\_\_\_\_

\_\_\_\_\_

at (c) \_\_\_\_\_

\_\_\_\_\_ . Members of the public may

inspect a copy of the application at Development Control Section, Second Floor, Town Hall, Duke

Street, Barrow-in-Furness, Cumbria, LA14 2LD during all reasonable hours until (d) \_\_\_\_\_

\_\_\_\_\_ . Anyone who wishes to make representations about this

application should write to Mr. Colin Phillips, Development Control Manager, Development

Division, Town Hall, Duke Street, Barrow-in-Furness, Cumbria, LA14 2LD, by (d) \_\_\_\_\_

\_\_\_\_\_ .

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_

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Insert :-

- (a) Applicants name
- (b) Brief details of the consent being sought
- (c) Address or location of the application site
- (d) Date giving a period of not less than 21 days, beginning with the date when the notice is published or first displayed on site

The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) Regulations 1992 (Regulation 6)

**CLAIM FOR DEEMED CONSENT**

**PART 1 - CLAIMANT AND SITE**

**1. Claimant**

Telephone No :-

Fax No :-

E-Mail :-

Contact Name :-

**Agent**

Telephone No :-

Fax No :-

E-Mail :-

Contact Name :-

**2. Full postal address or location of land to which the claim relates**

**3. General description of activities carried on at the site during the established period**

## Part 2 - Substances for which consent is being claimed and established quantity

**Table A**

To be completed for substances notified to HSE <sup>(a)</sup> under NI HSS <sup>(b)</sup> before the relevant date <sup>(c)</sup>

1	2	3	4	5
Name of Substance(s) Present during establishment period <sup>(d)</sup>	Entry number in Schedule 1 to the 1992 Regulations <sup>(e)</sup>	Quantity last notified to HSE <sup>(a)</sup> Before the relevant date <sup>(c)</sup>	Quantity notified before start of the establishment period <sup>(d)</sup>	Established Quantity <sup>(f)</sup>

**Table B**

To be completed for substances not require to be notified under NI HSS before the relevant date <sup>(c)</sup> and where a quantity not less than the controlled quantity <sup>(h)</sup> was present at any one time during the establishment period <sup>(d)</sup>

1	2	3	4
Name of Substance(s) Present during establishment period <sup>(d)</sup>	Entry number in Schedule 1 to the 1992 Regulations <sup>(e)</sup>	Maximum quantity present during establishment period <sup>(d)</sup>	Established Quantity <sup>(g)</sup>

### Notes to Part 2

- a) "HSE" stands for the Health and Safety Executive
- b) "NI HSS" stands for the Notification of Installations Handling Hazardous Substances Regulations, 1982
- c) The relevant date is 1<sup>st</sup> June, 1992
- d) The establishment period is the 12 months period immediately preceding the relevant date
- e) The "1992 Regulations" means the Planning (Hazardous Substances) Regulations 1992
- f) The established quantity in Table A for a substance is the quantity in column 3 of that table for the substance, or twice the quantity specified in column 4 for that substance, if greater
- g) The established quantity in Table B for a substance is the quantity specified in column 3 of that table for the substance multiplied by 1.5
- h) The "controlled quantity" means the quantity specified in column 2 of the table in Part 1 of Schedule 1 to the 1992 Regulations





## Notes to Part 4 – Table C

- a) This table should be completed for each vessel area identified in any vessel location plan which accompanies this claim, with a separate row being completed for each hazardous substance in that vessel area.
- b) Only complete columns 1 and 2 in respect of a vessel area in which the substance was present in a vessel at below ambient temperature at any time during the established period.
- c) Only complete columns 3 to 6 in respect of a vessel area in which the substance was present in a vessel at ambient temperature at any time during the establishment period.
- d) Only complete columns 7 to 11 in respect of a vessel area in which the substance was present in a vessel at above ambient temperature at any time during the establishment period.
- e) Column 1 – Enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present in the relevant vessel area at below ambient temperature at any time during the establishment period.
- f) Column 2 – Only complete if the substance was present in a vessel at above atmospheric pressure at below ambient temperature in the relevant vessel area at any time during the established period.  
*To complete, enter the highest vessel design pressure of any vessel in which the substance was present in the relevant vessel area at above atmospheric pressure at below ambient temperature at any time during the establishment period.*
- g) Column 3 – Only complete if the substance was present as ambient temperature in a vessel which was buried or mounded in the relevant vessel area at any time the establishment period.  
*To complete, enter the capacity (in cubic metres) of the largest capacity buried or mounded vessel in which the substance was present at ambient temperature in the relevant vessel area at any time during the establishment period.*
- h) Column 4 – Only complete if the substance was present at above atmospheric pressure at ambient temperature in a vessel which was buried or mounded in the relevant vessel area at any time during the establishment period.  
*To complete, enter the highest vessel design operating pressure of any buried or mounded vessel in which the substance was present in the relevant vessel area at above atmospheric pressure at ambient temperature at any time during the establishment period.*
- i) Column 5 – Only complete if the substance was present at ambient temperature in a non-buried or non-mounded vessel in the relevant vessel area at any time during the establishment period.  
*To complete, enter the capacity (in cubic metres) of the largest capacity non-buried or non-mounded vessel in which the substance was present at ambient temperature in the relevant vessel area at any time during the establishment period.*
- j) Column 6 – Only complete if the substance was present at above atmospheric pressure at ambient temperature in a non-buried or non-mounded vessel in which the substance was present in the relevant vessel area at above atmospheric pressure at ambient temperature at any time during the establishment period.
- k) Column 7 – Only complete if the substance was present in a vessel at above ambient temperature at or below its boiling point at any time during the establishment period.  
*To complete, enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present at above ambient temperature at or below its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.*
- l) Column 8 – Only complete if the substance was present at above atmospheric pressure at above ambient temperature at or below its boiling point at 1 bar absolute in a vessel in the relevant area at any time during the establishment period.  
*To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present at above atmospheric pressure at above ambient temperature at or below its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period.*
- m) Column 9 – Enter the highest design operating temperature (in centigrade) of any vessel in which the substance was present at above ambient temperature in the relevant vessel area at any time during the establishment period.
- n) Column 10 – Only complete if the substance was present in a vessel at above its boiling point at 1 point absolute in the relevant vessel area at any time during the establishment period.

*To complete, enter the capacity (in cubic metres) of the largest capacity vessel in which the substance was present at above its boiling point at 1 bar absolute in the relevant vessel area at any time during the establishment period.*

- o) Column 10 – Only complete if the substance was present at above its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period.

*To complete, enter the highest vessel design operating pressure of any vessel in which the substance was present at above atmospheric pressure at above its boiling point at 1 bar absolute in a vessel in the relevant vessel area at any time during the establishment period.*

## Part 5

I /we hereby claim hazardous substances consent in accordance with the information provided<sup>(a)</sup>

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_

### Notes to Part 5

- a) The hazardous substances authority is required to notify you within 2 weeks from receipt of the claim if, in their opinion the claim is invalid and to give their reasons for that opinion. If the claim is valid that authority shall be deemed to have granted the hazardous substances consent claimed, subject to the conditions set out in Section 11 (7) of the Planning (Hazardous Substances) Act 1990 and Schedule 3 to the Planning (Hazardous Substances) Regulations, 1992.

**The Planning (Hazardous Substances) Act 1990**  
**The Planning (Hazardous Substances) Regulations 1992 (Regulation 6)**

**Posting of Notice of Application Certificate**

**Certificate A**

I certify that :

- I /The applicant\* posted the notice required by regulation 6 (1)(b) of the above Regulations on that land which is the subject of the accompanying application.
- The notice was left in position for not less than 7 days during the 21 day period proceeding the application.

**Or**

**Certificate B**

I certify that :-

I have/The application has\* been unable to post the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application because I have/the applicant has\* no right of access or other rights in respect of the land that would enable me/the application\* to do so.

I have/The applicant has\* taken the following steps to acquire those rights, but have/has\* been unsuccessful.

(Give description of steps taken) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Or**

**Certificate C**

I certify that :

- I /The applicant\* posted the notice required by application 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application.
- It was, however, left in position for less than 7 days during the 21 day period preceding the application.
- This happened because it was removed/obscured/defaced\* before 7 days had elapsed.
- This was not my/the applicants\* fault or intention
- I /The applicant\* took the following steps to protect and replace the notice :-

\_\_\_\_\_  
\_\_\_\_\_

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_

\* delete where appropriate

**The Planning (Hazardous Substances) Act 1990**  
**The Planning (Hazardous Substances) Regulations 1992 (Regulation 6)**

**Certificates under Regulation 7(1)\* or 13(4) \* (a)**

**Certificate A**

I certify that at the beginning of the period of 21 days ending with the date of the accompanying application/appeal\* nobody, except the applicant/appellant\*, was the owner (b) of any part of the land to which the application/appeal\* relates.

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_ \* delete where appropriate

**Certificate B**

I certify I have/The applicant has/The appellant has\* given the required notice (c) to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal\*, was the owner (b) of any part of the land to which the application/appeal\* relates, as listed below.

Owners Name	Address at which Notice was served	Date at which notice was served
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Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_ \* delete where appropriate

**Certificate C**

I certify that I/The applicant/The appellant\* cannot issue a Certificate A or B in respect of the accompanying application/appeal\*.

I have/The applicant/The appellant has\* given the required notice (c) to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application/appeal\*, were owners (b) of any part of the land to which the application/appeal\* relates.

Owners Name	Address at which Notice was served	Date at which notice was served
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Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_ \* delete where appropriate

I have/The applicant has/The appellant has\* taken all reasonable steps open to me/him/her\* to find out the names and addresses of the remaining owners (b) of the land, or of a part of it, but have/has\* been unable to do so. These steps were as follows -

(e) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_

\* delete where appropriate

**Certificate D**

I certify that I/The applicant/The appellant\* cannot issue a Certificate A in respect of the accompanying application/appeal\*.

I/The applicant/The appellant\* have/has\* taken all reasonable steps open to me/him/her\* to find out the names and addresses of everyone else who at the beginning of the period of 21 days ending with the date of the application/appeal\*, was the owner (b) of any part of the land to which the application/appeal\* relates, but have/has\* been unable to do so. These steps were as follows :-

(d) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed :- \_\_\_\_\_

On behalf of :- \_\_\_\_\_

Date :- \_\_\_\_\_

\* delete where appropriate

- 
- a) These certificates are for use both with applications and appeal for hazardous substances consent. Reference to either regulation 7(1) or 13(4) should therefore be deleted as appropriate. One of Certificates A, B, C, or D must be completed.
  - b) "Owner" means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.
  - c) Form C (for applications or Form 7 (for appeals).
  - d) Insert description of steps taken.