EXPLANATORY MEMORANDUM TO

THE PLANNING (HAZARDOUS SUBSTANCES) (AMENDMENT) REGULATIONS 2015

2015 No. 1359

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

These Regulations amend the Planning (Hazardous Substances) Regulations 2015 ("**the Principal Regulations**") to correct errors relating to the description of hazardous substances.

3. Matters of special interest to the Joint Committee on Statutory Instruments

It was important, once they had been identified, to correct these minor errors to avoid any period of uncertainty about the Regulations. It was not clear how soon correction could be arranged through the slip process via the SI Registrar, so, to ensure the corrections were made as quickly as possible, the Department is making an amending instrument. Given the minor nature of the corrections and the urgent need to rectify the SI, which recently came into force, it is, exceptionally, considered appropriate to breach the 21-day rule in order provide immediate certainty to all users of the Principal Regulations.

4. Legislative Context

The Principal Regulations, among other things, contain a consent procedure for the holding of hazardous substances. This instrument amends Schedule 1 to the Principal Regulations to correct errors. The correction of those errors removes any possible uncertainties that might arise about how that consent regime applies in respect of certain substances.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

The policy background and intended effect is that same as that set out in the explanatory memorandum to the Principal Regulations which can be found at http://www.legislation.gov.uk/uksi/2015/627/pdfs/uksiem_20150627_en.pdf

8. Consultation outcome

No consultation has been undertaken in relation to this instrument. The consultation outcomes in relation to the Principal Regulations can be found at http://www.legislation.gov.uk/uksi/2015/627/pdfs/uksiem_20150627_en.pdf

9. Guidance

The guidance that will be published in relation to the Principal Regulations will not need to be amended as a result of this instrument.

10. Impact

The impact will be as set out in the explanatory memorandum (and impact assessment) for the Principal Regulations and this instrument by itself has no additional impact. The explanatory memorandum to the Principal Regulations can be found at http://www.legislation.gov.uk/uksi/2015/627/pdfs/uksiem_20150627_en.pdf

11. Regulating small business

This instrument has no additional impact than that set out in the explanatory memorandum to the Principal Regulations which can be found at http://www.legislation.gov.uk/uksi/2015/627/pdfs/uksiem_20150627_en.pdf

12. Monitoring & review

The monitoring and review arrangements are set out in the explanatory memorandum to the Principal Regulations which can be found at http://www.legislation.gov.uk/uksi/2015/627/pdfs/uksiem_20150627_en.pdf.

13. Contact

Erika Newman at the Department for Communities and Local Government (Tel: 0303 444 2074 or email: erika.newman@communities.gsi.gov.uk) can answer any queries regarding the instrument.