



The Scottish Parliament  
Pàrlamaid na h-Alba

Tom Arthur MSP,  
Minister for Public Finance,  
Planning and Community  
Wealth  
By email only

Local Government, Housing and Planning Committee  
The Scottish Parliament  
Edinburgh  
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4 November 2022

Dear Tom,

**The Town and Country Planning (Miscellaneous Amendment) (Scotland)  
Regulations 2022**

The Local Government, Housing and Planning Committee has been designated lead committee for consideration of the above Scottish Statutory Instrument. The Delegated Powers and Law Reform Committee reported on the instrument yesterday<sup>1</sup> and determined that it did not need to draw the instrument to the Parliament's attention on any of the reporting grounds within its remit. However, the Parliament's Legal Services Team has brought to our attention a query regarding the Policy Note as set out below.

The Policy Note indicates that amendments to the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 are necessary to accurately reflect the intention of European Directive 2012/18/EU (the Seveso III Directive), which was implemented by the 2015 Regulations. The Policy Note explains that the instrument clarifies the application of the "addition rule", which sets out the circumstances in which hazardous substances consent is required where two or more hazardous substances are present but individually in levels below the usual controlled quantity. The amendment would ensure that the addition rule must be applied in such a scenario.

We note that the 2015 Regulations have been in place for seven years and the transition period for the UK withdrawing from the European Union ended on 31 December 2020. We would therefore be grateful if you could provide a summary of how and when the inconsistency with the EU Directive became apparent and of any impact this inconsistency may have had over the last seven years.

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<sup>1</sup> [Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 1 November 2022 \(azureedge.net\)](#)

The Committee plans to consider this instrument on Tuesday 15 November so it would be helpful if we could receive your response by no later than Wednesday 9 November.

Yours sincerely,

Ariane Burgess, Convener,  
Local Government, Housing and Planning Committee