

WELSH STATUTORY INSTRUMENTS

2015 No. 1597

The Planning (Hazardous Substances) (Wales) Regulations 2015

PART 4

Enforcement (hazardous substances contravention notices – appeals, effect and register)

Hazardous substances contravention notices: supplementary provisions

15.—(1) In addition to the matters required by section 24 of the PHSA to be included in a hazardous substances contravention notice, a notice must also identify the land to which the notice relates, whether by reference to a plan or otherwise.

(2) In addition to serving a hazardous substances contravention notice on the persons mentioned in section 24(4)(a) and (b) of the PHSA, a hazardous substances authority must serve a copy of the notice on all other persons having an interest in the land to which the notice relates.

(3) Every copy of a hazardous substances contravention notice served pursuant to section 24(4) of the PHSA must be accompanied by a statement setting out—

- (a) the hazardous substances authority's reasons for issuing the notice; and
- (b) the right of appeal to the Welsh Ministers against the notice, and the persons by whom, grounds upon which and time within which such an appeal may be brought.

Appeals against hazardous substances contravention notices

16. Section 174(1), (2) and (3) to (6) and sections 175(3) and (6), 176 and 177 of the TCPA apply in relation to hazardous substances contravention notices, subject to the modifications set out in Part 1 of Schedule 4.

Appeals: supplementary

- 17.—^{F1}(1)
- ^{F2}(2)
- ^{F2}(3)

Textual Amendments

- F1** Reg. 17(1) omitted (5.5.2017) by virtue of [The Planning \(Hazardous Substances\) \(Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/547\)](#), regs. 1(1), **7(1)** (with reg. 8)
- F2** Reg. 17(2)(3) revoked (5.5.2017) by [The Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017 \(S.I. 2017/544\)](#), reg. 2(1), **Sch. 4** (with regs. 52, 53(2)(3))

Effect of non-compliance with hazardous substances contravention notices, etc.

18. Sections 178 to 181 of the TCPA have effect in relation to hazardous substances contravention notices, subject to the modifications set out in Part 2 of Schedule 4.

Register of hazardous substances contravention notices

19.—(1) A hazardous substances authority must keep a register containing the following information in respect of each hazardous substances contravention notice issued by them—

- (a) the address of the land to which the notice relates;
- (b) the date of service of copies of the notice;
- (c) a statement of the alleged contravention of hazardous substances control, the steps required by the notice to remedy the contravention, and the period within which such steps are to be taken;
- (d) the date specified in the notice as the date on which it is to take effect;
- (e) the date and effect of any variation of the notice;
- (f) the date of any appeal to the Welsh Ministers against the notice and the date of the final determination of the appeal.

(2) The entry relating to the hazardous substances contravention notice and everything relating to the notice must be removed from the register if the notice is quashed by the Welsh Ministers or withdrawn.

(3) The register must include an index of entries in the register.

(4) Every entry in the register must be made within 14 days of the relevant information being available to the hazardous substances authority.

(5) The register must be kept at the principal office of the hazardous substances authority.

(6) Every register kept under this regulation must be available for inspection by the public at all reasonable hours.

Validity, etc.

20.—(1) Sections 285 and 289(1), (3) to (4A) and (5) to (7) of the TCPA apply in relation to hazardous substances contravention notices, subject to the modifications set out in Part 3 of Schedule 4.

(2) Section 25(2) of the PHSA is subject to any order under section 289(4A) of the TCPA, as applied by paragraph (1).

Interpretation of TCPA for the purposes of this Part

21.—(1) This regulation applies for the purposes of the interpretation of the TCPA in its application, by virtue of this Part, to hazardous substances contravention notices.

(2) Where a section of the TCPA refers to another section of the TCPA modified by these Regulations, the reference is to be read as a reference to the section as modified.

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Hazardous Substances) (Wales) Regulations 2015, PART 4.