

---

WELSH STATUTORY INSTRUMENTS

---

**2010 No. 450**

**The Planning (Hazardous Substances)  
(Amendment) (Wales) Regulations 2010**

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2010 and they come into force on 19 March 2010.

(2) These Regulations apply in relation to Wales.

2. In these Regulations—

“the Hazardous Substances Act” means the Planning (Hazardous Substances) Act 1990; and

“the Hazardous Substances Regulations” means the Planning (Hazardous Substances) Regulations 1992<sup>(1)</sup>

**Amendment of the Planning (Hazardous Substances) Regulations 1992**

3.—(1) The Hazardous Substances Regulations are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “the Directive”, after “substances” insert “(as amended by Directive 2003/105/EC of the European Parliament and of the Council<sup>(2)</sup>)”.

(3) In regulation 4(6) (exemptions) for “6, 14, 35 and 39” substitute “10, 18, 39 and 43.”

(4) For Schedule 1 (hazardous substances and controlled quantities) substitute Schedule 1 set out in the Schedule to these Regulations.

**Transitional provision: existing consents**

4.—(1) This regulation applies to a substance, mixture or preparation within the meaning of regulation 3 of the Hazardous Substances Regulations, described in a hazardous substances consent granted (or deemed to be granted) before the coming into force of these Regulations where—

(a) the description of that substance, mixture or preparation in column 1 of Part A or Part B of Schedule 1 to the Hazardous Substances Regulations as it exists before the coming into force of these Regulations will be amended as a result of the coming into force of these Regulations; and

(b) the hazardous substances consent is extant in relation to the substance, mixture or preparation concerned immediately before the coming into force of these Regulations.

(2) As regards a substance, mixture or preparation to which this regulation applies, the amendments made by these Regulations may be disregarded in construing the hazardous substances consent in so far as it relates to that substance, mixture or preparation or its controlled quantity.

---

(1) S.I.1992/656; relevant amendments were made by paragraph 233 of Schedule 22 to the Environment Act 1995 (c. 25), section 76(7) of the Utilities Act 2000 (c. 27), S.I. 1994/2567, S.I. 1996/252, S.I. 1999/981 and S.I. 2005/1082.

(2) O.J. L345, 31.12.2003, p.97.

(3) Paragraph (2) ceases to apply where the hazardous substances consent in relation to that substance, mixture or preparation or its controlled quantity is modified by the hazardous substances authority on or after the 19 March 2010.

### **Transitional exemptions**

5.—(1) No offence is committed under section 23 of the Hazardous Substances Act before 19 August 2010 and no hazardous substances contravention notice may be issued before that date in relation to a hazardous substance which is on, over or under any land, if—

- (a) the substance was present on, over or under the land at any time within the period of 12 months ending on 19 March 2010 and was not a substance or quantity of substance for which hazardous substances consent was required before that date; and
- (b) the substance is not present during the period beginning on 19 March 2010 and ending on 18 August 2010 in a quantity greater in aggregate than the established quantity.

(2) In paragraph (1) “the established quantity”, in relation to any land, means the maximum quantity which was present on, over or under the land at any one time within the period of 12 months ending on 19 March 2010.

24 February 2010

*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing, one of the Welsh Ministers.