
WELSH STATUTORY INSTRUMENTS

2015 No. 1597

The Planning (Hazardous Substances) (Wales) Regulations 2015

PART 7

Revocations, amendments, savings and transitional provisions and application to the Crown

Interpretation of this Part

29. In this Part, “commencement date” (“*dyddiad cychwyn*”) means 4 September 2015.

Revocations

30.—(1) The following Regulations are revoked to the extent specified, subject to the savings and transitional provisions set out in this Part—

<i>(1) Regulations revoked</i>	<i>(2) References</i>	<i>(3) Extent of revocation</i>
The Planning (Hazardous Substances) Regulations 1992	S.I. 1992/656	The whole Regulations
The Planning (Control of Major-Accident Hazards) Regulations 1999	S.I. 1999/981	The whole Regulations
The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006	S.I. 2006/1282	Article 10
The Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2010	S.I. 2010/450 (W.48)	The whole Regulations
The Planning (Hazardous Substances) (Amendment) Regulations 2014	S.I. 2014/375 (W.43)	The whole Regulations

<i>(1) Regulations revoked</i>	<i>(2) References</i>	<i>(3) Extent of revocation</i>
(Wales) Regulations 2014		
The Planning (Hazardous Substances) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014	S.I. 2014/2777 (W. 283)	The whole Regulations

Transitional applications and appeals

31.—(1) If an application or appeal relating to a hazardous substances consent made in accordance with the 1992 Regulations has not been determined by the commencement date, the application or appeal is taken to be made under these Regulations.

(2) Anything done under the 1992 Regulations in relation to that application or appeal before the commencement date is taken to be done under these Regulations.

Interpretation of existing consents

32.—(1) In this regulation, “relevant consent” (“*cydsyniad perthnasol*”) means a hazardous substances consent granted under the 1992 Regulations or a deemed consent claimed before the commencement date under which the following are expressly authorised—

- (a) the presence of a category of substance listed in column 1 of Part B of Schedule 1 to the 1992 Regulations; or
- (b) the presence of a substance named in column 1 of Part A of Schedule 1 to the 1992 Regulations.

(2) This regulation applies to a relevant consent where the category or substance referred to in paragraph (1) above—

- (a) is not contained in Schedule 1 to these Regulations; or
- (b) is differently named or defined under Schedule 1 to these Regulations.

(3) Where this regulation applies references in a relevant consent to a category or substance referred to in paragraph (1) are to be interpreted as if these Regulations had not come into force.

Saving for deemed consent conditions

33.—(1) This regulation applies to any consent that was deemed to be granted under section 11 or 30B of the PHSA before the commencement date.

(2) In relation to any consent to which this regulation applies—

- (a) the conditions set out in Schedule 3 of the 1992 Regulations continue to apply (unless any condition was removed following an application under section 13 of the PHSA); and
- (b) those conditions continue to be interpreted in accordance with regulation 15 of the 1992 Regulations.

Notification of other establishments

34.—(1) This regulation applies where—

- (a) hazardous substance consent would be required but for the exemption in paragraph 12 of Schedule 2 to these Regulations⁽¹⁾; and
- (b) a hazardous substance authority receives from the person in control of the land to which the notice relates a notice in writing which contains—
 - (i) details of the location of the land to which the notice relates and the person in control of the land;
 - (ii) details of the hazardous substances held at the site, including the quantities; and
 - (iii) an explanation of why paragraph 12 of Schedule 2 to these Regulations applies.

(2) The hazardous substances authority must, as soon as practicable after receiving the notice, send the COMAH competent authority a copy of the notice.

(3) The COMAH competent authority must, within 8 weeks of receiving notification from the hazardous substances authority under paragraph (2), determine whether the notice concerns an establishment within the meaning of the Directive and, if so, notify the local planning authority for the area in which the establishment is located.

Amendments

35. Schedule 5 to these Regulations has effect.

Application to the Crown

36. These Regulations apply to the Crown as if, in Schedule 2 to these Regulations, after paragraph 1 there were inserted—

“Military land

(1A) Hazardous substances consent is not required for the presence of a hazardous substance in, on, over or under land at military establishments, installations or storage facilities.”

(1) Presence of established substances.