
WELSH STATUTORY INSTRUMENTS

2015 No. 1597

The Planning (Hazardous Substances) (Wales) Regulations 2015

PART 3

Hazardous substances consent procedures

Applications for hazardous substances consent

5.—(1) Subject to paragraph (2) and regulation 25 (application of the PHSA to hazardous substances authorities), an application for hazardous substances consent must—

- (a) be made to the hazardous substances authority;
- (b) include the name and address of the applicant;
- (c) include a site map and a substance location plan;
- (d) include details of—
 - (i) the location of the land to which the application relates;
 - (ii) the person in control of the land to which the application relates;
 - (iii) each hazardous substance for which consent is sought (“relevant substance”), including the maximum quantity of each relevant substance proposed to be present;
 - (iv) the main activities carried out or proposed to be carried out on the land to which the application relates;
 - (v) how and where each relevant substance is to be kept and used;
 - (vi) how each relevant substance is proposed to be transported to and from the land to which the application relates,
 - (vii) the vicinity of the relevant land, where such details are relevant to the risks or consequences of a major accident; and
 - (viii) the measures taken or proposed to be taken to limit the consequences of a major accident; and

(e) be accompanied by the notices and certificates required by regulations 6 and 7.

(2) Subject to regulation 25 (application of the PHSA to hazardous substances authorities), an application to which section 13 of the PHSA applies (application for hazardous substances consent without a condition subject to which a previous consent was granted) must—

- (a) be made to the hazardous substances authority;
- (b) include the name and address of the applicant;
- (c) include a change of location plan, if the application relates to a condition restricting the location of a hazardous substance;
- (d) include in relation to any relevant consent, a copy of—
 - (i) the consent, where the relevant consent is a consent granted on an application under the PHSA;

- (ii) the relevant claim, where the relevant consent is a consent deemed to be granted under section 11 of the PHSA; or
 - (iii) the relevant direction, where the relevant consent is a consent deemed to be granted under section 12;
 - (e) identify any condition previously imposed on the relevant consent which—
 - (i) it is proposed should no longer be imposed on the consent; or
 - (ii) it is proposed should only be imposed in a modified form;
 - (f) for any condition identified under sub-paragraph (e)(i), give the reasons why it should not be imposed;
 - (g) for any condition identified under sub-paragraph (e)(ii)—
 - (i) indicate the proposed modification; and
 - (ii) give the reasons why it should only be imposed in a modified form;
 - (h) describe any relevant changes in circumstances since the date of the relevant consent; and
 - (i) be accompanied by the notices and certificates required by regulations 6 and 7.
- (3) An application under section 17 of the PHSA (application for the continuation of consent following a change of control) must—
- (a) be made to the hazardous substances authority;
 - (b) include the name and address of the applicant;
 - (c) include a change of control plan;
 - (d) include, in relation to any relevant consent, whichever of the documents listed in paragraph (2)(d) is applicable to the relevant consent;
 - (e) state the date on which the change in the person in control of part of the land is to take place, where known;
 - (f) describe the use of each area of the site identified in the change of control plan;
 - (g) describe any relevant changes in circumstances since the relevant consent was granted; and
 - (h) be accompanied by the notices and certificates required by regulations 6 and 7.
- (4) Any application to which this regulation applies and anything required to accompany it must, if requested by the hazardous substances authority, be submitted in triplicate.
- (5) In this regulation—
- “change of control plan” (“*plan newid rheolaeth*”) is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies each area of the site under separate control after the proposed change of control;
- “change of location plan” (“*plan newid lleoliad*”) is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies the location of the hazardous substance at the date of the application and the proposed location requiring the application;
- “relevant consent” (“*cydsyniad perthnasol*”) means the existing hazardous substances consent to which the application relates;
- “site map” (“*map safle*”) is a map, reproduced from, or based on, an Ordnance Survey map with a scale of not less than 1:10,000, which identifies the land to which the application relates and shows National Grid lines and reference numbers; and
- “substance location plan” (“*plan lleoliad sylwedd*”) is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies—
- (a) any area of the land intended to be used for the storage of the substance;

- (b) where the substance is to be used in a manufacturing, treatment or other industrial process, the location of the major items of plant involved in that process in which the substance will be present; and
 - (c) access points to and from the land.
- (6) Regulations 6 to 13 apply to applications made under section 17 of the PHSA (revocation of hazardous substances consent on change of control of land) as they apply to applications for hazardous substances consent.

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Hazardous Substances) (Wales) Regulations 2015, Section 5.