

SCHEDULES

SCHEDULE 5

Regulation 35

AMENDMENTS TO LEGISLATION

Amendment of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

1.—(1) The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005^{M1} are amended as follows.

(2) In regulation 13 (LDP: additional matters to which regard is to be had)—

(a) for paragraph (1)(c) substitute—

“(c) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment by pursuing those objectives through the controls described in Article 13 of Directive 2012/18/EU;”

(b) for paragraph (d) substitute—

“(d) the need, in the long term—

(i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;

(ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;

(iii) in the case of existing establishments, to take additional technical measures in accordance with Article 5 of Directive 2012/18/EU so as not to increase the risks to human health and the environment.”;

(c) in paragraph (2), for “Council Directive 96/82/ EC (as amended by Council Directive 2003/105/EC)” substitute “ Directive 2012/18/EU ”.

Marginal Citations

M1 [S.I. 2005/2839](#) (W. 203), to which there have been amendments which are not relevant to this instrument.

Amendment of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012^{M2} is amended as follows.

(2) In the Table in Schedule 4 (consultations before the grant of permission), in paragraph (x)—

(a) for the words in the second column (description of development) substitute—

“Development—

(i) involving the siting of new establishments;

Changes to legislation: There are currently no known outstanding effects for the *The Planning (Hazardous Substances) (Wales) Regulations 2015, SCHEDULE 5*. (See end of Document for details)

- (ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU; or
 - (iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident.”;
- (b) for the words in the third column (consultee) substitute—
- “The COMAH competent authority, and in relation to development falling within paragraph (iii), any person who is, according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015, the person who is in control of the land on which any existing establishment in question is located”;
- (c) in Schedule 4 in the paragraph dealing with the Interpretation of Table, for paragraph (k) substitute—
- “(k) in paragraph (x)—
 - (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive; and
 - (ii) “COMAH competent authority” (“*awdurdod COMAH cymwys*”) means—
 - (aa) in relation to a relevant nuclear site, the Office of Nuclear Regulation and the Natural Resources Body for Wales, acting jointly;
 - (bb) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly.”

Marginal Citations

M2 S.I. 2012/801 (W. 110).

Changes to legislation:

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