

## SCHEDULE 6

Regulation 46

### Hazardous substances consent

#### PART 1

##### Modifications to primary legislation

1.—(1) The Planning (Hazardous Substances) Act 1990 (“the Hazardous Substances Act”) applies with the following modifications.

(2) Sections 9 (determination of applications for hazardous substances consent) and 10 (power to impose conditions on grant of hazardous substances consent) are read as if references to the hazardous substances authority are references to the Welsh Ministers.

#### PART 2

##### Modifications to secondary legislation

2.—(1) The Planning (Hazardous Substances) (Wales) Regulations 2015<sup>(1)</sup> in relation to the grant of consent under sections 4(1), 13 and 17 of the Hazardous Substances Act, apply subject to the following modifications.

(2) Regulation 5(1)(a) is read as if for “the hazardous substances authority” there is substituted “the Welsh Ministers”.

(3) Regulation 6 (publication of notices of applications) is read as if for “the hazardous substances authority” in each place where it occurs there is substituted “the Welsh Ministers”.

(4) Regulation 7(1) is read as if for “the hazardous substances authority” there is substituted “the Welsh Ministers”.

(5) Regulation 8 (inspection of applications) is read as if there is substituted—

“Following receipt of an application under regulation 5, the Welsh Ministers must ensure that a copy of the application is available for inspection at the offices of the relevant person during the period allowed for making representations pursuant to regulation 6(1).”

(6) Regulation 9 (receipt of applications by hazardous substances authority) is read as if for “the hazardous substances authority” in each place where it occurs there is substituted “the Welsh Ministers”.

(7) Regulation 10 (consultation before the grant of hazardous substances consent) is read as if—

- (a) in paragraph (1) for “the hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”;
- (b) for paragraph (1)(b) there is substituted “the relevant person;”;
- (c) for paragraph (1)(j) there is substituted “where it appears to the Welsh Ministers that land in the area of any county or county borough council other than the relevant person may be affected, that council;”;
- (d) in paragraph (1)(m) “where that authority is not also the hazardous substances authority” is omitted;

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(1) S.I. 2015/1597(W. 196).

*Status: This is the original version (as it was originally made).*

- (e) in paragraphs (2) and (3) for “the hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”;
  - (f) in paragraph (4) for “a hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”.
- (8) Regulation 11 (determination of applications for hazardous substances consent) is read as if—
- (a) in paragraph (1) for “A hazardous substances authority” there is substituted “The Welsh Ministers” and references to regulations 6(1) and 10(3) are to those regulations as modified by sub-paragraphs (3) and (7) above;
  - (b) in paragraph (2) for “the hazardous substances authority” there is substituted “the Welsh Ministers”;
  - (c) for paragraph (3) there is substituted—
    - “(3) The Welsh Ministers must give the applicant written notice of their decision within the determination period as described in section 62L of the 1990 Act.”;
  - (d) paragraph (4) is omitted;
  - (e) in paragraph (5) for “a hazardous substances authority” there is substituted “the Welsh Ministers” and paragraph (5)(b) and the word “and” preceding it, are omitted;
  - (f) paragraph (6) is read as if for “The hazardous substances authority” there is substituted “The Welsh Ministers” and for sub-paragraph (c) there is substituted—
    - “(c) the relevant person concerned”;
  - (g) in paragraph (7) for “The hazardous substances authority must make available” there is substituted “The Welsh Ministers must make available”.
- (9) Regulation 22 (consents register) is read as if after paragraph (2) there is inserted—
  - “(2A) The Welsh Ministers must notify the hazardous substances authority of all matters in relation to a secondary consent that must be contained on the register.”
- 3.** Regulations 15 to 33 of these Regulations in their application to the grant of consent under sections 4(1), 13 and 17 of the Hazardous Substances Act, are read as if for “local planning authority” wherever it appears there is substituted “hazardous substances authority”.