

*Draft Order laid before the National Assembly for Wales under section 21B(10) of the Planning (Hazardous Substances) Act 1990, for approval by resolution of the National Assembly for Wales.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2017 No. (W.)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Planning (Hazardous  
Substances) (Determination of  
Procedure) (Wales) Order 2017**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order adds to the list of proceedings in respect of which the Welsh Ministers must make a determination as to the procedure. The procedure can be a local inquiry, a hearing or written representations, or any combination of those three as the Welsh Ministers consider appropriate. The effect of the Order is to require the Welsh Ministers to make a determination of procedure in respect of appeals against hazardous substances contravention notices.

A regulatory impact assessment has been prepared in relation to this instrument. Copies may be obtained from the Planning Directorate of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at [www.gov.wales](http://www.gov.wales).

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**2017 No. (W.)**

**TOWN AND COUNTRY  
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**The Planning (Hazardous  
Substances) (Determination of  
Procedure) (Wales) Order 2017**

*Made*

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*Coming into force*

*5 May 2017*

The Welsh Ministers, in exercise of the powers conferred by section 21B(8) of the Planning (Hazardous Substances) Act 1990(1), make the following Order:

In accordance with section 21B(10) of that Act, a draft of this instrument was laid before and approved by resolution of the National Assembly for Wales.

**Title and commencement**

**1.**—(1) The title of this Order is the Planning (Hazardous Substances) (Determination of Procedure) (Wales) Order 2017.

(2) This Order comes into force on 5 May 2017.

**Determination of procedure for certain proceedings**

**2.**—(1) Section 21B(7) of the Planning (Hazardous Substances) Act 1990 is amended as follows.

(2) After paragraph (b) insert—

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(1) 1990 c. 10. Section 21B was inserted by article 2(3) of the Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773 (W. 280)).

“(c) an appeal to the Welsh Ministers under section 174 of the principal Act<sup>(1)</sup> (appeal against enforcement notice) as applied by regulation 16 of, and Part 1 of Schedule 4 to, the Planning (Hazardous Substances) (Wales) Regulations 2015 (S.I. 2015/1597 (W. 196)) (appeals against hazardous substances contravention notices).”

*Name*

Cabinet Secretary for Environment and Rural Affairs,  
one of the Welsh Ministers

Date

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(1) For the definition of “the principal Act” see section 39(1) of the Planning (Hazardous Substances) Act 1990.