



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 547 (Cy. 124)

2017 No. 547 (W. 124)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio (Sylweddau
Peryglus) (Cymru) (Diwygio) 2017

The Planning (Hazardous
Substances) (Wales) (Amendment)
Regulations 2017

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015 ("Rheoliadau 2015").

These Regulations amend the Planning (Hazardous Substances) (Wales) Regulations 2015 ("the 2015 Regulations").

Mae'r prif newidiadau fel a ganlyn—

The main changes are—

(1) diwygiadau i'r weithdrefn mewn perthynas â cheisiadau a gyfeirir at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 20 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 ("DCSP"), gan gynnwys darpariaeth i geisydd gyflwyno datganiad achos llawn o fewn cyfnod amser penodedig os yw'r ceisydd yn dewis gwneud hynny (rheoliad 4 sy'n rhoi rheoliad 12 newydd yn lle'r un presennol yn Rheoliadau 2015);

(1) amendments to the procedure in relation to applications referred to the Welsh Ministers pursuant to a direction under section 20 of the Planning (Hazardous Substances) Act 1990 ("the PHSA"), including provision for an applicant to submit a full statement of case within a specified timescale if the applicant so chooses (regulation 4 which substitutes regulation 12 of the 2015 Regulations);

(2) diwygiadau i'r weithdrefn mewn perthynas ag apelau o dan adran 21 o DCSP, i'w gwneud yn ofynnol—

(2) amendments to the procedure in relation to appeals under section 21 of the PHSA to require—

- (a) i ddatganiad achos llawn fynd gyda'r hysbysiad o apêl; a
- (b) i'r apelydd anfon copi o'r datganiad achos llawn i'r awdurdod sylweddau peryglus (rheoliad 5 sy'n diwygio rheoliad 13 o Rheoliadau 2015);

- (a) a notice of appeal to be accompanied by a full statement of case; and
- (b) the appellant to send a copy of the full statement of case to the hazardous substances authority (regulation 5 which amends regulation 13 of the 2015 Regulations);

(3) darpariaeth o dan adran 21(3E) a (3F) o DCSP (a fewnosodwyd gan adran 47(4) o Ddeddf Cynllunio (Cymru) 2015) i—

(3) provision under section 21(3E) and (3F) of the PHSA (which were inserted by section 47(4) of the Planning (Wales) Act 2015) to—

- (a) rhagnodi amgylchiad o dan adran 21(3E) pan ganiateir amrywio cais unwaith i'r hysbysiad o apêl gael ei gyflwyno; a

- (a) prescribe a circumstance under section 21(3E) in which an application may be varied once notice of appeal has been served; and

- (b) darparu bod cais sy'n cael ei amrywio yn y fath fodd yn destun unrhyw ymgynghori pellach y mae Gweinidogion Cymru yn ystyried ei fod yn briodol (rheoliad 6 sy'n mewnosod rheoliad 13A yn Rheoliadau 2015);

(4) diwygiadau i'r weithdrefn ar gyfer apelio yn erbyn hysbysiadau tramgwydd sylweddau peryglus, i'w gwneud yn ofynnol—

- (a) i ddatganiad achos llawn gael ei anfon at Weinidogion Cymru o fewn cyfnod penodedig; a
- (b) i'r apelydd anfon copi o'r hysbysiad o apêl a'r datganiad achos llawn i'r awdurdod sylweddau peryglus (rheoliad 7 sy'n diwygio rheoliad 17 o Rheoliadau 2015 a Rhan 1 o Atodlen 4 iddynt).

Mae rheoliad 8 yn cynnwys darpariaethau trosiannol ac arbed.

Mae Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

- (b) provide for an application which is so varied to be subject to such further consultation as the Welsh Ministers consider appropriate (regulation 6 which inserts regulation 13A into the 2015 Regulations);

(4) amendments to the procedure for appeals against hazardous substances contravention notices to require—

- (a) a full statement of case to be sent to the Welsh Ministers within a specified period; and
- (b) the appellant to send a copy of the notice of appeal and full statement of case to the hazardous substances authority (regulation 7 which amends regulation 17 of, and Part 1 of Schedule 4 to, the 2015 Regulations).

Regulation 8 contains transitional and saving provisions.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

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**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio (Sylweddau
Peryglus) (Cymru) (Diwygio) 2017**

**The Planning (Hazardous
Substances) (Wales) (Amendment)
Regulations 2017**

Gwnaed 5 Ebrill 2017
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 11 Ebrill 2017
Yn dod i rym 5 Mai 2017

Made 5 April 2017
*Laid before the National Assembly
for Wales* 11 April 2017
Coming into force 5 May 2017

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 25 a 40 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(1) ac sydd bellach yn arferadwy ganddynt hwy(2) a'r pwerau a roddir iddynt gan adran 21 o'r Ddeddf honno(3) ac adran 323A o Ddeddf Cynllunio Gwlad a Thref 1990(4).

The Welsh Ministers make these Regulations in exercise of the powers conferred on the Secretary of State by sections 25 and 40 of the Planning (Hazardous Substances) Act 1990(1) and now exercisable by them(2) and the powers conferred on them by section 21 of that Act(3) and section 323A of the Town and Country Planning Act 1990(4).

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- (1) 1990 p. 10. *Gweler* adran 39(2) i gael ystyr "prescribed". Diwygiwyd adran 25 gan adran 25 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraff 30 o Atodlen 3 iddi, adran 196(4) o Ddeddf Cynllunio 2008 (p. 29) ("Deddf 2008") a pharagraffau 25 a 28(a) o Atodlen 10 iddi, ac erthygl 3 o O.S. 2014/2773 (Cy. 280) a pharagraffau 24 a 27(a) o Atodlen 1 iddo. Diwygiwyd adran 40 gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraff 27 o Atodlen 6 iddi.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hynny, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru (p. 32) a pharagraff 30 o Atodlen 11 iddi.
- (3) Diwygiwyd adran 21 gan adran 162 o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43) ("DDA") a pharagraff 1 o Ran 7 o Atodlen 16 iddi, adran 197 o Ddeddf 2008 a pharagraff 6 o Atodlen 11 iddi, erthygl 3 o O.S. 2014/2773 a pharagraffau 24 a 26 o Atodlen 1 iddo, ac adran 47(4) o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015").
- (4) 1990 p. 8. Mewnosodwyd adran 323A gan adran 50 o Ddeddf 2015. Mae adran 323A wedi ei gymhwyso i Ddeddf Cynllunio (Sylweddau Peryglus) 1990 gan adran 37 o'r Ddeddf honno. Diwygiwyd adran 37 gan adran 51 o Ddeddf 2015, a pharagraffau 23 a 25 o Atodlen 5 i'r Ddeddf honno.

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- (1) 1990 c. 10. *See* section 39(2) for the meaning of "prescribed". Section 25 was amended by section 25 of, and paragraph 30 of Schedule 3 to, the Planning and Compensation Act 1991 (c. 34), section 196(4) of, and paragraphs 25 and 28(a) of Schedule 10 to, the Planning Act 2008 (c. 29) ("the 2008 Act") and article 3 of, and paragraphs 24 and 27(a) of Schedule 1 to, S.I. 2014/2773.(W. 280). Section 40 was amended by section 118(1) of, and paragraph 27 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5).
- (2) The functions of the Secretary of State under those sections were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (3) Section 21 was amended by section 162 of, and paragraph 1 of Part 7 of Schedule 16 to, the Environmental Protection Act 1990 (c. 43) ("the EPA"), section 197 of, and paragraph 6 of Schedule 11 to the 2008 Act, article 3 of, and paragraphs 24 and 26 of Schedule 1 to, S.I. 2014/2773 and section 47(4) of the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act").
- (4) 1990 c. 8. Section 323A was inserted by section 50 of the 2015 Act. Section 323A is applied to the Planning (Hazardous Substances) Act 1990 by section 37 of that Act. Section 37 was amended by section 51 of, and paragraphs 23 and 25 of Schedule 5 to, the 2015 Act.

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) (Diwygio) 2017 a deuant i rym ar 5 Mai 2017.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2015" ("*the 2015 Regulations*") yw Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015(1).

Diwygiadau i Reoliadau 2015

2. Mae Rheoliadau 2015 wedi eu diwygio yn unol â'r darpariaethau a ganlyn.

Dehongli

3. Yn rheoliad 2(1) yn y man priodol, mewnosoder—

"ystyr "datganiad achos llawn" ("*full statement of case*") yw, ac mae'n cynnwys—

(a) datganiad ysgrifenedig sy'n cynnwys manylion llawn yr achos—

(i) y mae'r ceisydd yn bwriadu ei gyflwyno mewn perthynas â'r cais sydd wedi ei gyfeirio at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 20 o DCSP(2); neu

(ii) y mae'r apelydd yn bwriadu ei gyflwyno mewn perthynas â'r apêl o dan adran 21 o DCSP; a

(b) copïau o unrhyw ddogfennau ategol y mae'r ceisydd neu'r apelydd yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth;"

Cyfeirio ceisiadau at Weinidogion Cymru

4. Yn lle rheoliad 12 (hysbysiad o gyfeirio ceisiadau at Weinidogion Cymru) a'i bennawd rhodder—

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Planning (Hazardous Substances) (Wales) (Amendment) Regulations 2017 and they come into force on 5 May 2017.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations, "the 2015 Regulations" ("*Rheoliadau 2015*") means the Planning (Hazardous Substances) (Wales) Regulations 2015(1)

Amendments to the 2015 Regulations

2. The 2015 Regulations are amended in accordance with the following provisions.

Interpretation

3. In regulation 2(1) at the appropriate place insert—

"*full statement of case*" ("*datganiad achos llawn*") means and is comprised of—

(a) a statement in writing containing full particulars of the case—

(i) the applicant proposes to put forward in relation to the application referred to the Welsh Ministers pursuant to a direction under section 20 of the PHSA(2); or

(ii) the appellant proposes to put forward in relation to the appeal under section 21 of the PHSA; and

(b) copies of any supporting documents the applicant or the appellant proposes to refer to or put forward in evidence;"

Reference of applications to the Welsh Ministers

4. For regulation 12 (notice of reference of applications to the Welsh Ministers) and its heading substitute—

(1) O.S. 2015/1597 (Cy. 196) y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) Diwygiwyd adran 20 gan adran 162 o DDA a pharagraff 1 o Ran 7 o Atodlen 16 iddi, ac erthygl 3 o O.S. 2014/2773, a pharagraffau 24 a 25 o Atodlen 1 iddo.

(1) S.I. 2015/1597 (W. 196) to which there are amendments not relevant to these Regulations.

(2) Section 20 was amended by section 162 of, and paragraph 1 of Part 7 of Schedule 16 to, the EPA and article 3 of, and paragraphs 24 and 25 of Schedule 1 to, S.I. 2014/2773.

“Cyfeirio ceisiadau at Weinidogion Cymru

12.—(1) Wrth gyfeirio unrhyw gais at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 20 o DCSP, rhaid i awdurdod sylweddau peryglus cyn gynted ag y bo'n rhesymol ymarferol—

- (a) cyflwyno i'r ceisydd hysbysiad o gyfeirio; a
- (b) anfon copi o ffeil y cais at Weinidogion Cymru.

(2) Rhaid i'r awdurdod sylweddau peryglus anfon copi o'r hysbysiad o gyfeirio at Weinidogion Cymru ar yr un pryd ag y mae'r hysbysiad yn cael ei anfon at y ceisydd.

(3) Caiff ceisydd y mae hysbysiad o gyfeirio yn cael ei gyflwyno iddo ddewis cyflwyno datganiad achos llawn i Weinidogion Cymru.

(4) Rhaid i geisydd sy'n dewis gwneud hynny anfon—

- (a) y datganiad achos llawn fel bod Gweinidogion Cymru yn ei gael o fewn 4 wythnos sy'n dechrau â'r diwrnod y mae'r hysbysiad o gyfeirio yn cael ei gyflwyno;
- (b) copi o'r datganiad achos llawn i'r awdurdod sylweddau peryglus ar yr un pryd ag y caiff ei anfon at Weinidogion Cymru.

(5) Yn y rheoliad hwn—

- (a) ystyr “ffeil y cais” (“*application file*”) yw'r cais ynghyd â dogfennau atodol a'r holl ohebiaeth â'r awdurdod sylweddau peryglus sy'n ymwneud â'r cais; a
- (b) ystyr “hysbysiad o gyfeirio” (“*notice of reference*”) yw hysbysiad—
 - (i) sy'n rhoi gwybod i'r ceisydd bod y cais wedi ei gyfeirio at Weinidogion Cymru;
 - (ii) sy'n nodi'r rhesymau a roddir gan Weinidogion Cymru dros ddyroddi'r cyfarwyddyd; a
 - (iii) sy'n hysbysu'r ceisydd—
 - (aa) y caiff y ceisydd gyflwyno datganiad achos llawn i Weinidogion Cymru, os yw'n dewis gwneud hynny;

“Reference of applications to the Welsh Ministers

12.—(1) On referring any application to the Welsh Ministers pursuant to a direction under section 20 of the PHSA, a hazardous substances authority must as soon as reasonably practicable—

- (a) serve on the applicant a notice of reference; and
- (b) send to the Welsh Ministers a copy of the application file.

(2) The hazardous substances authority must send a copy of the notice of reference to the Welsh Ministers at the same time as the notice is sent to the applicant.

(3) An applicant upon whom a notice of reference is served may choose to submit a full statement of case to the Welsh Ministers.

(4) An applicant who so chooses must send—

- (a) the full statement of case so that it is received by the Welsh Ministers within 4 weeks beginning with the day on which the notice of reference is served;
- (b) a copy of the full statement of case to the hazardous substances authority at the same time as it is sent to the Welsh Ministers.

(5) In this regulation—

- (a) “application file” (“*ffeil y cais*”) means the application together with accompanying documents and all correspondence with the hazardous substances authority relating to the application; and
- (b) “notice of reference” (“*hysbysiad o gyfeirio*”) means a notice—
 - (i) informing the applicant that the application has been referred to the Welsh Ministers;
 - (ii) setting out the reasons given by the Welsh Ministers for issuing the direction; and
 - (iii) notifying the applicant that—
 - (aa) if the applicant so chooses, the applicant may submit a full statement of case to the Welsh Ministers;

- (bb) os yw'r ceisydd yn dewis cyflwyno datganiad achos llawn, rhaid i Weinidogion Cymru ei gael o fewn 4 wythnos sy'n dechrau â'r diwrnod y mae'r hysbysiad o gyfeirio yn cael ei gyflwyno; ac
- (cc) bod rhaid anfon copi o'r datganiad achos llawn (os yw'n gymwys) i'r awdurdod sylweddau peryglus ar yr un pryd ag y caiff ei anfon at Weinidogion Cymru."

- (bb) if the applicant so chooses, the full statement of case must be received by the Welsh Ministers within 4 weeks beginning with the day on which the notice of reference is served; and
- (cc) a copy of the full statement of case (if applicable) must be sent to the hazardous substances authority at the same time as it is sent to the Welsh Ministers."

Apelau

5.—(1) Yn rheoliad 13(3)—

- (a) yn is-baragraff (c) hepgorer "a";
- (b) ar ddiwedd is-baragraff (d) yn lle'r atalnod llawn rhodder "; ac";
- (c) ar ôl is-baragraff (d) mewnosoder—
“(e) datganiad achos llawn”.

(2) Yn rheoliad 13(6), yn lle “ffurflen hysbysiad o apêl wedi ei llenwi a'r dystysgrif sy'n cael ei chyflwyno ynghyd â hi” rhodder “ffurflen hysbysiad o apêl wedi ei llenwi, y dystysgrif sy'n cael ei chyflwyno ynghyd â hi a datganiad achos llawn”.

Amrywio ceisiadau ar ôl hysbysiad o apêl

6. Ar ôl rheoliad 13, mewnosoder—

“Amrywio ceisiadau ar ôl hysbysiad o apêl

13A.—(1) At ddibenion adran 21(3E) o DCSP(1) yr amgylchiad a ragnodir yw bod y cais y mae'r apêl yn ymwneud ag ef yn cynnwys gwall cywiradwy.

(2) Mae cais sydd wedi ei amrywio o dan yr amgylchiad a ragnodir ym mharagraff (1) yn destun unrhyw ymgynghori pellach y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.

(3) Yn y rheoliad hwn ystyr “gwall cywiradwy” (“*correctable error*”) yw gwall—

- (a) sydd wedi ei gywiro er mwyn sicrhau bod yr wybodaeth a gynhwysir yn y cais a'r dogfennau atodol yn gyson; a
- (b) nad yw'n addasu hanfod y cais.”

Appeals

5.—(1) In regulation 13(3)—

- (a) in subparagraph (c) omit “and”;
- (b) at the end of subparagraph (d) for the full stop substitute “; and”;
- (c) after subparagraph (d) insert—
“(e) a full statement of case”.

(2) In regulation 13(6) for “completed notice of appeal form and accompanying certificate” substitute “completed notice of appeal form, accompanying certificate and full statement of case”.

Variation of applications after notice of appeal

6. After regulation 13, insert—

“Variation of applications after notice of appeal

13A.—(1) For the purposes of section 21(3E) of the PHSA(1) the prescribed circumstance is the application to which the appeal relates contains a correctable error.

(2) An application which is varied in the circumstance prescribed in paragraph (1) is subject to such further consultation as the Welsh Ministers consider appropriate.

(3) In this regulation “correctable error” (“*gwall cywiradwy*”) means an error which—

- (a) is corrected in order to ensure consistency in the information contained in the application and the accompanying documents; and
- (b) does not alter the substance of the application.”

(1) Mewnosodwyd adran 21(3E) gan adran 47(4) o Ddeddf 2015.

(1) Section 21(3E) was inserted by section 47(4) of the 2015 Act.

Apelau yn erbyn hysbysiadau tramgwydd sylweddau peryglus

7.—(1) Mae rheoliad 17(1) (apelau: materion atodol) wedi ei hepgor.

(2) Mae paragraff 2 o Ran 1 o Atodlen 4 (apelau yn erbyn hysbysiadau tramgwydd sylweddau peryglus) wedi ei ddiwygio fel a ganlyn—

(a) yn lle is-baragraff (b) rhodder—

“(b) fel petai’r canlynol wedi ei roi yn lle is-adran (4)—

“(4) A notice under subsection (3) must be accompanied by a copy of the hazardous substances contravention notice.

(4A) A person who gives notice under subsection (3) must submit to the Welsh Ministers a full statement of case either—

- (a) when giving the notice, or
- (b) so that it is received by the Welsh Ministers before the end of the period specified in subsection (4B).

(4B) The period specified in this subsection is—

- (a) 7 days beginning with the day on which the notice of appeal under subsection (3) is received by the Welsh Ministers; or
- (b) such longer period as the Welsh Ministers may allow provided that any such longer period is authorised in writing by them before the date stated in the hazardous substances contravention notice as the date on which it is to take effect.

(4C) The appellant must send to the hazardous substances authority that issued the notice, as soon as reasonably practicable, a copy of the notice of appeal and the full statement of case.”;

(b) ar ôl is-baragraff (c) mewnosoder—

“(d) fel petai is-baragraff (6) yn darllen fel a ganlyn—

“(6) In this section—

“full statement of case” means and is comprised of—

Appeals against hazardous substances contravention notices

7.—(1) Regulation 17(1) (appeals: supplementary) is omitted.

(2) Paragraph 2 of Part 1 of Schedule 4 (appeals against hazardous substances contravention notices) is amended as follows—

(a) for subparagraph (b) substitute—

“(b) for subsection (4) there were substituted—

“(4) A notice under subsection (3) must be accompanied by a copy of the hazardous substances contravention notice.

(4A) A person who gives notice under subsection (3) must submit to the Welsh Ministers a full statement of case either—

- (a) when giving the notice, or
- (b) so that it is received by the Welsh Ministers before the end of the period specified in subsection (4B).

(4B) The period specified in this subsection is—

- (a) 7 days beginning with the day on which the notice of appeal under subsection (3) is received by the Welsh Ministers; or
- (b) such longer period as the Welsh Ministers may allow provided that any such longer period is authorised in writing by them before the date stated in the hazardous substances contravention notice as the date on which it is to take effect.

(4C) The appellant must send to the hazardous substances authority that issued the notice, as soon as reasonably practicable, a copy of the notice of appeal and the full statement of case.”;

(b) after subparagraph (c) insert—

“(d) subsection (6) read as follows—

“(6) In this section—

“full statement of case” means and is comprised of—

- (a) a statement in writing specifying the grounds of the appeal, stating the facts on which the appeal is based and containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and
- (b) copies of any supporting documents the appellant proposes to refer to or put forward in evidence;

“relevant occupier” means a person who—

- (a) on the date on which the hazardous substances contravention notice is issued occupies the land to which the notice relates by virtue of a licence; and
- (b) continues so to occupy the land when the appeal is brought.”

- (a) a statement in writing specifying the grounds of the appeal, stating the facts on which the appeal is based and containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and
- (b) copies of any supporting documents the appellant proposes to refer to or put forward in evidence;

“relevant occupier” means a person who—

- (a) on the date on which the hazardous substances contravention notice is issued occupies the land to which the notice relates by virtue of a licence; and
- (b) continues so to occupy the land when the appeal is brought.”

Darpariaethau trosiannol ac arbed

8.—(1) Mae paragraff (2) yn gymwys pan fo unrhyw un neu ragor o’r canlynol yn digwydd mewn perthynas â chais a wnaed cyn i’r Rheoliadau hyn ddod i rym—

- (a) mae’r cais yn cael ei gyfeirio at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 20 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990, neu
- (b) mae apêl yn cael ei gwneud.

(2) Mae Rheoliadau 2015 yn gymwys i’r cais hwnnw neu’r apêl honno fel pe na bai’r diwygiadau a wneir gan reoliadau 3 i 6 wedi eu gwneud.

(3) Pan fo apêl yn cael ei gwneud mewn perthynas ag hysbysiad tramgwydd sylweddau peryglus a ddyroddwyd cyn i’r Rheoliadau hyn ddod i rym, mae Rheoliadau 2015 yn gymwys i’r apêl honno fel pe na bai’r diwygiadau a wneir gan reoliad 7 wedi eu gwneud.

Transitional and saving provisions

8.—(1) Paragraph (2) applies where any of the following occurs in relation to an application made before these Regulations come into force—

- (a) the application is referred to the Welsh Ministers pursuant to a direction under section 20 of the Planning (Hazardous Substances) Act 1990, or
- (b) an appeal is made.

(2) The 2015 Regulations apply to that application or appeal as though the amendments made by regulations 3 to 6 had not been made.

(3) Where an appeal is made in relation to a hazardous substances contravention notice which was issued before these Regulations come into force, the 2015 Regulations apply to that appeal as though the amendments made by regulation 7 had not been made.

Jane Hutt

Un o Weinidogion Cymru
5 Ebrill 2017

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One of the Welsh Ministers
5 April 2017

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2017 Rhif 547 (Cy. 124)

2017 No. 547 (W. 124)

**CYNLLUNIO GWLAD A
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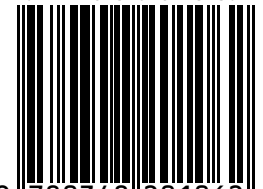
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Substances) (Wales) (Amendment)
Regulations 2017

£6.00

W2017040528 04/2017

<http://www.legislation.gov.uk/id/wsi/2017/547>

ISBN 978-0-348-20106-2



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