



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Hazardous Substances Consent





1. The hazardous substances consent process ensures that necessary measures are taken to prevent major accidents and limit their consequences to people and the environment. The consent process regulates the storage and use of hazardous substances and enables breaches of control, which may present serious risks, to be dealt with quickly and effectively. Hazardous substances consent ensures that this residual risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity.

2. Hazardous Substances Consent (HSC), is issued by the Hazardous Substances Authority (HSA), i.e. the relevant Local Authority. Provision for HSC is given in the Planning (Hazardous Substances) Act 1990 "the 1990 Act".

### **3. Do I have the right to make an appeal?**

3.1. You, or an agent acting on your behalf, can appeal if you were the person who made the application for Hazardous Substance consent.

### **4. Reasons for the Appeal**

4.1. An appeal, under section 21 of the 1990 Act, made against a Hazardous Substances Authority decision may be brought against any of the following:

- where the HSA refuse consent or grant it subject to conditions;
- where the applicant has applied for removal or variation of a condition (or conditions) imposed on a previous grant of HSC and the HSA has refused the application or imposed different conditions;
- where the applicant has applied for any consent, agreement or approval required by a condition attached to a previous grant of HSC, but the HSA has refused to give that consent/agreement/approval;
- where the applicant has applied to the HSA under Section 17 of the Act for the continuation of a HSC upon partial change of ownership of the land and the HSA has refused the application; or
- where the HSA has failed to issue a decision within the period allowed (i.e. 8 weeks from the date of receipt of the application, or any extended period agreed in writing between the applicant and the HSA).

### **5. How do I appeal?**

5.1. Your appeal should be made on the Hazardous Substances Consent appeal form obtained from PINS Wales. The appeal form is available online, please use the link below. If you require a hard copy please contact our office. Before completing the appeal form please read our guidance on "How to complete your appeal".

<http://gov.wales/topics/environmentcountryside/consmanagement/rights-of-way-and-wider-access/countryside-area/environmental-appeals/hazardous-substances-appeal/?lang=en>

## 6. Procedure

- 6.1. The Welsh Ministers have delegated the appeal functions to the Planning Inspectorate Wales "PINS Wales". The Planning (Hazardous Substances) (Wales) Regulations 2015, as amended by the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017, specifically Part 4 (Written Representations) Regulation 22, sets out the procedures to be followed. For further information on the procedures please see the main [Procedural Guide](#) section and [Annexe 02](#).