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STATUTORY INSTRUMENTS

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**2015 No. 810**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Environmental Damage (Prevention and  
Remediation) (England) Regulations 2015**

<i>Made</i>	- - - -	<i>19th March 2015</i>
<i>Laid before Parliament</i>		<i>23rd March 2015</i>
<i>Coming into force</i>		<i>19th July 2015</i>

**THE ENVIRONMENTAL DAMAGE (PREVENTION AND  
REMEDICATION) (ENGLAND) REGULATIONS 2015**

PART 1

1. Title, commencement and application
2. Interpretation
3. References to EU instruments
4. Meaning of “environmental damage”
5. Environmental damage to which these Regulations apply
6. Areas of application
7. Other legislation
8. Exemptions
9. Exclusion from damage to water
10. Enforcing authorities under the Environmental Permitting (England and Wales) Regulations 2010
11. Enforcing authorities in other cases
12. Enforcement

PART 2

13. Preventing environmental damage
14. Preventing further environmental damage
15. Action by the enforcing authority
16. Following instructions from a public authority

*Status: This is the original version (as it was originally made).*

### PART 3

17. Assessment of damage
18. Determining liability to remediate
19. Appeals against liability to remediate
20. Remediation notices
21. Appeal against a remediation notice
22. Further provisions on remediation notices
23. Action by the enforcing authority

### PART 4

24. Costs when the enforcing authority acts instead of the operator
25. Costs concerned with administration
26. Proceedings for costs by an enforcing authority
27. Costs recoverable from owner to be a charge on premises
28. Recovery of costs from other persons
29. Requests for action by interested parties
30. Grant of and compensation for rights of entry etc.
31. Powers of authorised persons
32. Provision of information to the enforcing authority
33. Enforcement
34. Penalties
35. Review

### PART 5

36. Revocations  
Signature

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#### SCHEDULE 1 — Damage to Protected Species, Natural Habitats and Sites of Special Scientific Interest

1. Damage to a protected species or natural habitat
2. Conservation status of natural habitats
3. Conservation status of species
4. Sites of special scientific interest
5. Express authorisation

#### SCHEDULE 2 — Activities causing damage

1. Operations to which this Schedule applies
2. Operation of permitted installations
3. Waste management operations
4. Mining waste
5. Discharges requiring authorisation
6. Water abstraction and impoundment
7. Dangerous substances, plant protection products and biocidal products
8. Transport
9. Genetically modified organisms
10. Transboundary shipment of waste
11. Operation of carbon dioxide storage sites

SCHEDULE 3 — Remediation

PART 1 — Remediation of Damage to Natural Resources other than Land

1. Application of Part 1
2. Risk to human health
3. Objective
4. Primary and complementary remediation
5. Compensatory remediation
6. Choice of remediation
7. Identification of complementary and compensatory remediation
8. Options

PART 2 — Remediation of Damage to Land

9. Remediation of damage to land

SCHEDULE 4 — Permits etc.

1. The following are permits for the purposes of regulation 19(3)(d)...

SCHEDULE 5 — Procedures for Appeals

PART 1 — General

1. In this Schedule, the “appointed person” means the person appointed...

PART 2

2. This Part applies when the Secretary of State is not...
3. Notification of appeal must contain— (a) a copy of the...
4. When notification is received— (a) the Secretary of State must...
5. The Secretary of State must notify the appellant of the...
6. When these are received, the Secretary of State must send...
7. At the same time the Secretary of State must notify...
8. The Secretary of State must then decide whether further evidence...
9. The Secretary of State must then decide whether or not...
10. The Secretary of State must then refer the appeal to...
11. Following the conclusion of the appeal by the appointed person,...
12. The person deciding the appeal may make such order as...

PART 3

13. If the Secretary of State is the enforcing authority, the...

SCHEDULE 6 — Compensation

1. Compensation for grant of rights
2. Interpretation
3. Period for making an application
4. Manner of making an application
5. Loss and damage for which compensation is payable
6. Basis on which compensation is assessed
7. Determination of disputes

Explanatory Note