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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2989**

**The Contaminated Land (Wales) Regulations 2006**

**Land required to be designated as a special site**

2.—(1) Contaminated land of the following descriptions is prescribed for the purposes of section 78C(8) as land required to be designated as a special site—

- (a) land affecting controlled waters in the circumstances specified in regulation 3;
- (b) land which is contaminated land by reason of waste acid tars in, on or under the land;
- (c) land on which any of the following activities have been carried on at any time—
  - (i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal, or
  - (ii) the manufacture or processing of explosives;
- (d) land on which a prescribed process designated for central control has been, or is being, carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation;
- (e) land on which an activity has been, or is being, carried on in a Part A(1) installation <sup>F1</sup>... under a permit, where the activity does not solely consist of things being done which are required by way of remediation;
- [<sup>F2</sup>(ea) land on which an activity has been carried on by means of Part A(1) mobile plant under a permit, where the activity did not solely consist of things being done which were required by way of remediation;]
- (f) land within a nuclear site;
- (g) land owned or occupied by or on behalf of—
  - (i) the Secretary of State for Defence,
  - (ii) the Defence Council,
  - (iii) an international headquarters or defence organisation, or
  - (iv) the service authority of a visiting force,being land used for naval, military or air force purposes;
- (h) land on which the manufacture, production or disposal of—
  - (i) chemical weapons,
  - (ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974 <sup>M1</sup> (restriction on development of biological agents and toxins), or
  - (iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons),has been carried on at any time;
- (i) land comprising premises which are, or were, designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991 <sup>M2</sup> (arrangements for development etc of nuclear devices);

- (j) land to which section 30 of the Armed Forces Act 1996 <sup>M3</sup> (land held for the benefit of Greenwich Hospital) applies;
- (k) land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and
- (l) land which is—
- (i) adjoining or adjacent to land of a description specified in any of sub-paragraphs (b) to (k), and
  - (ii) contaminated land by virtue of substances which appear to have escaped from land of such a description.
- (2) For the purposes of paragraph (1)(b), “waste acid tars” are tars which—
- (a) contain sulphuric acid;
  - (b) were produced as a result of the refining of benzole, used lubricants or petroleum; and
  - (c) are, or were, stored on land used as a retention basin for the disposal of such tars.
- (3) In paragraph (1)(d), “authorisation” and “prescribed process” have the same meanings as in Part I of the 1990 Act (integrated pollution control and air pollution control by local authorities) and the reference to designation for central control is a reference to designation under section 2(4) (which provides for processes to be designated for central or local control).
- [<sup>F3</sup>(4) In paragraph (1)(e), “Part A(1) installation” [<sup>F4</sup>has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2016], and “permit” has the same meaning as “environmental permit” in those Regulations].
- [<sup>F5</sup>(4A) In paragraph (1)(ea), “Part A(1) mobile plant” has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010 as those Regulations were in force on 26th February 2013, and “permit” has the same meaning as “environmental permit” in those Regulations as at that date.]
- (5) In paragraph (1)(f), “nuclear site” means—
- (a) any site in respect of which, or part of which, a nuclear site licence is for the time being in force; or
  - (b) any site in respect of which, or part of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not come to an end.
- (6) In paragraph (5), “nuclear site licence”, “licensee” and “period of responsibility” have the meanings given by the Nuclear Installations Act 1965 <sup>M4</sup>.
- (7) For the purposes of paragraph (1)(g), land used for residential purposes or by the Navy, Army and Air Force Institutes is to be treated as land used for naval, military or air force purposes only if the land forms part of a base occupied for naval, military or air force purposes.
- (8) In paragraph (1)(g)—
- <sup>M5</sup>“international headquarters” and “defence organisation” mean, respectively, any international headquarters, and any defence organisation, designated for the purposes of the International Headquarters and Defence Organisations Act 1964 ;
- <sup>M6</sup>“service authority” and “visiting force” have the same meanings as in Part I of the Visiting Forces Act 1952 .
- (9) In paragraph (1)(h), “chemical weapon” has the same meaning as in sub-section (1) of section 1 of the Chemical Weapons Act 1996 <sup>M7</sup>, disregarding sub-section (2) of that section.

- F1** Words in reg. 2(1)(e) omitted (1.1.2017) by virtue of [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 24(2)(a)(i)** (with regs. 1(3), 77-79, Sch. 4)
- F2** Reg. 2(1)(ea) inserted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 24(2)(a)(ii)** (with regs. 1(3), 77-79, Sch. 4)
- F3** Reg. 2(4) substituted (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007](#) (S.I. 2007/3538), reg. 1(1)(b), **Sch. 21 para. 50** (with regs. 69-72)
- F4** Words in reg. 2(4) substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 24(2)(a)(iii)** (with regs. 1(3), 77-79, Sch. 4)
- F5** Reg. 2(4A) inserted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), reg. 1(1), **Sch. 29 para. 24(2)(a)(iv)** (with regs. 1(3), 77-79, Sch. 4)

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**Marginal Citations**

- M1** 1974 c. 6.  
**M2** 1991 c. 46.  
**M3** 1996 c. 46.  
**M4** 1965 c. 57.  
**M5** 1964 c. 5.  
**M6** 1952 c. 67.  
**M7** 1996 c. 6.

**Changes to legislation:**

There are currently no known outstanding effects for the The Contaminated Land (Wales) Regulations 2006, Section 2.