

## WELSH STATUTORY INSTRUMENTS

# 2018 No. 1216

## The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018

### PART 2

#### Amendments to legislation concerning the environment

#### **The Urban Waste Water Treatment (England and Wales) Regulations 1994**

2.—(1) The Urban Waste Water Treatment (England and Wales) Regulations 1994<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1)—

(a) in the definition of “the Directive”, after “treatment,” insert “as last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council<sup>(2)</sup>”;

(b) in the words after the definition of “Wales”, after “used” insert “in these Regulations and”.

(3) In Schedule 1, in Part 1, in paragraph (b), for the words from “the concentration” to “Member States” substitute “50 mg/l of nitrates in 95% of the samples”.

#### **Commencement Information**

**I1** Reg. 2 in force at 17.12.2018, see [reg. 1\(3\)](#)

#### **The Drinking Water (Undertakings) (England and Wales) Regulations 2000**

3. In regulation 2 of the Drinking Water (Undertakings) (England and Wales) Regulations 2000<sup>(3)</sup>, after “human consumption)” insert “, as last amended by Commission Directive (EU) 2015/1787<sup>(4)</sup>”.

#### **Commencement Information**

**I2** Reg. 3 in force at 17.12.2018, see [reg. 1\(3\)](#)

#### **The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002**

4.—(1) The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002<sup>(5)</sup> are amended as follows.

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- (1) [S.I. 1994/2841](#), amended by [S.I. 2013/755 \(W. 90\)](#); there are other amendments but none is relevant to these Regulations.  
(2) OJ No L 311, 21.11.2008, p 1, as last amended by [Directive 2014/32/EU](#) of the European Parliament and of the Council (OJ No L 96, 29.3.2014, p. 149).  
(3) [S.I. 2000/1297](#), amended by [S.I. 2010/996](#); there are other amending instruments but none is relevant to these Regulations.  
(4) OJ No L 260, 7.10.2015, p. 6.  
(5) [S.I. 2002/3188 \(W. 304\)](#), to which there are amendments not relevant to these Regulations.

<sup>F1</sup>(2) .....

(3) For regulation 13(4)(c) substitute—

“(c) any person, or member of a genetic modification safety committee, from whom advice must be obtained under regulation 8 of the Genetically Modified Organisms (Contained Use) Regulations 2014(6),”.

**F1** Reg. 4(2) revoked (31.12.2020 immediately before exit day) by [The Genetically Modified Organisms \(Deliberate Release and Transboundary Movement\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1492\)](#), regs. 1(2), **4(1)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I3** Reg. 4 in force at 17.12.2018, see [reg. 1\(3\)](#)

### The Environmental Information Regulations 2004

5. In regulation 18(6) of the Environmental Information Regulations 2004(7), for the words from “applies to a decision notice” to the end substitute “does not apply”.

**Commencement Information**

**I4** Reg. 5 in force at 17.12.2018, see [reg. 1\(3\)](#)

### The Hazardous Waste (Wales) Regulations 2005

6.—(1) The Hazardous Waste (Wales) Regulations 2005(8) are amended as follows.

(2) In regulation 12(3), for “Council Regulation 259/93/EEC(9)” substitute “Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste(10)”.

(3) In Schedule 7, in paragraph 1(b), for the words from “the Annex” to “1994” substitute “Annex 1A to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste”.

**Commencement Information**

**I5** Reg. 6 in force at 17.12.2018, see [reg. 1\(3\)](#)

### The Contaminated Land (Wales) Regulations 2006

7. In regulation 3(b)(ii) of the Contaminated Land (Wales) Regulations 2006(11), after “water policy” insert “as last amended by Commission Directive 2014/101/EU(12)”.

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(6) [S.I. 2014/1663](#), to which there are amendments not relevant to these Regulations.

(7) [S.I. 2004/3391](#), to which there are amendments not relevant to these Regulations.

(8) [S.I. 2005/1806 \(W. 138\)](#), to which there are amendments not relevant to these Regulations.

(9) OJ No L 30, 6.2.1993, p. 1, as repealed by Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ No L 190, 12.7.2006, p. 1).

(10) OJ No L 190, 12.7.2006, p 1, as last amended by Commission Regulation (EU) 2015/2002 (OJ No L 294, 11.11.2015, p. 1).

(11) [S.I. 2006/2989 \(W. 278\)](#), amended by [S.I. 2012/283 \(W. 47\)](#).

(12) OJ No L 311, 31.10.2014, p. 32.

**Commencement Information**

**16** Reg. 7 in force at 17.12.2018, see [reg. 1\(3\)](#)

**The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009**

**8.—(1)** The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(**13**) are amended as follows.

(2) In regulation 20, before paragraph (1), insert—

“(A1) Where a responsible operator has received a notice from the enforcing authority under regulation 18, it must without delay identify potential remedial measures in accordance with Schedule 4 and submit them in writing to the enforcing authority for its approval.”

(3) In Schedule 1, for paragraph 5 substitute—

“**5.—(1)** Damage to a protected species or natural habitat and damage to a site of special scientific interest does not include damage caused by an act expressly authorised by the relevant authorities in accordance with—

- (a) the Conservation (Natural Habitats, &c.) Regulations 1994(**14**);
- (b) the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(**15**);
- (c) the Conservation of Habitats and Species Regulations 2010(**16**);
- (d) the Conservation of Habitats and Species Regulations 2017(**17**);
- (e) the Conservation of Offshore Marine Habitats and Species Regulations 2017(**18**).

(2) Damage to sites of special scientific interest does not include, in the case of a site that is not a European site damage caused by an act expressly authorised by the relevant authorities in accordance with Part 2 of the Wildlife and Countryside Act 1981(**19**).

(3) In sub-paragraph (2), “European site” has the same meaning as in regulation 8 of the Conservation of Habitats and Species Regulations 2017.”

**Commencement Information**

**17** Reg. 8 in force at 17.12.2018, see [reg. 1\(3\)](#)

(13) S.I. 2009/995 (W. 81), to which there are amendments not relevant to these Regulations.

(14) 1994/2716 amended by paragraph 233(1) of Schedule 22 to the Environment Act 1995 (c. 25); S.I. 1996/525; 1997/3055; 2000/192 and 1973; 2003/2155; 2005/3389; 2006/1282; 2007/1843 and 3538; 2008/2172; 2009/6, 1307, 2438 and 3160; and paragraph 4(1) of Schedule 11 to the Marine and Coastal Access Act 2009 (c. 23); and revoked (in relation to England and Wales) by S.I. 2010/490.

(15) S.I. 2001/1754, amended by S.I. 2007/77 and 1842; and 2010/1513.

(16) S.I. 2010/490.

(17) S.I. 2017/1012.

(18) S.I. 2017/1013.

(19) 1981 c. 69.

### **The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2011**

**9.**—(1) The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2011(**20**) is amended as follows.

(2) In regulation 5(3), in the definition of “CITES certificate” (“*tystysgrif CITES*”), after “trade therein” insert “, as last amended by Commission Regulation (EU) 2017/160(**21**)”.

(3) In regulation 6(2), at the end insert “, as last amended by Commission Regulation (EU) 2015/870(**22**)”.

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#### **Commencement Information**

**18** Reg. 9 in force at 17.12.2018, see [reg. 1\(3\)](#)

### **The Incidental Flooding and Coastal Erosion (Wales) Order 2011**

**10.** In article 3(4) of the Incidental Flooding and Coastal Erosion (Wales) Order 2011(**23**)—

(a) in sub-paragraph (b), at the end insert “, as last amended by Council Directive 2013/17(EU)(**24**)”;

(b) in sub-paragraph (c), after “water policy” insert “, as last amended by Commission [Directive 2014/101/EU](#)”;

(c) after sub-paragraph (c) omit “and”;

(d) in sub-paragraph (d), at the end insert “, as last amended by Council [Directive 2013/17/EU](#)”.

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#### **Commencement Information**

**19** Reg. 10 in force at 17.12.2018, see [reg. 1\(3\)](#)

### **The Controlled Waste (England and Wales) Regulations 2012**

**11.** In Schedule 1 to the Controlled Waste (England and Wales) Regulations 2012(**25**), in paragraph 1, in the definition of “clinical waste”, in paragraph (c), for the words from “Council Directive” to the end substitute “Regulation (EC) No [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures(**26**), as amended from time to time”.

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#### **Commencement Information**

**110** Reg. 11 in force at 17.12.2018, see [reg. 1\(3\)](#)

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(20) [S.I. 2011/1653 \(W. 188\)](#).

(21) OJ No L 27, 1.2.2017, p. 1.

(22) OJ No L 142, 6.6.2015, p. 3.

(23) [S.I. 2011/2829 \(W. 302\)](#), to which there are amendments not relevant to these Regulations.

(24) OJ No L 158, 10.6.2013, p. 193.

(25) [S.I. 2012/811](#), to which there are amendments not relevant to these Regulations.

(26) OJ No L 353, 31.12.2008, p. 1.

### The Bathing Water Regulations 2013

12. In regulation 2(2) of the Bathing Water Regulations 2013(27), after “water policy” insert “, as last amended by Commission [Directive 2014/101/EU](#)”.

#### Commencement Information

I11 Reg. 12 in force at 17.12.2018, see [reg. 1\(3\)](#)

### The Nitrate Pollution Prevention (Wales) Regulations 2013

13.—(1) The Nitrate Pollution Prevention (Wales) Regulations 2013(28) are amended as follows.

(2) In regulation 6, in the definition of “derogation” (“*rhanddirymiad*”), omit “and Commission [Decision 2013/781/EU](#)”.

(3) In regulation 11(2)(b), at the end insert “, as last amended by Commission Directive (EU) 2015/1787(29)”.

(4) In regulation 22(2)(a)(ii), at the end insert “, or Regulation (EU) 1305/2013(30)”.

#### Commencement Information

I12 Reg. 13 in force at 17.12.2018, see [reg. 1\(3\)](#)

### The Environmental Permitting (England and Wales) Regulations 2016

14. In Schedule 10 to the Environmental Permitting (England and Wales) Regulations 2016(31), in paragraph 5—

(a) in sub-paragraph (4), for the words from “Regulation” to the end substitute “Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury(32)”;

(b) omit sub-paragraph (5).

#### Commencement Information

I13 Reg. 14 in force at 17.12.2018, see [reg. 1\(3\)](#)

### The Water Abstraction (Transitional Provisions) Regulations 2017

15. In regulation 9 of the Water Abstraction (Transitional Provisions) Regulations 2017(33), for paragraph (3) substitute—

“(3) In paragraph (1), an abstraction of more limited extent does not include—

(a) a Qn95 hands-off flow constraint on a licence where the licensed abstraction is from a body of inland waters or a body of groundwater where the recent

(27) [S.I. 2013/1675](#), to which there are amendments not relevant to these Regulations.

(28) [S.I. 2013/2506 \(W. 245\)](#), to which there are amendments not relevant to these Regulations.

(29) OJ No L 260, 7.10.2015, p. 6.

(30) OJ No L 347, 20.12.2013, p. 487.

(31) [S.I. 2016/1154](#), to which there are amendments not relevant to these Regulations.

(32) OJ No L 137, 24.5.2017, p. 1.

(33) [S.I. 2017/1047](#).

actual flow or quantitative status of the source of supply does not support good ecological potential, good ecological status or good quantitative status, or

- (b) 75% of Qn99 hands-off flow constraint on a licence where the licenced abstraction is from a body of inland waters or a body of groundwater where the recent actual flow or quantitative status of the source of supply supports good ecological potential, good ecological status or good quantitative status.”

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**Commencement Information**

**I14** Reg. 15 in force at 17.12.2018, see [reg. 1\(3\)](#)

**The Water Abstraction and Impounding (Exemptions) Regulations 2017**

**16.**—(1) The Water Abstraction and Impounding (Exemptions) Regulations 2017<sup>(34)</sup> are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “the 2010 Regulations” substitute—

““the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017<sup>(35)</sup>”;

(b) in the definition of “conservation site”—

(i) in paragraph (a), for “regulation 10(5) of the 2010 Regulations” substitute “regulation 12(5) of the 2017 Regulations”;

(ii) in paragraph (b), for “regulation 11 of the 2010 Regulations” substitute “regulation 13 of the 2017 Regulations”;

(iii) in paragraph (c), for “regulations 12A and 12B, respectively, of the 2010 Regulations” substitute “regulations 15 and 16, respectively, of the 2017 Regulations”;

(c) in the definition of “protected species”, in paragraph (a), for “regulation 40(1) of, and Schedule 2 to, the 2010 Regulations” substitute “regulation 42(1) of, and Schedule 2 to, the 2017 Regulations”.

(3) In regulation 14(1)(b), for “regulation 99(2) of the 2010 Regulations” substitute “regulation 102(2) of the 2017 Regulations”.

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**Commencement Information**

**I15** Reg. 16 in force at 17.12.2018, see [reg. 1\(3\)](#)

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<sup>(34)</sup> S.I. 2017/1044.

<sup>(35)</sup> S.I. 2017/1012.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018, PART 2.