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WELSH STATUTORY INSTRUMENTS

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**2012 No. 283**

**The Contaminated Land (Wales)  
(Amendment) Regulations 2012**

**Amendments to the Contaminated Land (Wales) Regulations 2006**

- 2.—(1) The Contaminated Land (Wales) Regulations 2006(1) are amended as follows.
- (2) In regulation 3 (pollution of controlled waters)—
- (a) for paragraph (b) substitute—
- “(b) controlled waters are being affected by the land and, as a result—
- (i) those waters do not meet or are not likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under section 82 of the Water Resources Act 1991(2) (classification of quality of waters); or
- (ii) for controlled waters that are designated as protected areas under Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(3), those waters do not meet the environmental objectives that apply to them under that Directive (excluding protected areas listed in paragraphs (i), (iv) and (v) of Annex IV to that Directive); or”;
- (b) in paragraph (c)(ii) for “within underground strata” substitute “in underground strata within the saturation zone”.
- (3) In regulation 11 (modification of a remediation notice), after paragraph (2) insert—
- “(3) This regulation applies only in relation to appeals made in accordance with regulation 8(1) prior to 6 April 2012.”
- (4) In Schedule 2 (compensation for rights of entry etc)—
- (a) in paragraph 5(3) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) in paragraphs 6(2)(c) and 6(3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (c) for paragraph 6(4) substitute—
- “(4) In relation to the determination of any such question, section 4 of the 1961 Act (costs)(4) applies as if—
- (a) the reference to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph;
- (b) references to the acquiring authority were references to the appropriate person; and
- (c) references to the claimant were references to the grantor.”

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(1) S.I.2006/2989 (W. 278), to which there are amendments not relevant to these Regulations.

(2) 1991 c. 57.

(3) OJ No L327, 22.12.00, p.1.

(4) 1961 c. 33. Section 4 was amended by paragraphs 36 and 39 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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