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STATUTORY INSTRUMENTS

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**2019 No. 458**

**The Environment (Amendment  
etc.) (EU Exit) Regulations 2019**

**PART 3**

Amendment of subordinate legislation

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

**5.**—(1) Regulation 3 of the Contaminated Land (England) Regulations 2006<sup>(1)</sup> is amended as follows.

(2) The existing paragraph is renumbered as paragraph (1).

(3) In paragraph (1) as renumbered, for sub-paragraph (b)(ii) (but not the final “or”) substitute—  
“(ii) for controlled waters that are designated as shellfish water protected areas or bathing waters, those waters do not meet the environmental objectives that apply to them;”.

(4) After paragraph (1) as renumbered insert—

“(2) In this regulation—

“the Northumbria WFD Regulations” means the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003<sup>(2)</sup>;

“the Solway Tweed WFD Regulations” means the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004<sup>(3)</sup>;

“the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017<sup>(4)</sup>;

“a bathing water” has the same meaning as in the Bathing Water Regulations 2013<sup>(5)</sup>;

“environmental objectives”—

(a) in relation to the Solway Tweed River Basin District, means the objectives as defined in regulation 2 of the Solway Tweed WFD Regulations;

(b) in relation to the Northumbria River Basin District, means the objectives referred to in the WFD Regulations as applied and modified by regulation 5 of the Northumbria WFD Regulations;

(c) in relation to any other river basin district within the meaning of the WFD Regulations, has the same meaning as in those Regulations;

“shellfish water protected area”—

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(1) [S.I. 2006/1380](#), amended by [S.I. 2012/263](#) and [2018/575](#); there are other amending instruments but none is relevant.

(2) [S.I. 2003/3245](#), amended by [S.I. 2016/139](#), [2017/407](#).

(3) [S.I. 2004/99](#), amended by [S.I. 2016/139](#); there are other amending instruments but none is relevant.

(4) [S.I. 2017/407](#), to which there are amendments not relevant to these regulations.

(5) [S.I. 2013/1675](#), amended by [S.I. 2018/575](#); there are other amending instruments but none is relevant.

- (a) in relation to the Solway Tweed River Basin District, has the meaning given by regulation 2(1) of the Solway Tweed WFD Regulations;
- (b) in relation to the Northumbria River Basin District, means a body of water designated under regulation 9 of the WFD Regulations, as applied by regulation 5 of the Northumbria WFD Regulations;
- (c) in relation to any other river basin district within the meaning of the WFD Regulations, means a body of water designated under regulation 9 of those Regulations.”.

### **The Environmental Noise (England) Regulations 2006**

6.—(1) The Environmental Noise (England) Regulations 2006(6) are amended as follows.

(2) In regulation 2—

- (a) in paragraph (3), for “as amended from time to time” substitute “as it had effect immediately before exit day”;
- (b) at the end insert—

“(4) For the purposes of these Regulations, the Directive is to be read as if a reference to one or more member States were a reference to the Secretary of State.”.

(3) In regulation 4, after paragraph (2) insert—

“(2A) For the purposes of paragraph (2)(a), a reference to Annex 1 of the Directive is to be read as if, in paragraph 1, in the fourth indent that begins “the day is 12 hours”, the words from “The Member” to the end were omitted.”.

(4) For regulation 15(1)(a) substitute—

- “(a) aim to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health;
- (aa) aim to preserve environmental noise quality where it is good;”.

(5) In regulation 22—

- (a) in paragraph (2)(b), for the words “the Directive” substitute “relevant retained EU law(7)”;  
 (b) in paragraph (3), for “Article 4 of the Directive” substitute “the relevant retained EU law”.

(6) In regulation 26(4)(b)—

- (a) in paragraph (i) omit “; or”;
- (b) omit paragraph (ii).

(7) In Schedule 1—

(a) in paragraph 1—

- (i) the existing text is renumbered as sub-paragraph (1);
- (ii) at the end insert—

“(2) For the purposes of sub-paragraph (1), the reference to paragraphs 1.5, 1.6 and 2.6 of Annex 6 of the Directive is to be read with the following modifications—

- (a) in paragraphs 1.5 and 1.6, as if the reference in those paragraphs to “major roads”, “major railways” and “major airports” as defined in Article 3 of

(6) [S.I. 2006/2238](#), amended by [S.I. 2010/340](#), [2018/1089](#); there are other amending instruments but none is relevant.

(7) Relevant retained EU law includes the Environmental Noise (Wales) Regulations 2006 ([S.I. 2006/2629 \(W. 225\)](#)), the Environmental Noise (Scotland) Regulations 2006 ([S.S.I. 2006/465](#)) and the Environmental Noise Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 387](#)).

the Directive were to “major road”, “major railway” and “major airport” as defined in regulation 2(2) of these Regulations;

(b) in paragraphs 1.6 and 2.6, as if the words from “These data” to “Article 11(1).” were omitted.”;

(b) in paragraph 2, at the end insert—

“(3) Further, in applying paragraph (1)(a) the following provisions of Annex 4 of the Directive are to be ignored—

(a) in paragraph 4, the first indent;

(b) in paragraph 5, the words from “concerning” to “Commission”;

(c) paragraph 9.”.

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

7.—(1) The Environmental Damage (Prevention and Remediation) (England) Regulations 2015(8) are amended as follows.

(2) For regulation 3 substitute—

“3.—(1) For the purposes of these Regulations, a reference in any EU instrument referred to in these Regulations—

(a) to the “European Union” or otherwise to the area to which that instrument applies is to be taken to include the United Kingdom;

(b) to a “Member State” is to be taken to include the United Kingdom.”.

(3) In Schedule 1, in paragraph 1(e), for “or in the European Union as a whole” substitute “, national or in their natural range”.

(4) In Schedule 2—

(a) after paragraph 1 insert—

#### **“Interpretation**

**1A.** A reference in this Schedule to an activity being authorised, prohibited or managed pursuant to, or subject to a permit or registration under, a Directive includes, after exit day, any activity authorised, prohibited or managed pursuant to, or subject to a permit or registration under, any retained EU law which transposed that Directive.”;

(b) in paragraph 10, after “the Community” insert “or into or out of the United Kingdom”.