

2003 No. 1788

WATER, ENGLAND AND WALES

**The Urban Waste Water Treatment (England and Wales)
(Amendment) Regulations 2003**

Made - - - - - *15th July 2003*

Laid before Parliament *16th July 2003*

Coming into force *11th August 2003*

The Secretary of State as respects England and the National Assembly for Wales as respects Wales, being designated **(a)** for the purposes of section 2(2) of the European Communities Act 1972 **(b)** in the case of the Secretary of State in relation to measures relating to the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sectors, and in the case of the National Assembly for Wales in relation to the designation and review of sensitive and less sensitive areas in respect of the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sectors, in exercise of the powers conferred on them by section 2(2) of that Act hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003 and shall come into force on 11th August 2003.

(2) In these Regulations—

“the principal Regulations” means the Urban Waste Water Treatment (England and Wales) Regulations 1994 **(c)**;

“the appropriate authority” means—

(a) in relation to England, the Secretary of State; and

(b) in relation to Wales, the National Assembly for Wales,

and other expressions used in the principal Regulations shall have the same meaning as in those Regulations.

Decisions taken on a review of sensitive areas or high natural dispersion areas

2.—(1) Where the appropriate authority decides on a review under regulation 3(2) of the principal Regulations **(d)**—

(a) that any area of water identified as a sensitive area or as a high natural dispersion area should no longer be identified as such; or

(a) S.I. 1992/1711 as respects the Secretary of State, and S.I. 2003/1246 as respects the National Assembly for Wales.

(b) 1972 c.68.

(c) S.I. 1994/2841 as amended by paragraph 233 of Schedule 22 of the Environment Act 1995 (c.25).

(d) The function of the Secretary of State under regulation 3(2) of the principal Regulations has been transferred in relation to Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (see the entry in Schedule 1 for the Urban Waste Water Treatment (England and Wales) Regulations 1994 (S.I. 1994/2841).

- (b) that any area of water not previously identified as a sensitive area or as a high natural dispersion area should be identified as such,

the authority shall give notice in writing to the Environment Agency informing the Agency of its decision and the date on which it takes effect.

- (2) The appropriate authority shall before its decision takes effect—
 - (a) publish the notice mentioned in paragraph (1)—
 - (i) through its web-site;
 - (ii) if the notice relates to England, in the London Gazette; and
 - (iii) if the notice relates to Wales, in at least one daily newspaper circulating throughout that part of Wales to which the notice relates;
 - (b) ensure that revised maps are deposited with the Environment Agency—
 - (i) reflecting the authority's decision; and
 - (ii) indicating the date on which the decision takes effect; and
 - (c) take such other steps as it considers appropriate to publicise its decision.
- (3) A decision on a review under regulation 3(2) of the principal Regulations takes effect on the date stated in the appropriate authority's notice under paragraph (1) and shall continue in force until a subsequent decision changing it following such a review takes effect.

Duty to maintain up to date information about sensitive areas and high natural dispersion areas

- 3.—(1) The appropriate authority and the Environment Agency shall each ensure that their web-site makes available to the public—
 - (a) maps of all areas of water currently identified as a sensitive area or as a high natural dispersion area; and
 - (b) the dates on which any area of water was identified as a sensitive area or high natural dispersion area, or ceased to be so identified.
- (2) The Environment Agency shall keep available at its principal office and at each of its principal regional offices for inspection by the public at all reasonable times free of charge—
 - (a) the maps showing sensitive areas and high natural dispersion areas deposited with the Environment Agency for the purposes of regulation 2 of these Regulations (together with any maps previously deposited for the purposes of regulation 3 of the principal Regulations); and
 - (b) the information mentioned in paragraph (1)(b) in documentary form.

Consequential amendments

- 4.—(1) The principal Regulations are amended as follows.
- (2) In regulation 3(1) at the beginning insert “Subject to regulation 2 of the Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003,”.
- (3) Regulations 3(3) and 12(b) shall cease to have effect.

Signed on behalf of the National Assembly for Wales

Date 15th July 2003

D. Elis Thomas
The Presiding Officer of the National Assembly

Signed by authority of the Secretary of State

Date 15th July 2003

Elliot Morley
Minister of State, Department for
Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Urban Waste Water Treatment (England and Wales) Regulations 1994, (“the principal Regulations”), which implement Council Directive 91/271/EEC concerning urban waste water treatment (the “Directive”). Amongst other matters, the principal Regulations require the Secretary of State to keep under review the identification of “sensitive areas” and “high natural dispersion areas”, which are areas of water defined in accordance with specified criteria.

These Regulations concern the publicity to be given to decisions taken on the reviews under the principal Regulations. This includes the dates on which previous decisions took effect, and future decisions will take effect.

In the preamble to these Regulations, following the terminology of the Directive, high natural dispersion areas are referred to as “less sensitive areas”.

Regulation 1 defines the appropriate authority for the purposes of these Regulations. In relation to England this is the Secretary of State and in relation to Wales, the National Assembly for Wales.

Regulation 2 requires the appropriate authority to publicise the decision taken on a review by doing the following:

- giving a notice of the decision to the Environment Agency, including the date on which it takes effect,
- publishing the notice through its web-site and, if it relates to England, in the London Gazette or, if it relates to Wales, in a daily newspaper circulating in the appropriate area,
- ensuring that revised maps reflecting the decision are deposited with the Environment Agency, and
- taking such other steps as it considers appropriate to publicise the decision.

Regulation 2(3) specifies that the decision on a review takes effect on the date stated in the notice given to the Environment Agency, and that a decision continues in force until superseded by a relevant decision on a subsequent review.

Regulation 3(1) requires the appropriate authority and the Environment Agency to ensure that their respective web-sites provide certain information. The web-sites must make available maps of all current sensitive areas and high natural dispersion areas and must give the dates that any such areas of water were identified, or ceased to be so identified. Regulation 3(2) requires the Environment Agency to have the maps and information available for public inspection at its principal office and principal regional offices.

Regulation 4 makes consequential amendments to the principal Regulations. The amendments make the relevant parts of the principal Regulations subject to the requirements of these Regulations, and revoke existing provisions about publishing maps.

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