
STATUTORY INSTRUMENTS

2009 No. 153

ENVIRONMENTAL PROTECTION, ENGLAND

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

Made - - - - - *29th January 2009*
Laid before Parliament *2nd February 2009*
Coming into force *1st March 2009*

**THE ENVIRONMENTAL DAMAGE (PREVENTION
AND REMEDIATION) REGULATIONS 2009**

PART 1

Introductory provisions

1. Title, commencement and application
2. Interpretation
3. References to Community instruments
4. Meaning of “environmental damage”
5. Environmental damage to which these Regulations apply
6. Areas of application
7. Other legislation
8. Exemptions
9. Exemption from damage to water
10. Enforcing authorities under the Environmental Permitting (England and Wales) Regulations 2007
11. Enforcing authorities in other cases
12. Enforcement

PART 2

Preventing environmental damage

13. Preventing environmental damage
14. Preventing further environmental damage
15. Action by the enforcing authority
16. Following instructions from a public authority

Status: This is the original version (as it was originally made).

PART 3

Remediation

17. Assessment of damage
18. Determining liability to remediate
19. Appeals against liability to remediate
20. Remediation notices
21. Appeal against the remediation notice
22. Further provisions on remediation notices
23. Action by the enforcing authority

PART 4

Administration and enforcement

24. Costs when the enforcing authority acts instead of the operator
 25. Costs concerned with administration
 26. Proceedings for costs by an enforcing authority
 27. Costs recoverable from owner to be a charge on premises
 28. Recovery of costs from other persons
 29. Requests for action by interested parties
 30. Grant of and compensation for rights of entry etc.
 31. Powers of authorised persons
 32. Provision of information to the enforcing authority
 33. Enforcement
 34. Penalties
- Signature

SCHEDULE 1 — Damage to protected species, natural habitats and sites of special scientific interest

1. Damage to protected species and natural habitats
2. Conservation status of natural habitats
3. Conservation status of species
4. Sites of special scientific interest
5. Express authorisation

SCHEDULE 2 — Activities causing damage

1. Operations to which this Schedule applies
2. Operation of permitted installations
3. Waste management operations
4. Mining waste
5. Discharges requiring authorisation
6. Water abstraction and impoundment
7. Dangerous substances, plant protection products and biocidal products
8. Transport
9. Genetically modified organisms
10. Transboundary shipment of waste

SCHEDULE 3 — Permits, etc.

1. The following are permits for the purposes of regulation 19(3)...

SCHEDULE 4 — Remediation

PART 1 — Remediation of damage to natural resources other than land

1. Application of Part 1
2. Risk to human health
3. Objective
4. Primary and complementary remediation
5. Compensatory remediation
6. Choice of remediation
7. Identification of complementary and compensatory remediation
8. Options

PART 2 — Remediation of damage to land

9. Remediation of damage to land

SCHEDULE 5 — Appeals

PART 1 — Appeals when the Secretary of State is not the enforcing authority

1. This Part applies when the Secretary of State is not...
2. Notification of appeal must contain— (a) a copy of the...
3. When notification is received, the Secretary of State must send...
4. The Secretary of State must notify the appellant of the...
5. When these are received, the Secretary of State must send...
6. At the same time the Secretary of State must notify...
7. The Secretary of State must then decide whether further evidence...
8. The Secretary of State must then refer the appeal to...
9. Following the conclusion of the appeal by the appointed person,...
10. The person deciding the appeal may make such order as...

PART 2 — Appeals when the Secretary of State is the enforcing authority

11. If the Secretary of State is the enforcing authority, the...

SCHEDULE 6 — Compensation

1. Compensation for grant of rights
2. Interpretation
3. Period for making an application
4. Manner of making an application
5. Loss and damage for which compensation payable
6. Basis on which compensation assessed
7. Determination of disputes

Explanatory Note