

[^{F1}Schedule 2ZA

Regulation 9A

Modifications where regulation 9A applies

Textual Amendments

F1 Sch. 2ZA inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. **170(3)**, 255(6) (with s. 247)

1. In relation to anything that is treated as environmental damage by regulation 9A, these regulations apply with the following modifications.

2. Regulation 17 does not apply.

3. Regulation 18 applies as if—

(a) the opening words of paragraph (1) provided “Where excess nutrient pollution is treated as environmental damage by regulation 9A(2), the enforcing authority must notify the responsible operator—”;

(b) for paragraph (a) there were substituted—

“(a) of the environmental damage;”.

4. Regulation 18A applies with the omission of paragraph (2).

5. Regulation 19(3) applies as if for paragraphs (a) to (e) (but not the “or” immediately following paragraph (e)) there were substituted—

“(a) the responsible operator did not fail to secure that the nutrient significant plant in question is able to meet the related nutrient pollution standard by the upgrade date;

(b) the determination by the Environment Agency of the excess nutrient pollution mentioned in regulation 9A(2) was unreasonable;”.

6. Regulation 25(2) applies as if—

(a) for paragraph (a) there were substituted—

“(a) determining the excess nutrient pollution mentioned in regulation 9A(2);”;

(b) paragraph (b) were omitted.]

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (England) Regulations 2015, Schedule 2ZA.