
STATUTORY INSTRUMENTS

2017 No. 1044

**The Water Abstraction and Impounding
(Exemptions) Regulations 2017**

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Water Abstraction and Impounding (Exemptions) Regulations 2017 and come into force on 1st January 2018.

Interpretation

2.—(1) In these Regulations—

“the 1991 Act” means the Water Resources Act 1991;

“the 2010 Regulations” means the Conservation of Habitats and Species Regulations 2010(1);

“conservation site” means—

- (a) a site appearing on the list provided to the European Commission pursuant to regulation 10(5) of the 2010 Regulations(2);
- (b) a special area of conservation within the meaning of regulation 11 of the 2010 Regulations;
- (c) a special protection area or proposed special protection area within the meaning of regulations 12A and 12B, respectively, of the 2010 Regulations;
- (d) a site of special scientific interest confirmed by the Natural Resources Body for Wales or Natural England pursuant to section 28(5)(b) of the Wildlife and Countryside Act 1981(3);
- (e) in so far as not falling under sub-paragraph (d), a wetland designated under the Ramsar Convention, within the meaning of section 37A of the Wildlife and Countryside Act 1981(4);

(1) S.I. 2010/490, amended by S.I. 2011/603, 625, 2012/630, 635, 637, 1927, 2013/755 (W.90), 2015/377, 2020 and 2016/1154.

(2) The list is available on the website http://ec.europa.eu/environment/nature/natura2000/sites_hab/biogeog_regions and a copy of the list can be obtained from the Water Resources Management Team, the Department for Environment, Food and Rural Affairs, Area 3D, Nobel House, 17 Smith Square, London SW1P 3JR and from the Water Branch, the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

(3) Section 28 was substituted by paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37) and amended by paragraph 79 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16) and paragraph 2(1) and (5) of Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23). References to Natural England in section 28 have effect as if they were references to the Natural Resources Body for Wales in relation to land in Wales by virtue of section 27AA of the Wildlife and Countryside Act 1981 (c. 69).

(4) Section 37A was inserted by section 77 of the Countryside and Rights of Way Act 2000 and amended by S.I. 2013/755 (W.90).

- (f) an area designated by order by the Natural Resources Body for Wales or Natural England under section 7 of the National Parks and Access to the Countryside Act 1949(5);
- (g) a nature reserve established by a local authority under section 21 of the National Parks and Access to the Countryside Act 1949(6);

“managed wetland system” means—

- (a) an area of land that is periodically inundated or saturated by abstracted water in order to provide ecological benefits to flora and fauna, or
- (b) an area of land through which abstracted water flows, through a system of channels, sluices, carriers or other apparatus in order to provide ecological benefits to flora and fauna;

“normal tidal limit” means the normal tidal limit as marked on the Ordnance Maps (1:25,000 scale);

“protected species” means—

- (a) a European protected species within the meaning of regulation 40(1) of, and Schedule 2 to, the 2010 Regulations;
- (b) a species designated under section 9 of, and Schedule 5 to, the Wildlife and Countryside Act 1981(7);
- (c) a species included in a list published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006(8) or by the Welsh Ministers under section 7 of the Environment (Wales) Act 2016(9).

(2) In these Regulations, references to alteration, in relation to impounding works, include the removal or partial removal of those works and cognate expressions are construed accordingly.

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- (5) 1949 c. 97. Section 2 was amended by paragraph 10(c) of Schedule 11 to the Natural Environment and Rural Communities Act 2006. Functions conferred on Natural England under section 7 as respects England (or areas of any description in England) were conferred on the Natural Resources Body for Wales as respects Wales (or areas of a similar description in Wales) by virtue of section 4A.
 - (6) Section 21 was amended by Schedule 30 to the Local Government Act 1972 (c. 70), paragraph 100 of Schedule 27 to the Local Government (Scotland) Act 1973 (c. 65), section 10 of the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 14 to the Local Government etc. (Scotland) Act 1994 (c. 39), paragraphs 15 and 19 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 and paragraph 1(4) of Schedule 2(1) to the Environment (Wales) Act 2016 (anaw. 3).
 - (7) Section 9 was amended in relation to England and Wales by paragraph 5 of Schedule 12 to the Countryside and Rights of Way Act 2000 and by S.I. 2007/1843. Schedule 5 was amended in relation to England and Wales by S.I. 1988/288, 1989/906, 1991/367, 1992/2350, 1998/878, 2007/1843, 2008/431, 1927 (W. 183), 2172 and 2011/2015.
 - (8) 2006 c.16.
 - (9) 2016 anaw 3.