
STATUTORY INSTRUMENTS

2023 No. 93

The Environmental Targets (Water) (England) Regulations 2023

PART 4

Abandoned Metal Mines Water Target

Application of this Part

14. This Part applies to relevant waters in England polluted by abandoned metal mines in England.

Abandoned metal mines water target

15. The third target in respect of water is that the length of relevant waters polluted by any of the following—

- (a) arsenic,
- (b) cadmium,
- (c) copper,
- (d) lead,
- (e) nickel,
- (f) zinc,

from abandoned metal mines is, by 31st December 2038, at least 50% lower than the baseline.

Measurement of the abandoned metal mines target

16. The length of relevant waters polluted by any of the target substances from abandoned metal mines which is to be compared with the baseline to determine whether the target in regulation 15 is met by 31st December 2038 is to be measured by determining the length of relevant waters considered so polluted in the year from 1st January 2038 to 31st December 2038.

Reporting date

17. For the purposes of section 6(1) of the 2021 Act, the reporting date for the target set in regulation 15 is 1st February 2040.

Interpretation of this Part

18.—(1) In this Part—

“abandoned” in relation to a mine has the same meaning as in Chapter 2A of Part 3 of the Water Resources Act 1991(1);

(1) See section 91A(1) which defines “abandonment” and cognate expressions. Section 91A was inserted by section 58 of the Environment Act 1995 (c. 25).

“the baseline” means the length of relevant waters considered polluted by any of the target substances from abandoned metal mines in the year from 1st January 2022 to 31st December 2022;

“metal mine” means an excavation or system of excavations made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving persons working below ground, of metalliferous and industrial minerals;

“relevant waters” means—

- (a) freshwaters; and
- (b) bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flow,

and does not include any coastal waters;

“the target substances from abandoned metal mines” are the substances specified in regulation 15(a) to (f) where the source of those substances is an abandoned metal mine.

(2) In this Part—

- (a) the reference to abandoned metal mines is a reference to metal mines which were abandoned before 1st January 2000 and remain abandoned;
- (b) a length of relevant waters is considered polluted by any of the target substances from abandoned metal mines where the Environment Agency has determined that the concentrations of any of the target substances from abandoned metal mines exceed the relevant environmental quality standards specified in directions made in exercise of powers in section 40(2) of the Environment Act 1995(2).

(2) The current directions are the Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015. Those directions were made on 9th September 2015 and are available at https://www.legislation.gov.uk/uksi/2015/1623/pdfs/uksiod_20151623_en_auto.pdf. A copy may be obtained from the Department for Environment, Food and Rural Affairs, 2 Marsham Street, London SW1P 4DF. The environmental quality standards are specified in Parts 2 and 3 of Schedule 3.