
WELSH STATUTORY INSTRUMENTS

2009 No. 995

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

PART 1

Introductory provisions

Exemption from damage to water

9.—(1) Damage to water does not include—

- (a) damage caused by new modifications to the physical characteristics of a surface water body,
- (b) an alteration to the level of a body of groundwater pursuant to Directive [2000/60/EC](#) of the European Parliament and of the Council, or
- (c) deterioration from high status to good status of a body of surface water resulting from new sustainable human development activities pursuant to that Directive,

if all the conditions in paragraph (2) are fulfilled.

(2) The conditions are—

- (a) all practicable steps are taken to mitigate the adverse impact on the status of the body of water;
- (b) the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan required under Article 13 of Directive [2000/60/EC](#) of the European Parliament and of the Council and the objectives are reviewed every six years;
- (c) the reasons for those modifications or alterations are of overriding public interest, or the result of the damage is outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety or to sustainable development; and
- (d) the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, Section 9.