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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1216**

**The Environment, Planning and Rural Affairs  
(Miscellaneous Amendments) (Wales) Regulations 2018**

**PART 2**

Amendments to legislation concerning the environment

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

**8.**—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(1) are amended as follows.

(2) In regulation 20, before paragraph (1), insert—

“(A1) Where a responsible operator has received a notice from the enforcing authority under regulation 18, it must without delay identify potential remedial measures in accordance with Schedule 4 and submit them in writing to the enforcing authority for its approval.”

(3) In Schedule 1, for paragraph 5 substitute—

“**5.**—(1) Damage to a protected species or natural habitat and damage to a site of special scientific interest does not include damage caused by an act expressly authorised by the relevant authorities in accordance with—

- (a) the Conservation (Natural Habitats, &c.) Regulations 1994(2);
- (b) the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(3);
- (c) the Conservation of Habitats and Species Regulations 2010(4);
- (d) the Conservation of Habitats and Species Regulations 2017(5);
- (e) the Conservation of Offshore Marine Habitats and Species Regulations 2017(6).

(2) Damage to sites of special scientific interest does not include, in the case of a site that is not a European site damage caused by an act expressly authorised by the relevant authorities in accordance with Part 2 of the Wildlife and Countryside Act 1981(7).

(3) In sub-paragraph (2), “European site” has the same meaning as in regulation 8 of the Conservation of Habitats and Species Regulations 2017.”

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(1) [S.I. 2009/995 \(W. 81\)](#), to which there are amendments not relevant to these Regulations.  
(2) [1994/2716](#) amended by paragraph 233(1) of Schedule 22 to the Environment Act 1995 (c. 25); [S.I. 1996/525](#); [1997/3055](#); [2000/192](#) and [1973](#); [2003/2155](#); [2005/3389](#); [2006/1282](#); [2007/1843](#) and [3538](#); [2008/2172](#); [2009/6](#), [1307](#), [2438](#) and [3160](#); and paragraph 4(1) of Schedule 11 to the Marine and Coastal Access Act 2009 (c. 23); and revoked (in relation to England and Wales) by [S.I. 2010/490](#).  
(3) [S.I. 2001/1754](#), amended by [S.I. 2007/77](#) and [1842](#); and [2010/1513](#).  
(4) [S.I. 2010/490](#).  
(5) [S.I. 2017/1012](#).  
(6) [S.I. 2017/1013](#).  
(7) [1981 c. 69](#).

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**Changes to legislation:** There are currently no known outstanding effects for the *The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018, Section 8. (See end of Document for details)*

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**Commencement Information**

**II** Reg. 8 in force at 17.12.2018, see [reg. 1\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018, Section 8.