
STATUTORY INSTRUMENTS

2015 No. 810

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

PART 1

Introductory Provisions

Meaning of “environmental damage”

4.—(1) These Regulations apply in relation to the prevention and remediation of environmental damage; and environmental damage is damage, as specified in this regulation, to—

- (a) a protected species or natural habitat, or a site of special scientific interest;
- (b) surface water or groundwater;
- (c) marine waters; or
- (d) land.

(2) Environmental damage to a protected species or natural habitat or a site of special scientific interest means damage of a kind specified in Schedule 1.

(3) Environmental damage to surface water means damage to a surface water body classified as such pursuant to Directive [2000/60/EC](#) such that—

- (a) a biological quality element listed in Annex V to that Directive,
- (b) the level of a chemical listed in the legislation in Annex IX or a chemical listed in Annex X to that Directive, or
- (c) a physicochemical quality element listed in Annex V to that Directive,

changes sufficiently to lower the status of the water body in accordance with Directive [2000/60/EC](#) (whether or not the water body is in fact reclassified as being of lower status).

(4) Environmental damage to groundwater means any damage to a body of groundwater such that its conductivity, level or concentration of pollutants changes sufficiently to lower its status for the purposes of Directive [2000/60/EC](#) (and, in relation to pollutants, for the purposes of Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration^{F1}), whether or not the body of groundwater is in fact reclassified as being of lower status.

(5) Environmental damage to marine waters means damage to marine waters such that their environmental status is significantly adversely affected.

(6) Environmental damage to land means contamination of land by substances, preparations, organisms or micro-organisms, where that damage results in a significant risk of adverse effects on human health.

F1 OJ No. L 372, 27.12.2006, p.19; amended by Commission Directive 2014/80/EU (OJ No. L 182, 21.6.2014, p.52).

STATUTORY INSTRUMENTS

2015 No. 810

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

PART 2

Preventing Environmental Damage

Preventing environmental damage

13.—(1) An operator of an activity that causes an imminent threat of environmental damage, or an imminent threat of damage where there are reasonable grounds to believe that the damage will become environmental damage, must immediately—

- (a) take all practicable steps to prevent the damage; and
- (b) (unless the threat has been eliminated) notify all relevant details to the enforcing authority appearing to the operator to be the appropriate one.

(2) The enforcing authority may (whether or not notification has been given under subparagraph (1)) serve a notice on an operator that—

- (a) describes a threat of a kind mentioned in paragraph (1);
- (b) specifies the measures required to prevent the damage; and
- (c) requires the operator to take those measures, or measures at least equivalent to them, within the period specified in the notice.

(3) Failure to comply with paragraph (1), or with a notice served under paragraph (2), is an offence.

STATUTORY INSTRUMENTS

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PART 2

Preventing Environmental Damage

Preventing further environmental damage

14.—(1) An operator of an activity that has caused environmental damage, or has caused damage where there are reasonable grounds to believe that the damage is or will become environmental damage, must immediately—

- (a) take all practicable steps to prevent further damage; and
- (b) notify all relevant details to the enforcing authority appearing to the operator to be the appropriate one.

(2) The enforcing authority may (whether or not notification has been given under paragraph (1)) serve a notice on an operator that—

- (a) describes damage of a kind mentioned in paragraph (1);
- (b) requires the operator to provide additional information on any damage that has occurred;
- (c) specifies the measures required to prevent further damage; and
- (d) requires the operator to take those measures, or measures at least equivalent to them, within the period specified in the notice.

(3) Failure to comply with paragraph (1), or with a notice served under paragraph (2), is an offence.