

EXPLANATORY MEMORANDUM

The Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003

Summary

These Regulations amend the Urban Waste Water Treatment (England and Wales) Regulations 1994 (SI 1994, No 2841) which implement Council Directive 91/271/EEC concerning urban waste water treatment (“the Directive”). The amending Regulations are being made by the Assembly with the Secretary of State for Environment, Food and Rural Affairs and will cover England and Wales. In accordance with section 3 of Standing Order 23, the Assembly’s approval of the making of these Regulations is being sought.

Background

1. Directive 91/271/EEC was adopted in May 1991. It requires the collection and treatment of the waste water discharged to public sewers from domestic premises and other establishments. It sets a standard of secondary treatment of most discharges of waste water from communities above a certain size. However, further treatment is required for discharges into waters designated by the relevant Member State as sensitive areas and a reduced level of treatment may be given to waters designated as less sensitive areas. In Wales such designations are made by the National Assembly for Wales.

2. The Urban Waste Water Treatment (England and Wales) Regulations 1994 (SI 1994, No 2841) required, amongst other matters, the periodic review of waters identified as sensitive or less sensitive (the latter were called ‘high natural dispersion areas’ in the 1994 regulations). It is proposed to amend the regulations to improve the legal certainty and publicity arrangements that apply when waters are identified, or cease to be identified, as sensitive or less sensitive. The amendment regulations will require the appropriate authority (which, in Wales, will be the National Assembly) to publicise the decision it takes on such a review by giving a notice of the decision to the Environment Agency, including the date on which it takes effect, and publishing the notice on the Assembly’s web-site and in the Welsh press. Under the regulations, maps reflecting the decision must be deposited with the Environment Agency, and the appropriate authority must take such other steps as it considers appropriate to publicise the decision. The Assembly and the Agency must also ensure that the maps and the identification dates are made available via their web-sites, and the Agency must keep that information available at its principal office and principal regional offices.

3. In Wales, there are a total of 29 sensitive Areas.

4. In the past there were water bodies in Wales identified as less sensitive/high natural dispersion areas. Although all such designations in

Wales (and the rest of the UK) have since been revoked, the designation of these areas is also covered in the amendment regulations.

Enabling powers

5. The Regulations are being made under section 2(2) of the European Communities Act 1972. The Assembly has the requisite designation by virtue of The European Communities (Designation) (No. 2) Order 2003 (SI 2003, No 1246) which came into force on 30 May 2003.

6. A copy of the draft instrument is attached to this Memorandum.

Financial implications

7. Financial Planning Division note the advice that the only additional financial implications for the Assembly arising from these regulations relate to the costs of placing notices in newspapers and on the internet – these costs will be marginal and absorbed within existing budgets. Similarly it is expected that the costs, if any, of compliance by the Environment Agency, an Assembly Sponsored Public Body, will be marginal and absorbed within existing budgets. There are no cost implications for any other interests.

Regulatory Appraisal

8. No regulatory appraisal has been carried out as the Regulations are not Assembly general subordinate legislation and so no regulatory appraisal is required. As described above, any burden arising from the regulations will be marginal.

Consultation

9. With stakeholders

No widespread consultation on these regulations has been carried out as they only directly affect the National Assembly and the Environment Agency.

10. With Subject Committee

There is no requirement for formal subject committee scrutiny under Standing Order 23, section 3, however the subject committee has been informed of the intention to make this item of legislation and have received a copy of the instrument.

11. Recommended procedure

It is anticipated that, subject to the views of the Business Committee, these Regulations will proceed to Plenary without debate.

12. This Memorandum has been cleared with the Office of the Counsel General.

13. The policy division contact is Eve Read, Environmental Protection Division, Ext 3192.

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Carwyn Jones AM