

2014 No. 373

WATER

**The Designation of Nitrate Vulnerable Zones (Scotland)
Regulations 2014**

Made - - - - *17th December 2014*
Laid before the Scottish Parliament *19th December 2014*
Coming into force - - *2nd February 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014 and come into force on 2nd February 2015.

(2) These Regulations extend to Scotland only.

(3) Any reference in these Regulations to a numbered Article is to the Article so numbered in Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources(b).

Nitrate Vulnerable Zones

2.—(1) The areas of land shown delineated in blue on the deposited maps (being areas of land in Scotland which drain into and contribute to pollution of the waters which the Scottish Ministers have identified, in accordance with Article 3(1), as waters affected by pollution and waters which could be affected by pollution if action pursuant to Article 5 were not taken) are designated as nitrate vulnerable zones in accordance with Article 3(4).

(2) In paragraph (1), “the deposited maps” means the maps numbered 1 to 4, each of which is marked “This map identifies an area of Scotland designated as a Nitrate Vulnerable Zone for the purposes of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014” and signed as relative to these Regulations.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) OJ L 375, 31.12.1991, p.1, as amended by Regulation (EC) 1882/2003 (OJ L 284, 31.10.2003, p.1) and Regulation (EC) 1137/2008 (OJ L 311, 21.11.2008, p.1).

Publication of maps

3. The Scottish Ministers must make at least one copy of each of the maps referred to in regulation 2 available for public inspection at the offices of the Scottish Government, Victoria Quay, Edinburgh EH6 6QQ.

Consequential amendments

4.—(1) In regulation 2(1) (interpretation) of the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996(a), for the definition of “nitrate vulnerable zone” substitute—

““nitrate vulnerable zone” means any area of land designated as a nitrate vulnerable zone by regulation 2 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014;”.

(2) In Schedule 1 to the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(b), for the definition of “nitrate vulnerable zone” substitute—

““nitrate vulnerable zone” means any area of land designated as a nitrate vulnerable zone by regulation 2 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014;”.

(3) In Schedule 1 to the Rural Development Contracts (Land Managers Options) (Scotland) Regulations 2008(c), for the definition of “nitrate vulnerable zone” substitute—

““nitrate vulnerable zone” means any area of land designated as a nitrate vulnerable zone by regulation 2 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014;”.

(4) In regulation 3(1) (interpretation) of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008(d), for the definition of “nitrate vulnerable zone” substitute—

““nitrate vulnerable zone” means any area of land designated as a nitrate vulnerable zone by regulation 2 of the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2014;”.

(5) In Part 2 of Schedule 4 to the Water Environment (Controlled Activities) (Scotland) Regulations 2011(e), omit the entries for the Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002(f) and the Designation of Nitrate Vulnerable Zones (Scotland) (No. 2) Regulations 2002(g).

Revocation and minor amendments

5.—(1) In regulation 2(1) (interpretation) of the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996, omit the definition of “deposited map”.

(2) The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2000(h) are amended as follows—

- (a) in regulation 2(a)(i) (amendment of the Protection of Water Against Agricultural Nitrate Pollution (Scotland) Regulations 1996), omit the definition of “deposited map”; and
- (b) revoke regulation 3 (designation of Ythan Nitrate Vulnerable Zone).

(a) S.I. 1996/1564, as relevantly amended by S.S.I. 2000/96 and S.S.I. 2002/276.
(b) S.S.I. 2008/100, to which there are amendments not relevant to these Regulations.
(c) S.S.I. 2008/159, to which there are amendments not relevant to these Regulations.
(d) S.S.I. 2008/298, to which there are amendments not relevant to these Regulations.
(e) S.S.I. 2011/209, to which there are amendments not relevant to these Regulations.
(f) S.S.I. 2002/276, to which there are amendments not relevant to these Regulations.
(g) S.S.I. 2002/546.
(h) S.S.I. 2000/96.

(3) The Designation of Nitrate Vulnerable Zones (Scotland) Regulations 2002 are amended as follows—

- (a) in regulation 2(1) (interpretation), omit the definitions of “deposited map” and “nitrate vulnerable zone”; and
- (b) revoke regulation 3 (nitrate vulnerable zones), regulation 4 (publication of maps) and regulation 6(2)(c) (amendment of the 1996 Regulations).

(4) The Designation of Nitrate Vulnerable Zones (Scotland) (No. 2) Regulations 2002 are revoked.

AILEEN McLEOD

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
17th December 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further implement in Scotland the requirements of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (“the Directive”).

Under Article 3(1) of the Directive, Member States are required to identify waters affected by pollution and waters which could be affected by pollution in accordance with the criteria set out in Annex 1 to the Directive. They are then to designate as vulnerable zones all known areas of land in their territories which drain into these waters and which contribute to pollution (Article 3(2)). The designation of vulnerable zones is to be reviewed at least every 4 years, and if necessary revised or added to as appropriate (Article 3(4)).

Regulation 2 of these Regulations designates the revised vulnerable zones in accordance with Article 3(4) of the Directive. There are four such zones, located in the following areas: Lower Nithsdale; Lothian and Borders; Strathmore and Fife; and Moray, Aberdeenshire, Banff and Buchan.

Regulation 3 requires that copies of the maps which identify the vulnerable zones are available for public inspection at the offices of the Scottish Government, Victoria Quay, Edinburgh EH6 6QQ. The maps may also be viewed on the Scottish Government website at <http://www.scotland.gov.uk/Topics/farmingrural/Agriculture/Environment/NVZintro>.

Consequential amendments to other legislation are made by regulation 4, and regulations designating earlier vulnerable zones are revoked or amended by regulation 5.

No business and regulatory impact assessment has been prepared for these Regulations as no impact on business, charities or voluntary bodies is foreseen.

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