

POLICY NOTE

THE DESIGNATION OF NITRATE VULNERABLE ZONES (SCOTLAND) REGULATIONS 2014

SSI 2014/373

1. The above instrument was made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972. The instrument is subject to the negative procedure.

Policy Objectives

2. Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources is designed to reduce the losses of nitrate (NO₃) from agricultural sources and thus help safeguard the water environment. The threshold of 50mg NO₃/l is the World Health Organisation standard for nitrate in drinking water, and is also the standard under the Drinking Water Directive. This emphasises the importance of Directive 91/676/EEC in the protection of public health and water supplies.
3. Article 3(1) of the Directive requires Member States to identify groundwater bodies impacted by nitrates and under Article 3(2) they are required to designate as vulnerable zones all known areas of land which drain into those waters and which contribute to pollution. Under Art 3(4) they are required to carry out a review at least every 4 years to assess the situation and take appropriate action.
4. In 2002 four Nitrate Vulnerable Zones (NVZ), covering 14.2% of Scotland, were designated:
 - Moray/Aberdeenshire/Banff and Buchan,
 - Strathmore/Fife,
 - Lothian and Borders, and
 - Lower Nithsdale.

Those farming within a nitrate vulnerable zone are required to comply with The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.

5. Further reviews were carried out in 2005 and 2009 without change to the designated areas.
6. The 2013 review, carried out by a panel consisting of membership from Scottish Government, SEPA, NFU Scotland, SNH, and SRUC, used a new methodology. The methodology, which followed the requirements of the Directive, has allowed the development of a more targeted approach to determine the impacts of nitrates at a groundwater body level.

Consultation

7. The recommendations of the review panel were subject to public consultation in April 2014 and some areas draining to identified groundwater bodies were proposed for

de-designation. There were also areas proposed for designation where nitrate levels failed, or were at risk of failing, to meet the required standard. A designation process, for these areas, will take place in 2015 which will be a matter for a separate statutory instrument. 17 responses were received to the consultation.

Proposed Revisions

8. The effect of the de-designation, provided for in this instrument, will be to remove from farm businesses the requirement to follow the precise terms of the 2008 Regulations referred to above. It is anticipated that a number of aspects, the 2008 Regulations provide for, will be continued as they represent best practice; the immediate benefit to farm businesses will be a reduction in the level of recording that they will be obliged to do.
9. Once fully implemented these de-designations will result in a 24% decrease in the NVZ area of Scotland. Over **2200 farm businesses** will be fully or partially removed from NVZs.
10. Scottish Government will write to all those farming in the areas to be dedesignated to inform what actions to take if they are unsure of how they will be affected.
11. The maps may be viewed at Victoria Quay or on the Scottish Government website.

Impact Assessments

12. There are no equality impact issues; the designation process relates to a geographical area that no longer triggers the designation required by the Nitrates Directive. The de-designation relates to the removal of previous requirements to follow the Nitrates Action Program requirements given that the review has shown that they are no longer required in these areas.

Financial Effects

13. No Business and Regulatory Impact Assessment has been undertaken as there are no financial effects on the Scottish Government, local government or businesses.

Environment and Forestry Directorate
Scottish Government
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