
STATUTORY INSTRUMENTS

2015 No. 668

The Nitrate Pollution Prevention Regulations 2015

PART 9

Review

Review [^{F1}of the action programme]

- 39.**—(1) At least every four years, the Secretary of State must—
- (a) review the effectiveness of the restrictions in nitrate vulnerable zones imposed by these Regulations as a means of reducing or preventing water pollution caused by nitrates from agricultural sources, and
 - (b) if necessary, revise the restrictions.
- (2) In order to comply with the duty under paragraph (1), the Secretary of State must establish a monitoring programme to assess the effectiveness of the restrictions.
- (3) When carrying out the review under paragraph (1)(a), the Secretary of State must take into account—
- (a) available scientific and technical data, particularly with reference to respective nitrogen contributions originating from agricultural or other sources, and
 - (b) regional environmental conditions.
- (4) When carrying out the review, the Secretary of State must ensure that the public are given early and effective opportunities to participate; and the Secretary of State must accordingly make adequate arrangements to enable the public to prepare and participate effectively.
- (5) The Secretary of State must ensure—
- (a) that the public are consulted about the proposals in light of the review and that relevant information about such proposals is made available to the public (including information about the right to participate in decision-making and about the body to which comments or questions may be submitted), and
 - (b) that the public are given an opportunity to express comments and opinions when all options are under consideration (and, accordingly, before decisions on the plans and programmes are made).
- (6) The Secretary of State must identify those with an interest in being consulted, including non-governmental organisations promoting environmental protection.
- (7) Having carried out consultation under this regulation, the Secretary of State must inform the public about—
- (a) the decisions taken and the reasons for them, and
 - (b) the considerations upon which those decisions are based (including the participation by the public).

F1 Words in [reg. 39 heading](#) inserted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **16(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Regulatory review

40.—(1) The Secretary of State must from time to time (and in so far as the Secretary of State has not done so under regulation 39) carry out a review of these Regulations.

(2) Having carried out a review under paragraph (1), the Secretary of State must—

- (a) set out the conclusions in a report, and
- (b) publish the report.

(3) In carrying out the review, the Secretary of State must have regard to how Council [Directive 91/676/EEC](#) is implemented in other member States.

(4) A report under paragraph (2)(a) must in particular—

- (a) set out the objectives intended to be achieved by these Regulations, and
- (b) include an assessment of the extent to which those objectives are being achieved, and
- (c) include an assessment of whether those objectives remain appropriate and, in so far as they do, the extent to which they could be achieved in a less burdensome way.

(5) The first report under this regulation must be published before [^{F2}31st March 2020].

(6) Subsequent reports under this regulation are to be published at intervals not exceeding 5 years.

F2 Words in [reg. 40\(5\)](#) substituted (31.12.2016) by [The Nitrate Pollution Prevention \(Amendment\) Regulations 2016 \(S.I. 2016/1190\)](#), regs. 1(1), **9(5)**

[^{F3}Implementation report

40A.—(1) The Secretary of State must prepare a report on the implementation of these Regulations for each relevant period.

(2) A report under paragraph (1) must contain—

- (a) details of any steps taken to promote good agricultural practice;
- (b) the map published under regulation 3(2), accompanied by a statement detailing the nature of, and reasons for, any revisions to the designated nitrate vulnerable zone since the end of the previous reporting period;
- (c) a summary of the monitoring results obtained by the Agency under regulation 4;
- (d) a summary of the most recent review conducted under regulation 39.

(3) A report under paragraph (1) must be published—

- (a) in such manner as the Secretary of State considers appropriate;
- (b) by the last day of the six month period beginning with the day on which the relevant period ends.

(4) In this regulation, “relevant period” means the period of four years beginning with 1st January 2016 and each successive period of four years.]

F3 [Reg. 40A](#) inserted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **16(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Nitrate Pollution Prevention Regulations 2015, PART 9.