

SCHEDULE 3

Regulations 6 and 21(2)

General binding rules

PART 1

<i>Column 1</i>	<i>Column 2</i>
<i>Activity</i>	<i>Rules</i>
<p>1. The operation of any weir that—</p> <p>(a) is not capable of being operated to control the water level upstream of the weir;</p> <p>(b) does not result in the creation of a height differential between the upstream and downstream water surfaces of more than one metre; and</p> <p>(c) was constructed before 1st April 2006.</p>	<p>The weir must not impede the free passage of salmon and sea trout during periods within which, in the absence of the weir, the flow of the river would be at a level expected to enable migration.</p>
<p>2. The abstraction of less than 10 m³ of water in any one day.</p>	<p>(a) There must be a means of demonstrating that the abstraction is less than 10 m³ in any one day, such as a means of measuring the rate of the abstraction or a means of demonstrating that the maximum volume that could be abstracted cannot exceed 10 m³ in any one day; and</p> <p>(b) water leakage must be kept to a minimum by ensuring all pipe work, storage tanks and other equipment associated with the abstraction and use of the water are maintained in a state of good repair.</p>
<p>3. The construction or extension of any well, borehole or other works by which water may be abstracted, or the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted, if such works are—</p> <p>(a) not intended for the purpose of abstraction;</p>	<p>(a) Subject to paragraphs (b) and (c), the construction of the well or borehole must be such as to avoid the entry of pollutants or water of a different chemical composition into the body of groundwater;</p> <p>(b) drilling fluids may be introduced into the well or borehole if necessary to facilitate the drilling of the well or borehole provided this does not result in pollution of the water environment;</p>

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<p>(b) intended for the abstraction of less than 10 m³ of water in any one day;</p> <p>(c) intended for the abstraction of less than 150 m³ of water in any period of one year, and the purpose of the abstraction is either—</p> <p style="padding-left: 20px;">(i) to test for the yield of the borehole or well or the hydraulic properties of the aquifer; or</p> <p style="padding-left: 20px;">(ii) to sample the water quality;</p> <p>(d) intended to dewater one or more excavations at—</p> <p style="padding-left: 20px;">(i) a construction site for roads, buildings, pipelines, or other built developments; or</p> <p style="padding-left: 20px;">(ii) a site at which the maintenance of such developments is being undertaken;</p> <p>or</p> <p>(e) intended for the purpose of undertaking activity 17.</p>	<p>(c) potable water may be introduced into the well or borehole to test the hydraulic properties of the aquifer; and</p> <p>(d) when the well or borehole is not being used for abstraction, it must be back filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer.</p>
<p>4. The abstraction from a borehole, and any subsequent discharge of the abstracted water, if the total volume of water abstracted is less than 150 m³ in any period of one year and the purpose of the abstraction is either—</p> <p style="padding-left: 20px;">(a) to test the yield of the borehole or well or the hydraulic properties of the aquifer; or</p> <p style="padding-left: 20px;">(b) to sample the water quality.</p>	<p>(a) The abstraction must not cause the entry of pollutants or water of a different chemical composition into the body of groundwater; and</p> <p>(b) when the borehole is not being used for abstraction, it must be back filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer.</p>
<p>5. The dredging of a river, burn or ditch that—</p> <p style="padding-left: 20px;">(a) has an average width of less than one metre along the stretch to</p>	<p>(a) Vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot</p>

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<p>be worked, as measured at the bottom of the channel; and</p> <p>(b) has been artificially straightened or canalised along the length which is to be worked.</p>	<p>reasonably be carried out without such removal or modification;</p> <p>(b) any vegetation removed must not be disposed of into the channel;</p> <p>(c) the bed of the channel adjacent to each bank of the river or burn must be left undisturbed</p> <p>(d) all reasonable steps must be taken to prevent the transport of sediments or other matter disturbed by the works into waters beyond the worked stretch;</p> <p>(e) the works must not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish;</p> <p>(f) all reasonable steps must be taken to avoid increased erosion of the bed or banks of the river, burn or ditch as a result of the works; and</p> <p>(g) the works must not result in the heightening of either bank.</p>
<p>6.</p> <p>(a) The construction and maintenance of a minor bridge over a river, burn or ditch; or</p> <p>(b) the construction, maintenance or removal of a temporary bridge over any river, burn or ditch that has a channel width of less than 5 metres.</p>	<p>(a) Vegetation on any bank of the river, burn or ditch must be removed or modified only to the extent necessary to carry out the works;</p> <p>(b) any vegetation removed must not be disposed of into the channel;</p> <p>(c) the works must not prevent the free passage of migratory fish;</p> <p>(d) the works must not result in the narrowing of the channel width nor the heightening of either bank;</p> <p>(e) if necessary, a temporary culvert may be installed to facilitate the works. The culvert must not extend more than 10 metres along the length of the river,</p>

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	<p>burn or ditch and shall be removed on completion of the works;</p> <p>(f) the works must not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish;</p> <p>(g) all reasonable steps must be taken to ensure that the works do not result in increased erosion of the bed or banks of the river, burn or ditch;</p> <p>(h) as far as reasonably practicable, within 12 months of the commencement of the works, the bed and banks of the river, burn or ditch must be reinstated to at least their condition prior to the commencement of the works; and</p> <p>(i) for temporary bridges, as far as reasonably practicable, and within 12 months of the removal of the bridge, the bed and banks must be reinstated at least to their condition prior to the commencement of the works.</p>
<p>7. The laying of a pipeline or cable by boring beneath the bed and banks of a river, burn or ditch.</p>	<p>(a) The bed and banks must not be altered as a result of the works other than in accordance with paragraphs (b) and (d);</p> <p>(b) vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification;</p> <p>(c) any vegetation removed must not be disposed of into the channel; and</p> <p>(d) as far as reasonably practicable, within 12 months of the commencement of the works, the bed and banks of the river, burn or ditch must be reinstated at least to their condition prior to the commencement of the works.</p>
<p>8. Works to control the erosion of a bank of a river, burn or ditch by revetment.</p>	<p>(a) All reasonable steps must be taken to ensure that the works do not result in increased erosion of either bank of the river, burn or ditch;</p>

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
	<ul style="list-style-type: none"> (b) the works must not result in the destabilisation of the bed of the river, burn or ditch upstream or downstream of the works; (c) vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification; (d) any vegetation removed must not be disposed of into the channel; (e) revetments must be constructed from one or more of the following: vegetation; geotextiles; wood other than wood treated with preservatives or non-grouted stone rip-rap; (f) the length of any revetment must be no more than 10 metres or one channel width, whichever is greater; (g) if wood or stone rip-rap is used for a revetment, the wood or rip-rap must be placed at the toe of the bank; (h) except for the purpose of repairing an existing revetment, no bank protection works must be undertaken within 5 channel widths or 50 metres (whichever is the greater) of any existing bank protection works on any bank of the river, burn or ditch; (i) the works must not result in the heightening of either bank; (j) the works must not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish; and (k) the revetments must be maintained in the state of repair required to avoid increased erosion of the banks or destabilisation of the bed.
<p>9. Operating any vehicle, plant or equipment for the purposes of</p>	<p>(a) Any vehicles, plant or other equipment must only operate in water where it is</p>

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<p>undertaking activity 5, 6, 7, 8, 10, 12, 13, and 14.</p>	<p>impracticable for them to operate on dry land;</p> <p>(b) the refuelling of vehicles, plant or other equipment must be undertaken at least 10 metres from any surface water;</p> <p>(c) any static plant or equipment used within 10 metres of surface water must be positioned on a suitably sized and maintained impervious drip tray with a capacity equal to 110 % of the capacity of the fuel tank which is supplying the tank or equipment;</p> <p>(d) any vehicle, plant or other equipment used in or near surface water must not leak any oil;</p> <p>(e) the washing of vehicles, plant or other equipment must be undertaken at least 10 metres away from any surface water and water from such washing must not enter any surface water;</p> <p>(f) vehicles, plant or other equipment must not be operated in a river, burn or ditch during periods in which fish are likely to be spawning in the river, burn or ditch nor during the period between any such spawning and the subsequent emergence of the juvenile fish;</p> <p>(g) vehicles, plant or equipment must not be operated in any part of a river, burn or ditch if there is a reasonable likelihood that, within 50 metres of such an operation, there</p> <p>are freshwater pearl mussels; and</p> <p>(h) during forestry operations the operator must not operate machinery in watercourses.</p>
<p>10. Discharge of water run-off from a surface water drainage system to the water environment from buildings, roads, yards or any other built developments, or construction sites for such developments, and, if desired, the construction and maintenance of any water outfall in or</p>	<p>(a) All reasonable steps must be taken to ensure that the discharge must not result in pollution of the water environment;</p> <p>(b) the discharge must not contain any trade effluent or sewage, and must not result in visible discolouration, iridescence,</p>

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<p>near to inland surface water which forms, or will form, part of that system.</p>	<p>foaming or growth of sewage fungus in the water environment;</p> <p>(c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water;</p> <p>(d) the discharge must not contain any water run-off from any built developments, the construction of which is completed after 1st April 2007, or from construction sites operated after 1st April 2007, unless—</p> <ul style="list-style-type: none"> (i) during construction those developments are drained by a SUD system or equivalent systems equipped to avoid pollution of the water environment; (ii) following construction those developments are drained by a SUD system equipped to avoid pollution of the water environment; (iii) the run-off is from a development that is a single dwelling and its curtilage; or (iv) the discharge is to coastal water; <p>(e) the discharge must not contain any water run-off from—</p> <ul style="list-style-type: none"> (i) fuel delivery areas and areas where vehicles, plant and equipment are refuelled; (ii) vehicle loading or unloading bays where potentially polluting matter is handled; or (iii) oil and chemical storage, handling and delivery areas; constructed after 1st April 2007; <p>(f) all facilities with which the surface water drainage system is equipped to avoid pollution, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, must be maintained in a good state of repair;</p>

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	<p>(g) all reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid pollution of the water environment is prevented from entering the drainage system; and</p> <p>(h) the construction or maintenance of the outfall must not result in pollution of the water environment.</p>
<p>11. Discharge into a surface water drainage system.</p>	<p>(a) Oil, paint, paint thinners, pesticides, detergents, disinfectants or other pollutants must not be disposed of into a surface water drainage system or onto any surface that drains into a surface water drainage system;</p> <p>(b) any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid pollution of the water environment must not be disposed of into a surface water drainage system or onto a surface that drains into a surface water drainage system;</p> <p>(c) sewage or trade effluent must not be discharged into any surface water drainage system; and</p> <p>(d) on construction sites any area of exposed soil from which water drains into a surface water drainage system, and the period of time during which such water drains, must be the minimum reasonably necessary to facilitate the construction works being undertaken at that site.</p>
<p>12. The removal of sediment or any other matter that may have been deposited on the bed of a river, burn or ditch in the area of impounded water upstream of a weir the operation of which is authorised under these Regulations and the return of that sediment if desired to the river, burn or ditch from which it was removed.</p>	<p>(a) The sediment or other matter must be removed within 10 metres upstream of the weir;</p> <p>(b) the sediment or other matter removed must only include sediment or other matter that could reasonably be expected to have been deposited on the bed of the river, burn or ditch within a period of 3 years preceding the date of the removal;</p> <p>(c) the removed sediment must only be returned to the river, burn or ditch from which it was removed, if:</p>

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Rules</i>
	<ul style="list-style-type: none"> (i) it is returned within 10 metres downstream of the weir; (ii) it does not result in an accumulation of sediment likely to impede the free passage of migratory fish; (iii) all reasonable steps are taken to avoid increased erosion of the bed or banks of the river, burn or ditch; (iv) it is not returned during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish; and (v) no matter other than removed sediment is returned to the river, burn or ditch; (d) the removed sediment and other matter must not be placed on the bank of any river, burn or ditch; (e) the return or removal must not result in pollution of the water environment; (f) vegetation on any bank of the river, burn or ditch must be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification; and (g) any vegetation removed must not be disposed of into the channel.
<p>13. The removal of accumulations of sediment or other matter from:</p> <ul style="list-style-type: none"> (a) the bed of a river, burn or ditch within 10 metres upstream of the point of entry of that river, burn or ditch into a closed culvert; (b) the bed of a river, burn or ditch within 10 metres downstream of the point of exit of that river, burn or ditch from a closed culvert; or 	<ul style="list-style-type: none"> (a) The removal or return must not result in the bed of the river, burn or ditch upstream of the culvert being lower than the upper surface of the base of the culvert where it joins the river burn or ditch; (b) the removal or return must not result in there being a vertical step between the upper surface of the base of the culvert and the bed of the river burn or ditch into which it discharges;

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<p>(c) the inside of a closed culvert;</p> <p>and, if desired, any subsequent return of the removed sediment to the river, burn or ditch from which it was removed.</p>	<p>(c) the removal or return must not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish;</p> <p>(d) vegetation on any bank of the river, burn or ditch must be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification;</p> <p>(e) any vegetation removed must not be disposed of into the channel;</p> <p>(f) removed sediment and other matter must not be placed on the bank of any river, burn or ditch;</p> <p>(g) the removed sediment must only be returned to the river, burn or ditch from which it was removed, if:</p> <ul style="list-style-type: none"> (i) it is returned within 15 metres downstream of the culvert; (ii) it does not result in an accumulation of sediment likely to impede the free passage of migratory fish; (iii) all reasonable steps are taken to avoid increased erosion of the bed or the banks of the river, burn or ditch; and (iv) its return is not likely to increase the risk of flooding; and <p>(h) the activity must not result in pollution of the water environment.</p>
<p>14. The placement of one or more boulders in a river or burn.</p>	<p>(a) No boulder or boulders must have a length, breadth or height greater than 10% of the channel width;</p> <p>(b) no boulder or boulders must be placed within 20 metres of any boulder or boulders (whether placed or not), croy, jetty or other in stream structure occupying more than 10% of the channel width;</p> <p>(c) no boulder or boulders must be placed in such a way as to extend the width occupied</p>

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	<p>by in stream structures to greater than 10% of the channel width;</p> <p>(d) no boulder or boulders must be placed against the banks of a river or burn unless such placement forms part of works authorised under these Regulations to control the erosion of a bank of a river, burn or ditch by revetment;</p> <p>(e) the tops of the boulders must be submerged except during periods of low flows;</p> <p>(f) the placement must not be undertaken during periods in which fish are likely to be spawning in the river or burn nor in the period between any such spawning and the subsequent emergence of the juvenile fish;</p> <p>(g) all reasonable steps must be taken to ensure that the placement does not result in increased erosion of the bed or banks of the river or burn; and</p> <p>(h) boulders must not be placed if there is a reasonable likelihood that, within 50 metres of the intended placement, there are freshwater pearl mussels.</p>
<p>15. The temporary abstraction of groundwater at:</p> <p>(a) a construction site for roads, railways, buildings, pipelines, communication links or other built development; or</p> <p>(b) a site at which the maintenance of such development is being undertaken;</p> <p>by means of:</p> <p>(i) pumping the groundwater directly from any excavation or excavations on the site; or</p> <p>(ii) pumping the groundwater from any wells or boreholes on the site in order to help dewater any other</p>	<p>(a) Subject to paragraph (b), groundwater may only be abstracted at the site within a period of 180 days beginning with the first day on which groundwater is abstracted at the site;</p> <p>(b) groundwater must be abstracted at the site on no more than 5 separate days in total in any period of 180 days if any excavation, well or borehole on the site, and from which groundwater is abstracted, is in the following geological strata:</p> <p>(i) unconsolidated sands or gravels;</p> <p>(ii) sandstones; or</p> <p>(iii) any other strata of equivalently high permeability;</p> <p>(c) groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of a wetland;</p>

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<p>excavation or excavations on the site;</p> <p>and, if desired, the subsequent discharge of the abstracted groundwater if desired to the water environment.</p>	<p>(d) groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of an abstraction that is not for the sole purpose of dewatering an excavation;</p> <p>(e) all reasonable steps must be taken to ensure that the quantity of sediment in the abstracted water is minimised; and</p> <p>(f) if the abstracted groundwater and, if it is pumped directly from an excavation, any precipitation or water run-off that has also collected in the excavation, is discharged to the water environment; it must be via a surface water drainage system authorised under these Regulations, subject to the consent of the person having operational control of the system.</p>
<p>16. The direct discharge of pollutants into groundwater as a result of construction or maintenance works in or on the ground which come into contact with groundwater.</p>	<p>(a) No solid or liquid materials coming into contact with groundwater may contain any hazardous substance;</p> <p>(b) despite paragraph (a), drilling fluids used during the works may come into contact with groundwater if necessary to facilitate any drilling provided this does not result in pollution of the water environment; and</p> <p>(c) no materials coming into contact with groundwater as a result of the works may cause pollution of the water environment.</p>
<p>17. The abstraction and subsequent return of groundwater for the purpose of extracting geothermal energy from the abstracted water.</p>	<p>(a) The abstracted water must be returned to the same geological formation from which it was abstracted;</p> <p>(b) any volume of water may be abstracted but the volume of water abstracted and not returned must not exceed 10m³ per day;</p> <p>(c) the chemical composition of the abstracted water must not be altered prior to its return to the geological formation;</p>

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	<p>(d) there must be a means of demonstrating that the net abstraction is not more than 10m³ in any one day; and</p> <p>(e) water leakage must be kept to a minimum by ensuring that all pipe work, storage tanks and other equipment associated with the abstraction and use of the water are maintained in a good state of repair.</p>
<p>18. The storage and application of fertiliser other than if it is regulated by:</p> <p>(a) the Sludge (Use in Agriculture) Regulations 1989(1);</p> <p>(b) a waste management licence in terms of section 35 of the Environmental Protection Act 1990 (waste management licence: general)(2);</p> <p>(c) the registration of a registered exemption, under the Waste Management Licensing (Scotland) Regulations 2011; or</p> <p>(d) the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003(3).</p>	<p>(a) No fertiliser may be stored on land that—</p> <p>(i) is within 10 metres of any surface water or wetland;</p> <p>(ii) is within 50 metres of any spring that supplies water for human consumption or any well or borehole that is not capped in such a way so as to prevent the ingress of water;</p> <p>(iii) is waterlogged; or</p> <p>(iv) has an average soil depth of less than 30 centimetres and overlies gravel or fissured rock, except if the fertiliser is stored in an impermeable container;</p> <p>(b) paragraph (a) does not apply if such storage is in a building which is constructed and maintained to such a standard as is necessary to prevent run off or seepage of fertiliser from the building;</p> <p>(c) no organic fertiliser may be applied to land that—</p> <p>(i) is within 2 metres of any drainage ditch or within 5 metres of any other surface water or wetland;</p> <p>(ii) is within 50 metres of any spring that supplies water for human consumption or any well or borehole</p>

(1) S.I. 1989/1263; relevant amending instruments are S.I. 1990/880, S.I. 1996/973 and S.S.I. 2000/62.

(2) 1990 c.43; section 35 was amended by the Environment Act 1995 (c.25), section 120 and Schedule 22, paragraph 66, and by S.S.I. 2000/323, Schedule 10, Part 1, paragraph 3(4). For a definition of ‘waste’ see section 75 of the Environmental Protection Act 1990 as amended by the Environment Act 1995, section 120 and Schedule 22, paragraph 88.

(3) S.S.I. 2003/531; amended by S.S.I. 2006/133.

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	<p>that is not capped in such a way so as to prevent the ingress of water;</p> <p>(iii) is sloping with an overall gradient in excess of 15°, or 25° on uncultivated land designated for forestry;</p> <p>(iv) has an average soil depth of less than 30 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations; or</p> <p>(v) is frozen (except where the fertiliser is farm yard manure), waterlogged, or covered with snow;</p> <p>(d) no inorganic fertiliser may be applied to land that—</p> <p>(i) is within 2 metres of any surface water or wetland;</p> <p>(ii) is within 5 metres of any spring that supplies water for human consumption or any well or borehole that is not capped in such a way so as to prevent the ingress of water;</p> <p>(iii) has an average soil depth of less than 30 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations; or</p> <p>(iv) is frozen, waterlogged, or covered with snow;</p> <p>(e) fertilisers must not be applied to land in excess of the nutrient needs of the crop;</p> <p>(f) any equipment used to apply fertiliser must be maintained in a good state of repair; and</p> <p>(g) fertiliser must be applied on land in such a way and at such times that the risk of pollution to the water environment is minimised.</p>
<p>19. Keeping of livestock.</p>	<p>(a) Significant erosion or poaching of any land that is within 5 metres of surface water or wetland must be prevented;</p> <p>(b) livestock must be prevented from entering any land that is within 5 metres of a spring that supplies water for human consumption</p>

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	<p>or any well or borehole that is not capped in such a way so as to prevent the ingress of water; and</p> <p>(c) livestock feeders must not be positioned within 10 metres of any surface water or wetland.</p>
<p>20. Cultivation of land.</p>	<p>(a) No land may be cultivated for crops that is—</p> <p>(i) within 2 metres of any surface water or wetland;</p> <p>(ii) within 5 metres of any spring that supplies water for human consumption or any well or borehole that is not capped in such a way so as to prevent the ingress of water; or</p> <p>(iii) waterlogged;</p> <p>(b) moling of land must not be permitted on slopes with an overall gradient in excess of 4.5°; and</p> <p>(c) land must be cultivated in a way that minimises the risk of pollution to the water environment.</p>
<p>21. Without prejudice to the operation of activity 10 and the rules related to it, the discharge of water run-off via a surface water drainage system to the water environment as a result of rural land activities.</p>	<p>(a) Water must be discharged in a way which minimises the risk of pollution to the water environment; and</p> <p>(b) no discharge from drainage may result in the destabilisation of the banks or bed of the receiving surface water.</p>
<p>22. Construction and maintenance of waterbound roads and tracks.</p>	<p>(a) No material that will or will be likely to result in metallic, sulphide rich or strongly acidic polluted water run off from such roads or tracks may be used in the carrying out of the activity.</p>
<p>23. The application of pesticide.</p>	<p>(a) The preparation of pesticide for application and the cleaning or maintenance of pesticide sprayers must be undertaken in conditions such that any spillages, run-off or washings will be prevented from entering the water environment;</p> <p>(b) pesticide spraying equipment must be maintained in a good state of repair;</p>

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	<p>(c) pesticide sprayers must not be filled with water taken from the water environment unless—</p> <ul style="list-style-type: none"> (i) a device preventing back siphoning is fitted to the system; or (ii) the water is first placed in an intermediate container; and <p>(d) pesticide-treated plants must not be soaked in any part of the water environment.</p>
<p>24. Operating sheep dipping facilities.</p>	<p>(a) Sheep must be prevented from having access to the water environment while there is a risk of transfer of sheep dip fluid from its fleece to the water environment;</p> <p>(b) no mobile sheep dipping facility, or part of any sheep dipping facility constructed after 1st April 2008 may be located within 50 metres of any river, ditch, pond, freshwater loch, wetland, well, spring or borehole;</p> <p>(c) sheep dipping facilities must not discharge underground and must not leak or overflow;</p> <p>(d) sheep dipping facilities must not be filled with water taken from the water environment unless—</p> <ul style="list-style-type: none"> (i) a device preventing back siphoning is fitted to the system; or (ii) the water is first placed in an intermediate container; and <p>(e) without prejudice to the continued requirement to obtain specific authorisation for the disposal of sheep dip under these Regulations, sheep dip facilities must be emptied within 24 hours following completion of dipping.</p>

PART 2

In this Schedule—

“application” means the spreading, spraying, incorporating or injecting into or onto land;

“channel width” means the straight line distance that is between opposite bank tops of a river, burn or ditch and which spans the bed of a river, burn or ditch, including any exposed bars and vegetated islands;

- “crop” includes any plant grown for a commercial purpose;
- “cultivation” includes the preparation of land prior to planting, and the harvesting of any crop;
- “ditch” means an open channel which collects and conveys drainage water from surface or subsurface drainage to the wider surface water environment;
- “farm yard manure” means a mixture of bedding material and animal excreta in solid form arising from the housing of livestock (excepting such arising from the keeping of birds for the production of food);
- “fertiliser” means any substance containing nutrients which is utilised on land to enhance plant growth, but excludes forestry brush;
- “forest” means land of an area of more than 0.5 hectares—
- (a) with a tree canopy cover of more than 20 percent;
 - (b) which is planted with trees, which trees collectively have the capacity to provide a tree canopy cover of more than 20 percent; or
 - (c) which meets all of the following criteria:
 - (i) it was used in the last 5 years as land described in paragraph (a);
 - (ii) it is to remain fallow of trees for a maximum of 4 consecutive years; and
 - (iii) when replanted with trees it will be replanted as land described in paragraph (b);
- “forestry operations” means operations carried out on land with a tree canopy cover of more than 10 per cent over an area of more than 0.5 hectares;
- “minor bridge” means a bridge having no part of its structure within the channel of a river, burn or ditch and constructed for the purpose of supporting a footpath, cycle route or single track road;
- “moling” means a cultivation method if an implement is used to open a conduit within the soil along which water may flow;
- “oil” means any kind of oil and includes fuel oil, waste oil and hydraulic oil;
- “pesticide” has the same meaning as in section 16 of the Food and Environment Protection Act 1985 (control of pesticides etc.)(4);
- “revetment” means a modification to a bank of a river, burn or ditch that increases the resistance of the bank to lateral erosion;
- “rip rap” means irregular shaped stones placed along a bank of a river, burn or ditch for the purpose of increasing the resistance of the bank to erosion;
- “rural land use activities” means agricultural, forestry or leisure activity;
- “sewage” has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968 (interpretation)(5);
- “SUD system” has the same meaning as in the Sewerage (Scotland) Act 1968;
- “surface water drainage system” means a system, such as a SUD system that is used to collect and drain water run off from one or more premises and transport it to, and discharge it into, the water environment, and may include, among other things, any surface water sewers and associated inlets, outfalls, gullies, manholes, oil interceptors, silt traps, and attenuation, settlement and treatment facilities;
- “temporary bridge” means any bridge which will be removed within a period of 12 months beginning with the date on which its construction commences;

(4) 1985 c.48.

(5) 1968 c.47.

“trade effluent” has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968;

“uncultivated land” means land which has not been ploughed, rotovated or improved by management practices, but excludes land mounded for the purpose of planting riparian woodland);

“water for human consumption” means water that may be ingested by humans, used in the preparation of food or drink, or used in the cleaning of materials involved in the storage or consumption of food or drink;

“waterbound road” means a road constructed of coarse stone and fine aggregate to form a tightly bound semi-imperious surface; and

“waterlogged” means soil which is at water retaining capacity, except in a forest where it means where water is visible on the soil surface.