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## SCHEDULES

### SCHEDULE 11

#### ORDERS DESIGNATING NITRATE SENSITIVE AREAS

##### PART I

##### APPLICATIONS BY THE AUTHORITY FOR DESIGNATION ORDERS

###### *Orders made only on application*

- 1 (1) Subject to sub-paragraphs (2) and (3) below, the relevant Minister shall not make an order under section 112 of this Act by virtue of which any land is designated as a nitrate sensitive area, except with the consent of the Treasury and on an application which—
- (a) has been made by the Authority in accordance with paragraph 2 below; and
  - (b) by virtue of sub-paragraph (2)(a) of that paragraph identifies the controlled waters with respect to which that land is so comprised by the order.
- (2) This paragraph shall not apply to an order which reproduces or amends an existing order without adding any land appearing to the relevant Minister to constitute a significant area to the land already comprised in the areas for the time being designated as nitrate sensitive areas.
- (3) An application by the Authority shall not be required by virtue of this paragraph in the case of any order made before the end of the period of six months beginning with the transfer date.

###### *Procedure for applications*

- 2 (1) The Authority shall not for the purposes of paragraph 1 above apply for the making of any order under section 112 of this Act by which any land would be comprised in the areas for the time being designated as nitrate sensitive areas unless it appears to the Authority—
- (a) that pollution is or is likely to be caused by the entry of nitrate into controlled waters as a result of, or of anything done in connection with, the use of particular land in England and Wales for agricultural purposes; and
  - (b) that the provisions for the time being in force in relation to those waters and that land are not sufficient, in the opinion of the Authority, for preventing or controlling such an entry of nitrate into those waters.
- (2) An application under this paragraph shall identify—
- (a) the controlled waters appearing to the Authority to be waters which the nitrate is or is likely to enter; and
  - (b) the land appearing to the Authority to be the land the use of which for agricultural purposes, or the doing of anything in connection with whose

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use for agricultural purposes, is resulting or is likely to result in the entry of nitrate into those waters.

- (3) An application under this paragraph shall be made—
- (a) where the land identified in the application is wholly in Wales, by serving a notice containing the application on the Secretary of State; and
  - (b) in any other case, by serving such a notice on the Secretary of State and on the Minister.