

SCHEDULE 1

Regulation 3

PART I

CRITERIA FOR IDENTIFICATION OF SENSITIVE AREAS

A water body must be identified as a sensitive area if it falls into one of the following groups:—

- (a) natural freshwater lochs, other freshwater bodies, estuaries and coastal waters which are found to be eutrophic or which in the near future may become eutrophic if protective action is not taken.

The following elements might be taken into account when considering which nutrient should be reduced by further treatment:—

- (i) lochs and streams reaching lochs/reservoirs/closed bays which are found to have a poor water exchange, whereby accumulation may take place. In these areas, the removal of phosphorus should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication. Where discharges from large agglomerations are made, the removal of nitrogen may also be considered;
- (ii) estuaries, bays and other coastal waters which are found to have a poor water exchange, or which receive large quantities of nutrients. Discharges from small agglomerations are usually of minor importance in those areas, but for large agglomerations, the removal of phosphorus and/or nitrogen should be included unless it can be demonstrated that the removal will have no effect on the level of eutrophication;
- (b) surface freshwaters intended for the abstraction of drinking water which could contain more than the concentration of nitrate laid down under the relevant provisions of Council Directive [75/440/EEC](#) of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States⁽¹⁾ if action is not taken;
- (c) areas where further treatment than secondary or equivalent treatment is necessary to fulfil Council Directives.

PART II

CRITERIA FOR IDENTIFICATION OF HIGH NATURAL DISPERSION AREAS

A marine water body or area can be identified as a high natural dispersion area if the discharge of waste water does not adversely affect the environment as a result of morphology, hydrology or specific hydraulic conditions which exist in that area.

When identifying high natural dispersion areas, the Secretary of State shall take into account the risk that the discharged load may be transferred to adjacent areas where it can cause detrimental environmental effects. The Secretary of State shall recognise the presence of sensitive areas outside Scotland.

The following elements shall be taken into consideration when identifying high natural dispersion areas:—

- open bays, estuaries and other coastal waters with a good water exchange and not subject to eutrophication or oxygen depletion or which are considered unlikely to become eutrophic or to develop oxygen depletion due to the discharge of urban waste water.

(1) OJ No.L194, 25.7.75, p26; as amended by Directive [79/869/EEC](#) (OJ No.L271, 29.10.79, p.44).

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