
STATUTORY INSTRUMENTS

1999 No. 915

**The Water Protection Zone (River Dee
Catchment) Designation Order 1999**

Transitional Claims

6.—(1) Where a controlled activity was carried on at any catchment control site at any time within the establishment period, protection zone consent may be claimed under this article by the person in control of the site.

(2) A claim under this article shall be made before the end of the transitional period on a form provided for the purpose by the Agency which shall incorporate or be accompanied by the information and other documentation specified in the Schedule to this Order.

(3) Subject to paragraphs (4), (5) and (6) the Agency shall be deemed to have granted such protection zone consent as is claimed.

(4) If it appears to the Agency that the claim fails to meet the requirements of paragraph (2) the Agency shall serve on the applicant within 4 weeks of its receipt of the claim a notice—

- (a) informing the applicant that in its opinion the claim failed to meet the requirements;
- (b) giving its reasons for that opinion; and
- (c) except where a claim was made after the end of the transitional period, inviting the applicant to make good any deficiencies in the claim within a specified period, being not less than 7 days beginning with the date of service of the notice.

(5) If it appears to the Agency that the applicant has failed to comply with the provisions of the notice referred to in paragraph (4) it shall inform the applicant in writing before the end of the period of 2 weeks beginning with the end of the period specified in paragraph (4)(c) that the claim is invalid.

(6) Protection zone consent which is claimed under this article is subject to conditions that:

- (a) the maximum aggregate quantity of the controlled substances that may be kept or used within the catchment control site to which the claim for consent relates at any one time shall not exceed the maximum quantity of those substances which were specified in the information supplied in accordance with paragraph (2) and were kept or used at any one time within the establishment period; and
- (b) each controlled substance will be kept and used in the place and manner in which information supplied in accordance with paragraph (2) shows that it was kept and used within the establishment period; and
- (c) none of the controlled substances shall be kept or used in a vessel greater in capacity than the vessel or the largest of the vessels, in which information supplied in accordance with paragraph (2) shows that the substance was kept or used within the establishment period.

(8) In this article “the transitional period” means the period of 6 months beginning on the date in which this Order comes into force.