
EXPLANATORY NOTE

(This note is not part of the Order)

Section 93 of the Water Resources Act 1991 (“the 1991 Act”) gives the Secretary of State power to designate any area as a water protection zone if, in relation to that area, it is appropriate, with a view to preventing or controlling the entry of any poisonous, noxious or polluting matter into controlled waters, to prohibit or restrict the carrying on in that area of activities which the Secretary of State consider are likely to result in the pollution of any such waters.

This Order designates as a water protection zone an area forming part of the freshwater River Dee catchment and was made jointly by the Secretary of State for the Environment, Transport and the Regions and the Secretary of State for Wales. The area is defined by reference to a map which is available for inspection during normal office hours at the offices of the Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 6DE; at the offices of the Welsh Office, Cathays Park, Cardiff CF1 3NQ and at the offices of the Environment Agency (“the Agency”) at Chester Road, Buckley, Clwyd CH7 3AJ.

Article 4 requires that the consent of the Agency (“protection zone consent”) must be obtained for the carrying on of a controlled activity within the water protection zone. A controlled activity is the keeping or use of a controlled substance within a catchment control site.

Article 5 provides that it is a criminal offence to contravene protection zone control after a specified date. The maximum penalties for an offence are, on summary conviction, imprisonment for a term not exceeding three months or a fine not exceeding £20,000 or both, and on conviction on indictment imprisonment for a term not exceeding two years or a fine or both.

Article 6 contains transitional provisions for where there is an entitlement to make a claim for protection zone consent in relation to a controlled activity being carried on in the 12 months before this Order comes into force.

Article 7 contains a transitional exemption under which an exemption from proceedings for contravention of protection zone control is granted in respect of certain applications for protection zone consent pending their determination.

The Secretaries of State have made regulations under section 96 of the 1991 Act entitled the Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999. Those Regulations contain the application and appeal procedures for making an application for protection zone consent and also make other provisions in relation to it.

A compliance cost assessment of the effect that this Order would have on the cost of business may be obtained from: Water Quality Division, Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 6DE or Environment Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ.