SCHEDULE 3 Regulations 6 and 21(2)

General binding rules

PART 1

[F1 Column 1 *Activity*	*Column 2* *Rules*
1. The operation of any weir that— (a) is not capable of being operated to control the water level upstream of the weir; (b) does not result in the creation of a height differential between the upstream and downstream water surfaces of more than one metre; and (c) was constructed before 1st April 2006.	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.
2. The abstraction of less than 10 m³ of water in any one day.	(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 (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.
[F2 3. The construction, extension or operation of any well, borehole or other works by which water may be abstracted, if such works are— (a) not intended for the purpose of abstraction; (b) intended for the abstraction of less than 10 m³ of water in any one day; (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— (i) to test for the yield of the borehole or well or the hydraulic properties of the aquifer; or (ii) to sample the water quality; (d) intended to dewater one or more excavations at— (i) a construction site for roads, buildings, pipelines, or other built developments; or	(a) The construction and operation of— (i) subject to paragraphs (b) and (c), any well or borehole; and (ii) any other works, must be such as to avoid the entry of pollutants or water of a different chemical composition into the water environment; (b) drilling fluids may be introduced into a 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; (c) potable water may be introduced into a well or borehole to test the hydraulic properties of the aquifer; (d) when any well or borehole is no longer required, it must be back-filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer and to avoid the entry of pollutants or water of a

[F1 Column 1 *Activity*	*Column 2* *Rules*
(ii) a site at which the maintenance of such developments is being undertaken; or (e) intended for the purpose of undertaking activity 17.	different chemical composition into any body of groundwater; and (e) the depth of any well or borehole beneath the surface of the ground must not exceed 200 metres.**]**
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— (a) to test the yield of the borehole or well or the hydraulic properties of the aquifer; or (b) to sample the water quality.	(a) The abstraction must not cause the entry of pollutants or water of a different chemical composition into any body of groundwater; and (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.
5. The dredging of a river, burn or ditch that— (a) **[**F3has an average bed width of less than one metre along the stretch to be worked,**]** (b) has been artificially straightened or canalised along the length which is to be worked.	(a) 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; (b) any vegetation removed must not be disposed of into the channel; (c) the activity must not result in the widening of the **[**F4bed width of the**]** river, burn or ditch; (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; (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; (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; (g) the bed of the worked stretch must be graded at a shallow angle to tie in with the bed level upstream and downstream and there must be no steps or sudden changes in the angle of the bed slope; and (h) the removed sediment must not be left on the banks such that its placement heightens the banks.

[F1 Column 1 *Activity*	*Column 2* *Rules*
6. The construction and maintenance— (a) of a minor bridge over a river, burn or ditch; (b) of, or removal of, a temporary bridge over any river, burn or ditch that has a **[**F5bed**]** width of less than 5 metres; or (c) of a surface water drainage system outfall which discharges into a river, burn or ditch.	(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; (b) any vegetation removed must not be disposed of into the channel; (c) the works must not prevent the free passage of migratory fish; (d) the works must not result in the narrowing of the channel width nor the heightening of either bank; (e) where the activity requires any work in the wetted part of the channel, 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; (f) if necessary, a temporary culvert may be installed to facilitate the works but the culvert must not extend more than 10 metres along the length of the river, burn or ditch and must be removed on completion of the works; (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; (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; (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; (j) the activity must not result in pollution of the water environment; and (k) any outfall and associated works must be designed and constructed to be no larger than is necessary for the proper operation of the outfall, and in any case must not extend more than 20 metres along the length of the river, burn or ditch.

[F1 Column 1 *Activity*	*Column 2* *Rules*
7. The laying of a pipeline or cable by boring beneath the bed and banks of a river, burn or ditch.	(a) The bed and banks must not be altered as a result of the works other than in accordance with paragraphs (b) and (d); (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; (c) any vegetation removed must not be disposed of into the channel; and (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.
8. Works to control the erosion of a bank of a river, burn or ditch by revetment.	(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; (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; **[**F6biodegradable**]** 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

[F1 Column 1 *Activity*	*Column 2* *Rules*
	protection works on any bank of the river, burn or ditch; (i) the works must not result in the heightening [F7 or lowering] 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.
[F8 **9.** Operating any vehicle, plant or other equipment in or near any surface water or wetland for the purpose of undertaking any other activity specified in this schedule or for the purpose of maintaining an existing man-made structure in or near any surface water or wetland.	(a) Any vehicles, plant or other equipment must only operate in water where it is impracticable for them to operate on dry land; (b) the refuelling of vehicles, plant or other equipment must be undertaken at least 10 metres from any— (i) river, burn, canal, ditch or loch, as measured from the top of the bank; (ii) wetland; or (iii) transitional water or coastal water, as measured from the shoreline; (c) any static plant or equipment used within 10 metres of any— (i) river, burn, canal, ditch or loch, as measured from the top of the bank; (ii) wetland; or (iii) transitional water or coastal water, as measured from the shoreline; 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 [F9 plant] or equipment; (d) any vehicle, plant or other equipment used in or near surface water or wetland must not leak any oil; (e) the washing of vehicles, plant or other equipment must be undertaken at least 10 metres away from any— (i) river, burn, ditch or loch, as measured from the top of the bank; (ii) wetland; or

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(iii) transitional water or coastal water, as measured from the shoreline, and water from such washing must not enter any surface water or wetland; (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; (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 are freshwater pearl mussels; (h) during forestry operations the operator must not operate machinery in any surface water or wetland; and (i) following the operation of the vehicle, plant or other machinery, any damage caused by the operation to the bed and banks of the surface water must be repaired, including re-establishing vegetation on any areas of bare earth on the banks resulting from the operation, either by covering the area with grass turfs or lining them with a biodegradable geotextile and seeding.
[F10 10A. The discharge of water run-off from a surface water drainage system to the water environment from buildings, roads other than waterbound roads, yards, or any other built development constructed before 1 April 2007, with the exception of run-off from any motorway or trunk road where— (i) any one outfall serves a length of road greater than 1km, and (ii) the footprint of the road or its associated infrastructure is enlarged or otherwise altered on or after 1 April 2007.	(a) All reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, or (iii) contain any water run-off from a construction site, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) all facilities with which the surface water drainage system is equipped to avoid pollution, including oil interceptors, silt traps and SUD system attenuation,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	settlement and treatment facilities, must be maintained in good order and repair, (e) 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.
10B. The discharge of water run-off from a surface water drainage system to the water environment from buildings, roads other than waterbound roads, yards, or any other built development constructed on or after 1 April 2007, with the exception of run-off from— (i) land of more than 30 hectares which is used for residential premises, (ii) industrial estates, (iii) land used as a motorised vehicle parking area with more than 1,000 parking spaces, (iv) motorways and trunk roads where any one outfall serves a length of road greater than 1km.	(a) All reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, or (iii) contain any water run-off from a construction site, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) the development must be drained by a SUD system equipped to avoid pollution of the water environment, unless— (i) the run-off is from a development that is a single dwelling and its curtilage, or (ii) the discharge is to coastal water, (e) the discharge must not contain any water run-off from— (i) any fuel delivery areas constructed on or after 1 April 2007, or any areas where vehicles, plant and equipment are refuelled constructed on or after 1 April 2007, (ii) vehicle loading or unloading bays constructed on or after 1 April 2007 where potentially polluting matter is handled, or (iii) oil and chemical storage handling and delivery areas constructed on or after 1 April 2007, (f) all facilities with which the surface water drainage system is equipped to avoid pollution, including oil interceptors, silt traps and SUD system attenuation,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	settlement and treatment facilities, must be maintained in good order and repair, (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.
10C. The discharge of water run-off from a quarry or borrow pit constructed on or after 1 January 2022.	(a) All reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, or (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) the discharge must not contain any water run-off from— (i) any fuel delivery areas constructed on or after 1 April 2007, or any areas where vehicles, plant and equipment are refuelled constructed on or after 1 April 2007, (ii) vehicle loading or unloading bays constructed on or after 1 April 2007 where potentially polluting matter is handled, or (iii) oil and chemical storage handling and delivery areas constructed on or after 1 April 2007, (e) the quarry or borrow pit must be drained by a SUD system or equivalent system equipped to avoid pollution of the water environment, (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 good order and repair, (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

[F1 Column 1 *Activity*	*Column 2* *Rules*
	avoid pollution of the water environment is prevented from entering the drainage system.
10D. The discharge of water run-off from a construction site to the water environment where the site, including any constructed access tracks, does not— (i) exceed 4 hectares, (ii) contain a road or track length in excess of 5km, or (iii) include any area of more than 1 hectare or any length of more than 500 metres on ground with a slope in excess of 25°.	(a) All reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, or (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) the discharge must not contain any water run-off from any built developments, unless during construction those developments are drained by a SUD system or equivalent system equipped to avoid pollution of the water environment, (e) the discharge must not contain any water run-off from— (i) any fuel delivery areas constructed on or after 1 April 2007, or any areas where vehicles, plant and equipment are refuelled constructed on or after 1 April 2007, (ii) vehicle loading or unloading bays constructed on or after 1 April 2007 where potentially polluting matter is handled, or (iii) oil and chemical storage handling and delivery areas constructed on or after 1 April 2007, (f) all parts of a construction site on which— (i) operations first commenced on or after 1 June 2018, and (ii) any works are to be undertaken, or any vehicles are to be operated or parked, must be drained by a surface water drainage system with capacity to accommodate the maximum volume of run-off that would reasonably be expected to occur from that land during the period of construction, (g) all facilities with which the surface water drainage system is equipped to avoid

[F1 Column 1 *Activity*	*Column 2* *Rules*
	pollution, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, must be maintained in good order and repair, (h) 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.**]**
11. Discharge into a surface water drainage system.	(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; (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; (c) **[**F11domestic**]** sewage or trade effluent must not be discharged into any surface water drainage system; and (d) on construction sites, any area of exposed soil from which the discharge of water run-off to the water environment is authorised under activity **[**F12 10D**]**, and the period of time during which such soil is exposed, must be the minimum required to facilitate the construction works being undertaken at that site.
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 any sediment that comprises largely or wholly gravel or other coarse sediment to the river, burn or ditch from which it was removed.	(a) Only sediment or other matter within 10 metres upstream of the weir may be removed; (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; (c) unless it is not reasonably practicable to do so in compliance with paragraph (d), any gravel and coarse sediment that has been removed must be returned to the

⌈F1 Column 1 *Activity*	*Column 2* *Rules*
	river, ditch or burn from which it was taken; (d) the return of sediment must: (i) be achieved by placing it at the edge of the river, burn or ditch downstream of the weir in such a way and at such a location that high river flows are able to cause it to be redistributed by the river, burn or ditch; (ii) not result in an accumulation of sediment likely to impede the free passage of migratory fish; (iii) not be placed in a wetted part of the river or burn during periods in which fish are likely to be spawning in that part of the river, burn or during the period between any such spawning and the subsequent emergence of the juvenile fish; (iv) be placed in such a way and such a location that the risk of the placement resulting in increased erosion of the bed or banks of the river burn, or ditch is minimised; (v) not contain man-made matter; and (vi) not result in pollution of the water environment; (e) removed sediment must not be deposited in the channel or on the banks of a river, burn or ditch except in accordance with paragraph (c); (f) the removal of sediment must not result in pollution of the water environment; (g) 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 (h) any vegetation removed must not be disposed of into the channel.**⌋**
13. For the purpose of ensuring the proper functioning of a closed culvert, abstraction or discharge pipe, the removal of accumulations of sediment or other matter from— (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;	(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

[F1 Column 1 *Activity*	*Column 2* *Rules*
(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; (c) the inside of a closed culvert; or (d) the bed of a river, burn or ditch within 5 metres of— (i) an outfall for a surface water drainage system that discharges water run-off from buildings, roads, yards, any other built developments, or construction sites for such developments; (ii) an outfall for a sewage or trade effluent discharge; or (iii) an inlet for a water abstraction, and, if desired, any subsequent return of the removed sediment to the river, burn or ditch from which it was removed.	upper surface of the base of the culvert and the bed of the river, burn or ditch into which it discharges; (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; (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; (e) any vegetation removed must not be disposed of into the channel; (f) removed sediment and other matter must not be placed on the bank of any river, burn or ditch; (g) subject to paragraph (h), the removed sediment must, where possible, be returned to the river, burn or ditch from which it was removed; and (h) the removed sediment must only be returned to the river, burn or ditch from which it was removed, if— (i) it is returned as close to the location of its removal as is practicable; (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 (i) **[**[F13]the activity must not result in pollution of the water environment.**]**
14. The placement of one or more boulders in a river or burn.	(a) The placed boulder or boulders must not occupy more than 10% of the **[**[F14]bed**]** width; (b) the boulder or boulders must not be placed within 20 metres of any other boulder or boulders (whether placed or not), croy, jetty or other in-stream structure occupying more than 10% of the **[**[F14]bed**]** width; (c) no boulder or boulders must be placed in such a way as to extend the width

[F1 Column 1 *Activity*	*Column 2* *Rules*
	occupied by in-stream structures to greater than 10% of the **[**F14bed**]** width; (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 or burn by revetment; (e) the tops of the boulders must be submerged except during periods of low flows; (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; (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 (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.
15. The temporary abstraction of groundwater at— (a) a construction site for roads, railways, buildings, pipelines, communication links or other built development; or (b) a site at which the maintenance of such a development is being undertaken, by means of— (i) pumping the groundwater directly from any excavation or excavations on the site; or (ii) pumping the groundwater from any wells or boreholes on the site in order to help dewater any other excavation or excavations on the site, and, if desired, the subsequent discharge of the abstracted groundwater to the water environment.	(a) F15... 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; (b) **[**F16other than where paragraph (g)(i) applies, groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of any surface water unless the abstracted water is discharged into the surface water at the nearest part of the surface water to the point of abstraction and in accordance with paragraph (f) or (g)(ii), as applicable,**]** (c) groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of a wetland; (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;

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(e) all reasonable steps must be taken to ensure that the quantity of sediment in the abstracted water is minimised; F17... (f) if the abstracted groundwater **[**F18is taken directly from an excavation and this water, and**]** any precipitation or water run-off that has also collected in the excavation, is discharged to the water environment, it must be discharged via a surface water drainage system authorised under these Regulations subject to the consent of the person having operational control of the system;
	((g)) **[**F19if the abstracted groundwater is taken from a borehole or well, and is discharged to the water environment, it must be— ((i)) discharged directly back to the same part of the geological formation or the mine workings from which it was abstracted, provided that the abstracted water does not contain any radioactive substance, and that no substances are added to, or otherwise allowed to enter, the abstracted water prior to its return, or ((ii)) discharged via a surface water drainage system authorised under these Regulations subject to the consent of the person having control of the system, ((h)) all reasonable steps must be taken to ensure that the discharge of abstracted groundwater does not result in pollution of the water environment.**]**
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.	(a) No solid or liquid materials coming into contact with groundwater may contain any hazardous substance; (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 (c) no materials coming into contact with groundwater as a result of the works may cause pollution of the water environment.

[F1 Column 1 *Activity*	*Column 2* *Rules*
[F20 17. The abstraction and subsequent return of groundwater for the purpose of extracting geothermal energy from the abstracted water or for the purpose of transferring heat to geological formations as part of a cooling system.	(a) The abstracted water must be returned to the same part of the geological formation or the mine workings from which it was abstracted; (b) any volume of water may be abstracted but the volume of water abstracted and not returned must not exceed 10 m3 per day; (c) no substances may be added to, or otherwise allowed to enter, the abstracted water prior to its return to the geological formation or the mine workings from which it was abstracted; (d) there must be a means of demonstrating that the net abstraction is not more than 10 m3 in any one day; (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; and (f) the activity must not be located within 250 metres of any abstraction of water intended for human consumption and must not prevent any abstraction of water which is authorised under these Regulations.
18. (a) **[**F21The storage of fertiliser unless— (i) the storage is regulated by a waste management licence in terms of section 35 (waste management licence: general) of the Environmental Protection Act 1990, (ii) it is an activity specified at activities 31, 32 or 34 of column 1 of this schedule,**]** (b) the application of any fertiliser.	(a) No fertiliser may be stored, including temporarily in a mobile tank or bowser, on land that: (i) is within 10 metres of any—; ((1)) river, burn, ditch or loch, as measured from the top of the bank; ((2)) wetland; or ((3)) transitional water or coastal water, as measured from the shoreline; (ii) is within 50 metres of any— ((1)) spring that supplies water for human consumption; or ((2)) well or borehole that is not capped in such a way so as to prevent the ingress of water; (iii) is waterlogged; (iv) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	unless the fertiliser is stored in an impermeable container; or (v) is sloping (unless the fertiliser is inorganic or it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, wetland, loch, transitional water or coastal water towards which the land slopes); unless the fertiliser is stored 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; (b) F22... (c) any storage system used to store F23... liquid sewage sludge must be maintained in such a condition that no F23... sewage sludge escapes from the system; (d) inorganic liquid fertiliser must only be stored in a rigid, impermeable tank that: (i) has a lockable, double valve on the outlet that is closed and locked when the tank is unattended; (ii) is located above ground; and (iii) is protected from vehicle collision; (e) inorganic liquid fertiliser must not be stored in a field unless contained in a tank, bowser or spreading equipment: (i) whose hatches and lids are securely closed and whose outlets are securely closed and locked, except when the fertiliser is being transferred or applied; (ii) that is held on a support in such a way that it cannot become dislodged; and (iii) that is on a support which is stable under the fully loaded weight of the tank or bowser and cannot itself become dislodged; (f) when any inorganic liquid fertiliser, liquid digestate or liquid sewage sludge is being transferred to a tank, bowser or spreading equipment, all reasonable steps

[F1 Column 1 *Activity*	*Column 2* *Rules*
	must be taken to prevent any spillage or leakage entering the water environment; (g) no organic fertiliser may be applied to land that— (i) is within 10 metres of any— ((1)) river, burn, ditch or loch, as measured from the top of the bank; ((2)) wetland; ((3)) transitional water or coastal water, as measured from the shoreline; or ((4)) opening into a surface water drainage system; (ii) is within 50 metres of any— ((1)) spring that supplies water for human consumption; or ((2)) well or borehole that is not capped in such a way so as to prevent the ingress of water; (iii) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations; (iv) is frozen (except where the fertiliser is farm yard manure), waterlogged, or covered with snow; or (v) is sloping, unless it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, wetland, loch, transitional water or coastal water towards which the land slopes; (h) no inorganic fertiliser may be applied to land that— (i) is within 2 metres of any— ((1)) river, burn, ditch or loch, as measured from the bank top; ((2)) wetland; ((3)) transitional water or coastal water, as measured from the shoreline; or ((4)) opening into a surface water drainage system; (ii) is within 5 metres of any— ((1)) spring that supplies water for human consumption; or

⌊F1 Column 1 *Activity*	*Column 2* *Rules*
	((2)) well or borehole that is not capped in such a way so as to prevent the ingress of water; (iii) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations; (iv) is frozen, waterlogged, or covered with snow; or (v) is sloping, unless it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, wetland, loch, transitional water or coastal water towards which the land slopes; (i) fertilisers must not be applied to land: (i) in such amounts that the crop requirement for nitrogen is exceeded; (ii) in excess of the amount required to maintain the soil phosphorus status at acceptable agronomic levels; or (iii) during heavy rainfall or where heavy rainfall is forecast within 24 hours; (j) dewatered digestate or dewatered sewage sludge must be stored: (i) in such a way that it is securely contained so that any escape or run-off is prevented; or (ii) in a heap which is protected from the ingress of water; (k) if dewatered digestate or dewatered sewage sludge is stored in a heap in field, it must be applied to land within 6 months of the commencement of the storage; (l) any equipment used to apply fertiliser must be maintained in a good state of repair; F24... (m) fertiliser must be applied on land in such a way and at such times that the risk of pollution of the water environment is minimised. (n) ⌊F25 where organic fertilisers are to be applied to land—

⌈F1 Column 1 *Activity*	*Column 2* *Rules*
	(i) a risk assessment must be carried out in respect of that land, including the preparation of a map of the farm which clearly shows— (1) the delineation of every field, (2) the area of every field in hectares, (3) the location of all surface water, springs, wells, boreholes storage tanks or any other structures sunk into underground strata for the purpose of providing a water supply, (4) any area of land with a slope of 12 degrees or more, (5) the location of any field heaps, (6) areas where organic fertiliser must not be applied in accordance with paragraph (g) (i), (ii), (iii) and (v), and (7) any other area of high risk to the water environment, (ii) the person carrying out the application of organic fertilisers must be provided with the map for the area to which fertiliser is being applied, (iii) field heaps of organic fertilisers must not be located in any area identified on the map in accordance with paragraph (i)(3), (6) or (7),⌋ (o) ⌈F26slurry and liquid digestate must be applied using precision equipment.⌋
19. Keeping of livestock.	(a) Significant erosion or poaching of any land that is within 5 metres of any— (i) river, burn, ditch, or loch as measured from the top of the bank; (ii) wetland; (iii) spring that supplies water for human consumption; (iv) well or borehole that is not capped in such a way so as to prevent ingress of water; or (v) transitional water or coastal water, as measured from the shoreline, must be prevented;

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(b) livestock must be prevented from entering any land that is within 5 metres of any spring that supplies water for human consumption or within 5 metres of any well or borehole that is not capped in such a way so as to prevent ingress of water; (c) livestock feeders must not be positioned within 10 metres of any— (i) river, burn, ditch, or loch, as measured from the top of the bank; (ii) wetland; (iii) spring that supplies water for human consumption; (iv) well or borehole that is not capped in such a way so as to prevent ingress of water; or (v) transitional water or coastal water, as measured from the shoreline; and (d) run-off from land on which livestock congregate to access watering points or feeders must be intercepted (by means of a sufficient buffer zone or otherwise) such that any faeces, urine or soil in the run-off are prevented from entering any spring, well, borehole, surface water or wetland.
20. Cultivation of land.	(a) No land may be cultivated for crops that is— (i) within 2 metres of any— ((1)) river, burn, ditch or loch, as measured from the top of the bank; ((2)) wetland; or ((3)) transitional water or coastal water, as measured from the shoreline; (ii) within 5 metres of any— ((1)) spring that supplies water for human consumption; or ((2)) well or borehole that is not capped in such a way so as to prevent the ingress of water; or (iii) waterlogged; (b) moling of land must not be carried out on slopes that: (i) have an overall gradient in excess of 4.5°; and

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(ii) slope towards any surface water or wetland; and (c) land must be cultivated in a way that minimises the risk of pollution to any surface water or wetland.**]**
21. Without prejudice to the operation of **[**F27activities 10A, 10B, 10C and 10D, and the rules related to them**]**, the discharge of water run-off via a surface water drainage system to the water environment as a result of rural land activities.	(a) Water must be discharged in a way which minimises the risk of pollution of any river, burn, ditch, wetland, loch, transitional water or coastal water; and (b) no discharge from drainage may result in the destabilisation of the banks or bed of the receiving river, burn, ditch, wetland, loch, transitional water or coastal water.
[F28**22.** The discharge of surface water from waterbound roads and tracks to the water environment, including during the construction and maintenance of such roads and tracks.	(a) All reasonable steps must be taken to ensure that any discharge does not result in pollution of the water environment, (b) any discharge must not result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, and (c) any discharge must not result in the destabilisation of the banks or bed of the receiving surface water.**]**
[F29**23.** The storage and application of pesticides that are plant protection products.	(a) The preparation of pesticide for application and the filling, cleaning or maintenance of pesticide sprayers or other devices used to apply pesticides: (i) must be undertaken in a manner which prevents any spillages, runoff or washings from entering any surface water or wetland; and (ii) must not be undertaken within 10 metres of any— ((1)) river, burn, ditch or loch, as measured from the top of the bank; ((2)) wetland; ((3)) transitional water or coastal water, as measured from the shoreline; or ((4)) opening into a surface water drainage system; (b) pesticide sprayers and other devices used to apply pesticides must be maintained in a good state of repair, such that there is no leakage of pesticide from any part of the equipment and the sprayer

[F1 Column 1 *Activity*	*Column 2* *Rules*
	is calibrated to accurately deliver the required application rate; (c) pesticide sprayers and other devices used to apply pesticide must not be filled with water taken from any river, burn, ditch, wetland or loch unless: (i) a device preventing back siphoning is fitted to the system; or (ii) the water is first placed in an intermediate container; (d) pesticide-treated plants must not be stored or soaked in any river, burn, ditch, wetland or loch; (e) pesticide must be applied in accordance with the terms and instructions of the relevant product approval;
	(f) unless in accordance with paragraph (g), pesticide must not be applied in, onto or over ground or allowed to drift onto or over ground— (i) that is frozen, snow covered or waterlogged, except where the application in, onto or over waterlogged ground is necessary for the purpose of controlling fungal disease and all precautions are taken to minimise the risk of pesticide entering any river, burn, ditch, wetland, loch, transitional water or coastal water; (ii) that is within 1 metre of any river, burn, ditch, wetland or loch, as measured from the top of the bank, or within 1 metre of any transitional water or coastal water as measured from the shoreline; (iii) that is sloping, unless it is ensured that any run-off of pesticide is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, wetland, loch, transitional water or coastal water towards which the land slopes; (iv) that is within 50 metres of any spring that supplies water for human consumption; (v) that is within 50 metres of any well or borehole unless the well

[F1 Column 1 *Activity*	*Column 2* *Rules*
	or borehole is capped in such a way as to prevent the ingress of the pesticide; (vi) that has an impermeable surface which drains directly into a surface water drainage system, unless measures are taken to minimise the risk of pesticides entering the drainage system; or (vii) along roads, railway lines, permeable surfaces or other infrastructure, unless measures are taken to minimise the risk of pollution of any river, burn, ditch, wetland, loch, transitional water, coastal water or surface water drainage system; and
	(g) pesticide may be applied within 1 metre of any river, burn, ditch or loch, as measured from the top of the bank; within 1 metre of any wetland; or within 1 metre of any transitional water or coastal water as measured from the shoreline where— (i) they are specifically approved for aquatic use under Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC and are applied in accordance with the terms of that approval; (ii) the application is for the sole purpose of controlling an invasive species of plant outwith its native range; (iii) no pesticide enters the river, burn, ditch, wetland, loch, transitional water or coastal water; (iv) the ground over or onto which pesticide is applied is not frozen snow covered or waterlogged; (v) the ground over or onto which plant protection product is applied is not an impermeable surface which drains directly into a surface water drainage system unless measures are taken to minimise the risk of

[F1 Column 1 *Activity*	*Column 2* *Rules*
	pesticide entering the drainage system; (vi) the ground over or onto which pesticide is applied is not within 50 metres of any spring that supplies water for human consumption; (vii) the ground over or onto which pesticide is applied is not within 50 metres of any well or borehole unless the well or borehole is capped in such a way as to prevent the ingress of the pesticide; (viii) the application, including the method used, is designed to minimise damage to other, non-target, vegetation; (ix) all necessary steps are taken to ensure that the application does not result in increased erosion of the banks of the river, burn, or loch or the shoreline of the transitional water or coastal water; and (x) there is no abstraction of water intended for human consumption from the— ((1)) river, burn or ditch, within 250 metres downstream of the application; or ((2)) the loch or wetland within 250 metres of the application; (h) application of pesticide must be carried out in such a way, and at such times, that the risk of pollution of any river, burn, ditch, wetland, loch, transitional water or coastal water is minimised and, in particular, pesticide must not be applied— (i) during rainfall; or (ii) during conditions when there is a risk that spray will drift or be blown outwith the target area; (i) pesticide, including any used packaging that has been stored in contact with pesticide, must not be stored— (i) within 10 metres of any— ((1)) river, burn, ditch or loch, as measured from the top of the bank; ((2)) wetland; or

[F1 Column 1 *Activity*	*Column 2* *Rules*
	((3)) transitional water or coastal water, as measured from the shoreline; (ii) within 50 metres of any spring that supplies water for human consumption; or (iii) within 50 metres of any well or borehole (unless the well or borehole is capped in such a way as to prevent the ingress of any pesticide), unless the pesticide or used packaging is stored in such a way that any leakage or spillage and any exposed pesticide on used packaging cannot reach any river, burn, ditch, wetland, loch, transitional water, coastal water or any opening into a surface water drainage system, including by being transported in rainwater runoff; (j) pesticide, including any used packaging that has been stored in contact with pesticide, must not be stored on an impermeable surface draining to a surface water drainage system.
24. Operating sheep dipping facilities; and operating sheep handling facilities where: (a) sheep are held immediately after dipping; (b) pour-on parasite treatments are applied; or (c) sheep are held immediately after the application of pour-on treatments.	(a) Sheep must be prevented from having access to any surface water or wetland while there is a risk of transfer of sheep dip fluid or any pour-on parasite treatment from their fleece to such places; (b) no mobile sheep dipping facility, or part of any sheep dipping facility constructed on or after 1st April 2008 or sheep handling facility used for pour-on treatments constructed on or after 1st January 2018 may be located within 50 metres of any— (i) river, burn, ditch; or loch as measured from the top of the bank; (ii) wetland; (iii) transitional water or coastal water, as measured from the shoreline; or (iv) well, spring or borehole; (c) sheep dipping facilities must not discharge underground and must not leak or overspill;

⌊F1 Column 1 *Activity*	*Column 2* *Rules*
	(d) sheep dipping facilities must not be filled with water taken from the water environment unless— (i) a device preventing back siphoning is fitted to the system; or (ii) the water is first placed in an intermediate container; and (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.⌋
⌊F30**25.** The placement of trees or parts of trees in any river, burn or ditch to protect eroding banks.	(a) Other than in accordance with paragraph (e), the trees or parts of trees must be placed only in or along eroding banks; (b) the placement must result in an arrangement of live or dead tree stems, branches or roots which, as the water flows through the arrangement, flex or bend and impede its flow with the effect of cushioning the bank from the force of the river, burn or ditch; (c) the placed trees or parts of trees must be tied, keyed or staked into the bank or bed of the river, burn or ditch so as to secure them in place; (d) the placed trees or parts of trees must: (i) follow the line of the toe of the eroded bank at the time of the placement; and (ii) be graded into the existing lines of the banks at either end of the eroded bank; (e) the placement may extend beyond the upstream and downstream ends of an eroding bank only to the extent necessary to: (i) prevent ⌊F31any part of the river, burn or ditch⌋ from going around the placements and eroding the bank behind them; or (ii) wetland; (f) ensure the line of the placements is graded smoothly into the existing lines of the banks at either end of the eroded bank;

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(i) the angle of an eroding bank may only be reduced for the purpose of enabling the establishment and growth of [F32trees or the placement of trees or parts of trees]; and (ii) stones may be placed at the toe of the bank for the purpose of preventing the bank being undercut before the [F33trees have] become established, provided that any stones used are no larger than the largest stones that have been deposited on the channel bed within 500 metres of the eroding bank; (g) all reasonable steps must be taken whilst placing the trees or parts of trees to:— (i) prevent any exposed soil or other sediments from entering the river, burn or ditch; and (ii) where soil or other sediments do enter the river, burn or ditch, prevent these from being transported beyond the part of the bank being protected; (h) once the trees or parts of trees have been placed, any areas of bare earth on the banks resulting from the works must be re-vegetated to minimise the risk of soil erosion, either by covering with grass turfs or lining with a biodegradable geotextile and seeding; and (i) where the trees or parts of trees need to be placed on the wetted part of the bed of the river, burn or ditch or their placement would otherwise be likely to disturb the wetted part of the bed of the river, burn or ditch they must not be placed if there is a reasonable likelihood that there are freshwater pearl mussels in the part of the river, burn or ditch that would be affected.
26. The storage of oil in a portable container with a capacity of less than 200 litres.	The container must be of sufficient strength and structural integrity so as to ensure that it is unlikely to burst or leak in its ordinary use.
27. The storage of oil on premises used [F34as a private dwelling] (except where the premises is a vehicle or vessel), where the oil is–	(a) The container must be of sufficient strength and structural integrity so as to ensure that it is unlikely to burst or leak in its ordinary use; and

[F1 Column 1 *Activity*	*Column 2* *Rules*
(a) stored in a container with a capacity of 2,500 litres or less; and (b) where the oil is used solely to serve a fixed combustion appliance installation providing space heating or cooking facilities;	(b) any container which is installed or altered must comply with the requirements of any applicable regulations under the Building (Scotland) Act 2003
28. The storage of oil on premises other than: (a) where the premises is a vehicle or vessel; (b) where the storage is: (i) an activity specified at activities 26 or 27 of Column 1 of this schedule; or (ii) otherwise authorised under these Regulations; (c) in a container which is wholly underground (unless situated wholly within a building underground);	(a) The oil must be stored in a container which is of sufficient strength and structural integrity, and has been installed so as to ensure that it is unlikely to burst or leak in its ordinary use; (b) the container must be situated within a secondary containment system which: (i) subject to paragraph (e), must have a capacity of not less than 110% of the container's storage capacity or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity, or 25% of the aggregate storage capacity, whichever is greater; (ii) it must be positioned, or other steps taken, so as to minimise any risk of damage to it by impact so far as is reasonably practicable; (iii) its base and walls must be impermeable to water and oil; (iv) its base and walls must not be penetrated by any valve, pipe or other opening which is used for draining the system; and (v) if a fill pipe or draw off pipe penetrates its base or any of its walls, all points at which the pipe meets the base or wall must be adequately sealed to prevent oil escaping from the system; (c) any valve, filter, sight gauge, vent pipe or other equipment ancillary to the container (other than a fill pipe or draw off pipe or a pump) must be situated within the secondary containment system; (d) if the connection point to a fill pipe is not within the secondary containment system, a drip tray must be used to catch any oil spilled when the container is being filled with oil;

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(e) where any drum is used for the storage of the oil in conjunction with a drip tray as a secondary containment system, it is sufficient if the tray has a capacity of not less than 25% of: (i) the drum's storage capacity; or (ii) if there is more than one drum used at the same time with the tray, the aggregate storage capacity of the drums; (f) where a fixed tank is used for storing oil: (i) any sight gauge must be properly supported and fitted with a valve which closes automatically when not in use; (ii) any fill pipe, draw off pipe or overflow pipe must: 1.. be positioned or other steps taken, so as to minimise any risk of damage by impact so far as is reasonably practicable; 2.. if made of materials which are liable to corrosion, be adequately protected against corrosion; and 3.. not be permeable to hydrocarbon vapours; (iii) if underground, any fill pipe, draw off pipe or overflow pipe must: 1.. have no mechanical joints, except at a place where such joints are accessible for inspection by removing a hatch or cover; 2.. be adequately protected from physical damage; 3.. have adequate facilities for detecting any leaks; 4.. if fitted with a leakage detection device which is continuously to monitor for leaks the detection device must be maintained in working order and tested at the appropriate intervals, and at least every 5 years, to ensure that it works properly; and

[F1 Column 1 *Activity*	*Column 2* *Rules*
	5.. if not fitted with a leakage detection device, must be tested for leaks before it is first used and further tests for leaks must be performed in the case of pipes which have mechanical joints, at least once every 5 years, and in other cases, at least once in every 10 years; (iv) if above ground, any fill pipe, draw off pipe or overflow pipe must be properly supported; (v) the tank must be fitted with an automatic overfill prevention device (which may include an alarm sounding device) if the filling operation is controlled from a place where it is not reasonably practicable to observe the tank or any vent pipe; (vi) where a screw fitting or other fixed coupling is fitted, it must be maintained in good condition and used whenever the tank is being filled with oil; (vii) where oil from the tank is delivered through a flexible pipe which is permanently attached to the container or delivery pump: 1.. the pipe must be fitted with a tap or valve at the delivery end which closes automatically when not in use; 2.. the tap or valve must not be capable of being fixed in the open position unless the pipe is fitted with an automatic shut off device; 3.. the pipe must— ((a)) be enclosed in a secure cabinet (equipped with a drip tray) which is locked shut when not in use; or ((b)) [F35]... have a lockable valve where it leaves the container which is

[F1 Column 1 *Activity*	*Column 2* *Rules*
	locked shut when not in use; or ((c)) [F36 be situated in premises which] have appropriate security to prevent unauthorised access; and 4.. [F37 where sub-paragraph 3(b) or (c) applies,] the pipe must be kept within the secondary containment system or positioned above an area which drains to a suitable oil interceptor when not in use; (viii) any pump must be: 1.. fitted with a non-return valve [F38 or an isolating device] in its feed line; 2.. positioned or other steps must be taken, so as to minimise any risk of damage to it so far as is reasonably practicable; and 3.. protected from unauthorised use; and (ix) any permanent vent pipe, tap or valve through which oil can be discharged from the tank to the open must be: 1.. Situated within the secondary containment system; 2.. arranged so that any oil discharged from the tank other than to its intended destination is contained within the system; and 3.. in the case of a tap or valve, fitted with a lock and locked shut when not in use; and (g) where a mobile bowser is used for storing oil: (i) any tap or valve permanently fixed to the bowser through which oil can be discharged to the open must be fitted with a lock and locked shut when not in use; (ii) where oil is delivered through a flexible pipe which is permanently attached to the mobile bowser:

⌊[F1 Column 1 *Activity*	*Column 2* *Rules*
	1.. the pipe must be fitted with a manually operated pump or a valve at the delivery end which automatically closes when not in use; 2.. the pump or valve must be provided with a lock and locked shut when not in use; and 3.. the pipe must be fitted with a lockable valve at the end where it leaves the container and must be locked shut when not in use; and (iii) any sight gauge must be secured to the mobile bowser and be fitted with a valve or tap which must be locked in the shut position when not in use.**⌋**
⌊[F39]**29**. The making and storage of silage in bales or bulk bags.	(a) The bales or bulk bags must not be stored, opened, or unwrapped within 10 metres of any— (i) river, burn, ditch or loch, as measured from the top of the bank, (ii) wetland, (iii) transitional water or coastal water, as measured from the shoreline, or (iv) opening into a surface water drain which silage effluent could enter if it were to escape, (b) the bulk bags must— (i) have an impermeable membrane, (ii) be resealed when not in use, to prevent the escape of silage effluent, (iii) incorporate a facility to enable the removal of any excess effluent without spillage, and (iv) be situated on a firm level surface, (c) the bales must be wrapped and sealed into impermeable membranes or enclosed in impermeable bags.
30. The treatment of silage effluent which consists mainly of rainwater by draining it from a silo through a constructed farm wetland.	Silage effluent which consists mainly of rainwater may be drained through a constructed farm wetland only if— (a) the silo is open for use, (b) the drainage of the silage effluent from the silo to the constructed farm wetland is

[F1 Column 1 *Activity*	*Column 2* *Rules*
	direct and through a separate channel or pipe from the base of the silo, (c) no crop is added to the silo whilst it is open.
31. The making and storage of silage other than in bales or bulk bags.	(a) Silage must be made and stored in a silo which— (i) complies with paragraphs (b) to (g), (ii) if constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, in addition to paragraph (a)(i), complies with paragraphs (h) to (j) (iii) if new (including a silo constructed from used materials), or substantially reconstructed or enlarged, on or after 1 January 2022, has a life expectancy of at least 20 years, with proper maintenance, from its construction, reconstruction or enlargement, (b) the base of the silo must be constructed with channels to collect silage effluent from the silo, and with channels or pipes which must drain any such silage effluent to an effluent tank, (c) the capacity of the effluent tank must be at least— (i) for a silo with a capacity of less than 1500m³, 20 litres for every 1m³ of silo capacity, or (ii) for a silo with a capacity of 1500m³ or greater, 30,000 litres, plus 6.7 litres for every 1m³ of silo capacity over 1500m³, (d) where the effluent collection system associated with the silo incorporates a system of pumps and sumps, it must be fitted with an automatic overfill prevention device with a dedicated electrical supply and an alarm, (e) the base of the silo, the base and walls of its effluent tank and channels, and the walls of any pipes must be impermeable, (f) the base and any walls of the silo, its effluent tank and channels, and the walls of any pipes must, so far as reasonably practicable, be resistant to attack by silage effluent and, where the walls are made of earth, they must be lined with an

[F1 Column 1 *Activity*	*Column 2* *Rules*
	impermeable membrane of 1000 gauge polyethylene or a material of at least equivalent impermeability and durability, (g) if the silo has retaining walls which are not made of earth, the stored silage level within that silo once compacted must be no greater than the height of the retaining wall, (h) the base of any silo constructed, or substantially reconstructed or enlarged, on or after 1 September 1991 must, in addition to paragraph (b)— (i) comply with British Standard EN 1992-3:2006 and British Standard EN-1-1-2004 +A1:2014 (for concrete bases), or British Standard EN 13108-4:2016 (for hot-rolled asphalt bases), (ii) where the silo has retaining walls made other than of earth, extend beyond those walls, (i) where any part of an effluent tank constructed, or substantially reconstructed or enlarged, on or after 1 September 1991 is installed below ground level, it must be designed and constructed in accordance with the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-22:2003+A1:2013, (j) a silo constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, which has retaining walls which are not made of earth, must have retaining walls capable of withstanding the minimum wall loadings calculated in accordance with the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-22:2003+A1:2013, (k) a silo constructed (including from used materials), or substantially reconstructed or enlarged, on or after 1 January 2022, which has retaining walls which are not made of earth, must have the maximum loadings of the silo visibly displayed on it,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(l) a silo, its effluent tank, channels and any associated pipes constructed on or after 1 January 2022 must not be situated within 10 metres of any surface water or opening into a surface water drain which silage effluent could enter if it were to escape, (m) the silo, its effluent tank, channel and pipes must be operationally maintained to be free of any structural defects during its lifecycle, (n) the silo must not be filled beyond the drainage channel, (o) where a silo or effluent tank is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must notify SEPA no later than 30 days prior to commencing the works, (ii) the notification under sub-paragraph (i) must be accompanied by an engineering plan for the works to be carried out, (iii) the operator must retain the engineer's final sign-off certificate for the works for the lifetime of the silo or effluent tank, for inspection by SEPA on request.
32. The storage of slurry.	(a) Where slurry is produced on the farm by housed livestock, the slurry must be stored in a slurry storage system, liquid digestate storage system, or slurry bags which have sufficient capacity to store the total quantity of slurry likely to be produced in— (i) 26 weeks by housed pigs, or (ii) 22 weeks by housed cattle, taking account of any additional inputs to or exports from the storage as described in paragraph (c), (b) the total quantity of slurry referred to in paragraph (a) is to be calculated by adding up the figures produced for each type of livestock, as applicable, in accordance with the formula for housed pigs or housed cattle, contained in regulation 7(2) of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(c) in calculating the minimum storage capacity necessary to comply with paragraph (a), the following figures must be included in respect of the relevant 26 or 22 week period— (i) the quantity of any rainfall (including any fall of snow, hail or sleet) that is likely to enter the system (directly or indirectly) including from dungsteads, silage pits or dirty yards, (ii) the quantity of any cleaning water that is likely to enter the system or slurry bag, (iii) the likely quantity of any imported slurries and liquid digestate added to the system or slurry bag, (iv) the quantity of any slurry exported off farm, (d) where slurry is imported onto the farm, there must be sufficient storage capacity on the farm to store the quantities imported during periods when application is not authorised under activity 18 of column 1 of this schedule or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008, (e) the capacity of any facility used for the temporary storage of slurry before it is transferred to a slurry storage tank must be the equivalent of at least 1.5% of the minimum on farm storage capacity in accordance with paragraph (a), (f) the slurry storage system must— (i) comply with paragraphs (g) to (l), (ii) where constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, comply, in addition to paragraph (f)(i), with paragraphs (m) and (n), (iii) if new (including systems constructed from used materials), substantially reconstructed or enlarged, on or after 1 January 2022, have a life expectancy of at least 20 years with proper maintenance, from its construction, reconstruction or enlargement,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(g) the base and walls of any slurry storage tank, any channels and reception pit, and the walls of any pipes, must be impermeable (except where the conditions in paragraph (j) are complied with) and free from any cracks or structural defects, (h) where slurry flows into a channel before discharging into a reception pit, and the flow is controlled by means of a sluice or valve, the capacity of the reception pit must be sufficient to store the maximum quantity of slurry which can be released by opening the sluice or valve, (i) the slurry storage tank, channels, pipes, valves, and reception pit must be operationally maintained to be free of any structural defects during their lifecycle, (j) where the walls of the slurry storage tank are not impermeable— (i) the base of the tank must extend beyond its walls and be provided with channels designed and constructed so as to collect any slurry which may escape from the tank, (ii) the tank must have adequate provision to collect, drain and store slurry from the channels to a slurry storage system, (k) where the slurry storage tank or reception pit is fitted with a drainage pipe— (i) there must be two valves in series on the pipe and each valve must be capable of stopping the flow of slurry through the pipe and must be kept shut and locked in that position when not in use, (ii) sub-paragraph (i) does not apply in relation to a slurry storage tank which drains through the pipe into another slurry storage tank of equal or greater capacity or where the tops of the tanks are at the same level, (l) where a slurry storage system has walls which are made of earth, the system must not be filled to a level which allows less than 750 millimetres of freeboard, and in all other cases the slurry storage tank

[F1 Column 1 *Activity*	*Column 2* *Rules*
	must not be filled to a level which allows less than 300 millimetres of freeboard, (m) the base and walls of any slurry storage tank, channels and reception pit, valves, and the walls of any pipes, constructed, or substantially reconstructed or enlarged, on or after 1 September 1991 must be protected against corrosion in accordance with paragraph 7.2 of the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-50:1993+A2:2010, (n) the base and walls of any slurry storage tank and any reception pit constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, must be capable of withstanding characteristic loads calculated on the assumptions and in the manner as set out in paragraph 5 of the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-50:1993+A2:2010, (o) any slurry storage system, constructed, or substantially reconstructed or enlarged, on or after 1 January 2022, which has walls made of earth, must be lined with an impermeable sheet material which, with proper maintenance, slurry cannot permeate for a period of at least 20 years, (p) a slurry storage system constructed on or after 1 January 2022 must not be situated within 10 metres of any surface water or opening into a surface water drain which slurry could enter into if it were to escape, (q) a slurry bag may only be used to store slurry if— (i) the bag is constructed of impermeable material of sufficient strength and structural integrity such that it is unlikely to burst or leak in its ordinary use, and (ii) it is situated in a bund which complies with the following requirements— (1) the bund must be of at least equivalent capacity to the slurry bag,

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(2) the bund must be lined with an impermeable sheet material which, with proper maintenance, slurry cannot permeate for a period of at least 20 years, (3) the bund must have a means of removing rainwater, and (4) other than as necessary to allow rainwater to be removed, the base and walls of the bund must not be penetrated by any valve, pipe or other opening, (r) where a slurry storage system (including a reception pit or channels) is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must notify SEPA no later than 30 days prior to commencing the works, (ii) the notification under sub-paragraph (i) must be accompanied by an engineering plan for the works to be carried out, (iii) the operator must retain the engineer's final sign-off certificate for the works for the lifetime of the slurry storage system, for inspection by SEPA on request, (s) slurry may be stored in a liquid digestate storage system which complies with the rules in column 2 of activity 34 of this schedule in relation to the storage of liquid digestate.
33. The treatment of slurry which consists mainly of rainwater and washings by draining through a constructed farm wetland.	(a) Slurry may be drained through a constructed farm wetland only if it consists mainly of rainwater and washings which derive from— (i) a midden which mainly contains farm yard manure and is situated where its contents can be affected directly by precipitation, (ii) any uncovered yard, used by livestock to move from one area to another but not including areas covered by paragraph (b), (iii) a yard which is used for the gathering or holding of livestock

[F1 Column 1 *Activity*	*Column 2* *Rules*
	no more than once a week and which can be directly affected by precipitation, (b) slurry must not be drained through a constructed farm wetland from areas— (i) where livestock are gathered or held more than once a week, or (ii) used for livestock movement or holding prior to, during or after being— (1) milked, (2) housed, or (3) fed, (c) slurry which contains pesticide must not be drained through a constructed farm wetland, (d) all reasonable steps must be taken to ensure that the drainage of slurry through a constructed farm wetland does not cause pollution of the water environment.
34. Storage of liquid digestate unless the storage is regulated by— (a) a waste management licence in terms of section 35 of the Environmental Protection Act 1990, (b) the registration of a registered exemption under the Waste Management Licensing (Scotland) Regulations 2011, (c) a permit in terms of regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012.	(a) Where liquid digestate is produced on the farm, it must be stored in a liquid digestate storage system, slurry storage system or slurry bag which has sufficient capacity to accommodate the volume of liquid digestate produced during periods when application is not authorised under activity 18 of column 1 of this schedule or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008, (b) where liquid digestate is imported onto a farm, it must be stored in a liquid digestate storage system, slurry storage system or slurry bag which has sufficient capacity to store the quantities imported during periods when application is not authorised under activity 18 of column 1 of this schedule or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008, (c) in calculating the required storage capacity, the following figures must be included— (i) the quantity of any rainfall (including any fall of snow, hail or sleet that is likely to enter the

[F1 Column 1 *Activity*	*Column 2* *Rules*
	system or slurry bag (directly or indirectly) including from dungsteads, silage pits or dirty yards, (ii) the quantity of any cleaning water that is likely to enter the system or slurry bag, (iii) the quantity of any slurry from housed livestock, (iv) the likely quantity of any imported slurries and liquid digestate added to the system or slurry bag, (v) the quantity of any liquid digestate exported off farm, (d) a liquid digestate storage system must, (i) comply with paragraphs (e) to (k), (ii) if new (including systems constructed from used materials), or substantially reconstructed or enlarged, on or after 1 January 2022, have a life expectancy of at least 20 years, with proper maintenance, from its construction, reconstruction or enlargement, (e) the base and walls of the liquid digestate storage tank and the walls of any feedstock tank, channels and pipes must be impermeable, (f) the base and walls of the liquid digestate storage tank and feedstock tank, valves and the walls of any pipes must be protected against corrosion in accordance with paragraph 7.2 of the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-50:1993+A2:2010, (g) the base and walls of the liquid digestate storage tank and any feedstock tank must be capable of withstanding characteristic loads calculated on the assumptions and in the manner as set out in paragraph 5 of the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-50:1993+A2:2010, (h) the liquid digestate storage system must not be situated within 10 metres of any surface water or opening into a surface

[F1 Column 1 *Activity*	*Column 2* *Rules*
	water drain which liquid digestate could enter if it were to escape, (i) the liquid digestate tank, pipes, valves and feedstock tank must be operationally maintained to be free of any structural defects during their lifecycle, (j) where the liquid digestate storage tank is fitted with a drainage pipe— (i) there must be two valves in series on the pipe and each valve must be capable of stopping the flow of liquid digestate through the pipe and must be kept shut and locked in that position when not in use, (ii) sub-paragraph (i) does not apply in relation to a liquid digestate storage tank which drains through the pipe into another liquid digestate storage tank of equal or greater capacity or where the tops of the tanks are at the same level, (k) where a liquid digestate storage system includes a lagoon with walls which are made of earth, the lagoon must not be filled to a level which allows less than 750 millimetres of freeboard, and in all other cases the liquid digestate storage tank must not be filled to a level which allows less than 300 millimetres of freeboard, (l) where a liquid digestate storage system constructed, or substantially reconstructed or enlarged, on or after 1 January 2022 includes a lagoon with walls which are made of earth, the lagoon must be lined with an impermeable sheet material which, with proper maintenance, liquid digestate cannot permeate for a period of at least 20 years, (m) a slurry bag may only be used to store liquid digestate if— (i) the bag is constructed of impermeable material, is of sufficient strength and structural integrity, and is unlikely to burst or leak in its ordinary use, and (ii) it is situated in a bund which complies with the following requirements—

[F1 Column 1 *Activity*	*Column 2* *Rules*
	(1) the bund must be of at least equivalent capacity to the slurry bag, (2) the bund must be lined with an impermeable sheet material which, with proper maintenance, liquid digestate cannot permeate for a period of at least 20 years, (3) the bund must have a means of removing rainwater from it, (4) other than as necessary to allow rainwater to be removed, the base and walls of the bund must not be penetrated by any valve, pipe or other opening, (n) where a liquid digestate storage system is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must notify SEPA no later than 30 days prior to commencing the works, (ii) the notification under sub-paragraph (i) must be accompanied by an engineering plan for the works to be carried out, and (iii) the operator must retain for the lifetime of the liquid digestate storage system, for inspection by SEPA on request, the engineer's final sign-off certificate for the works, (o) liquid digestate may be stored in a slurry storage system which complies with the requirements in column 2 of activity 32 of this schedule in relation to the storage of slurry.**]]**

Textual Amendments

F1 Sch. 3 Pt. 1 table substituted (1.7.2013) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/176), regs. 1, 2(4)(a), **sch.**

F2 Sch. 3 Pt. 1 entry 3 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(a)**

F3 Words in sch. 3 Pt. 1 entry 5 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(a)(i)**

F4 Words in sch. 3 Pt. 1 entry 5 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(a)(ii)**

F5 Word in sch. 3 Pt. 1 entry 6 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(b)**

F6 Word in sch. 3 Pt. 1 entry 8 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(c)(i)**

F7 Words in sch. 3 Pt. 1 entry 8 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(c)(ii)**

F8 Sch. 3 Pt. 1 entries 9-12 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(b)**

F9 Word in sch. 3 Pt. 1 entry 9 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(d)**

F10 Sch. 3 Pt. 1 entries 10A-10D substituted for entry 10 (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(e)**

F11 Word in sch. 3 Pt. 1 entry 11 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(f)(i)**

F12 Word in sch. 3 Pt. 1 entry 11 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(f)(ii)**

F13 Words in sch. 3 Pt. 1 entry 13 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(c)**

F14 Word in sch. 3 Pt. 1 entry 14 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(g)**

F15 Words in sch. 3 Pt. 1 entry 15 deleted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(d)(i)**

F16 Words in sch. 3 Pt. 1 entry 15 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(h)(i)**

F17 Word in sch. 3 Pt. 1 entry 15 omitted (1.1.2022) by virtue of The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(h)(ii)**

F18 Words in sch. 3 Pt. 1 entry 15 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(h)(iii)**

F19 Words in sch. 3 Pt. 1 entry 15 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(h)(iv)**

F20 Sch. 3 Pt. 1 entries 17-20 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(e)**

F21 Words in sch. 3 Pt. 1 entry 18 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(i)**

F22 Words in sch. 3 Pt. 1 entry 18 omitted (1.1.2022) by virtue of The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), 3(4)(ii)(aa)

F23 Words in sch. 3 Pt. 1 entry 18 omitted (1.1.2022) by virtue of The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), 3(4)(ii)(bb)

F24 Word in sch. 3 Pt. 1 entry 18 omitted (1.1.2022) by virtue of The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), 3(4)(ii)(cc)

F25 Words in sch. 3 Pt. 1 entry 18 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), 3(4)(ii)(dd)

F26 Words in sch. 3 Pt. 1 entry 18 inserted (1.1.2023) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(3), **3(4)(j)** (with reg. 4)

F27 Words in sch. 3 Pt. 1 entry 21 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(k)**

F28 Words in sch. 3 Pt. 1 entry 22 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(l)**

F29 sch. 3 Pt. 1 entries 23, 24 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(f)**

F30 Words in sch. 3 Pt. 1 entry 25 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(m)(i)**

F31 Words in sch. 3 Pt. 1 entry 25 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(m)(ii)**

F32 Words in sch. 3 Pt. 1 entry 25 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(m)(iii)**

F33 Words in sch. 3 Pt. 1 entry 25 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(m)(iv)**

F34 Words in sch. 3 Pt. 1 entry 27 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(n)**

F35 Words in sch. 3 Pt. 1 entry 28 omitted (1.1.2022) by virtue of The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(o)(i)(aa)**

F36 Words in sch. 3 Pt. 1 entry 28 substituted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(o)(i)(bb)**

F37 Words in sch. 3 Pt. 1 entry 28 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(o)(ii)**

F38 Words in sch. 3 Pt. 1 entry 28 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(o)(iii)**

F39 Sch. 3 Pt. 1 entries 29-34 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(4)(p)** (with regs. 5-7)

PART 2

In this Schedule—

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

[F40"bed width" means the straight line distance that is between the opposite bank toes of a river burn or ditch, and which spans the bed of the river, burn or ditch, including any exposed bars and vegetated islands,**]**

[F41"buffer zone" means an area of land, where no storage or application of fertiliser or pesticide takes place, which intercepts (or would intercept) run-off from the storage or application of fertiliser or pesticide to prevent it from entering the water environment;**]**

"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;

[F40"constructed farm wetland" means a series of ponds for the treatment of slurry or silage effluent consisting mainly of rainwater, which have been constructed in such a manner that any discharge from the ponds does not pollute the water environment,**]**

[F42"container" means a single or double skinned fixed tank, a drum, a mobile bowser or (even if not connected to fixed pipe or fixed pipework) an intermediate bulk container;**]**

"crop" includes any plant grown for a commercial purpose;

"cultivation" includes the preparation of land prior to planting, and the harvesting of any crop;

[F43"dewatered" in relation to digestate or sewage sludge means digestate or sewage sludge which—

(a) has had liquid removed from it so that it consists of at least 20% dry material; and

(b) is capable of being stacked in a free standing heap without slumping and without liquid draining from the heap;**]**

"ditch" means an open channel which collects and conveys drainage water from surface or subsurface drainage to the wider surface water environment;

[[F40]"domestic sewage" has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968,**]**

[[F40]"draff" means the residue of grain after fermentation of the grain in a brewing or distilling process,**]**

[[F40]"draw off pipe" means a pipe used to withdraw oil from a container,**]**

[[F44]"drum" means an oil drum or similar container used for storing oil;

"eroding bank" means any bank of a river, ditch or burn which is being eroded by the action of the river, ditch or burn;**]**

[[F40]"farm" means land occupied as a unit for agricultural purposes,**]**

"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) **[**[F45]and includes digestate fibrous residue**]**;

"fertiliser" means any substance containing nutrients which is utilised on land to enhance plant growth, but excludes forestry brash;

[[F40]"fill pipe" means a pipe used to deliver oil into a container,**]**

[[F46]"fixed tank" includes an intermediate bulk container which is connected to fixed pipework;**]**

[[F40]"forage crop" means any crop grown as food for livestock or for use in energy production,**]**

"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;

[[F40]"housed" means kept permanently or overwintered, indoors or outside, on a collection based slurry system,**]**

[[F40]"impermeable sheet material" means—

(a) synthetic rubbers, EPDM (ethylene propylene diene monomer rubber) and butyl,

(b) plastics, including polyvinyl chloride, low density polyethylene and high density polyethylene, and

(c) reinforced geomembranes,**]**

[[F47]"invasive species of plant outwith its native range" has the same meaning as in the Wildlife and Countryside Act 1981;**]**

[[F40]"liquid digestate" means—

(a) whole digestate,

(b) the liquid fraction, or

(c) any run-off from the storage of fibrous residue,

resulting from an anaerobic digestion process of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process,**]**

[F40"liquid digestate storage system" means—

(a) a liquid digestate tank,

(b) any feedstock tank used in connection with the liquid digestate tank, and

(c) any channels and pipes used in connection with the liquid digestate tank or feedstock tank,**]**

[F40"liquid digestate tank" includes a lagoon or tower used for the storage of liquid digestate,**]**

[F40"livestock" means any animal kept for use or profit as part of a commercial enterprise,**]**

"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;

[F48"oil" means any kind of oil other than solid products such as uncut bitumen and includes fuel oil, waste oil, biofuel mixtures, vegetable oil, plant oil, lubricant 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.) M1;

[F49"plant protection products" means products, in the form in which they are supplied to the user, consisting of, or containing, active substances, safeners or synergists, and intended for one of the following uses:

(i) protecting plants or plant products against all harmful organisms or preventing the action of such organisms, unless the main purpose of these products is considered to be for reasons of hygiene rather than for the protection of plants or plant products;

(ii) influencing the life processes of plants, such as substances influencing their growth, other than as a nutrient;

(iii) preserving plant products;

(iv) destroying undesired plants or parts of plants, except algae unless the products are applied on soil or water to protect plants; or

(v) checking or preventing undesired growth of plants, except algae unless the products are applied on soil or water to protect plants;**]**

[F40"precision equipment" means equipment capable of low emission, accurate application techniques including a dribble bar or band spreader, trailing hose, trailing shoe or direct injection,**]**

[F40"private dwelling" means any part of a building used or intended to be used as a dwelling,**]**

[F40"radioactive substance" has the same meaning as in paragraph 4 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018,**]**

[F40"reception pit" means a pit used for the collection of slurry before it is transferred into a slurry storage tank or for the collection of slurry discharged from such a tank,**]**

"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;

[F50"secondary containment system" means a drip tray, an area surrounded by a bund or catchpit, or any other system for preventing oil which is no longer in its container from escaping from the place where it is stored;**]**

"sewage" has the same meaning as in section 59 of the Sewerage (Scotland) Act 1968 (interpretation) M2;

[F40"silage" means any forage crop (including draff) which is being, or has been, conserved by fermentation or preservation (including the use of additives), or both, **]**

[F40"silage effluent" means—

(a) effluent produced from any forage crop which is being made or has been made, into silage,

(b) a mixture consisting wholly of or containing such effluent, rainwater or groundwater emanating from a silo, silage effluent collection system or drain,**]**

[F40"silo" means any structure used for making or storing silage,**]**

[F40"slurry" includes—

(a) excreta, including any liquid fraction, produced by livestock whilst in a yard or building (including woodchip corrals), and

(b) a mixture consisting wholly of or containing such excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, dungsteads or middens, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present,**]**

[F40"slurry storage system" means—

(a) a slurry storage tank,

(b) any reception pit and any effluent tank used in connection with the slurry storage tank, and

(c) any channels and pipes used in connection with the slurry storage tank, any reception pit or any effluent tank,**]**

[F40"slurry storage tank" includes a lagoon, pit (other than a reception pit) or tower used for the storage of slurry,**]**

"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;

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

[F51"trees or parts of trees" includes any root wads, brash, stakes made of live willow and willow spiling but does not include timber products or wood prepared for use in building or carpentry;**]**

[F40"trunk road" has the same meaning as in section 151 of the Roads (Scotland) Act 1984**]**;

"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;

[F52"water run-off" means any water from rainfall or any meltwater from ice or snow flowing over or horizontally through the surface of the ground and any matter picked up by that water as it does so;**]**

"waterbound road" means a road **[**F53or track**]** constructed of coarse stone and fine aggregate to form a tightly bound semi-impervious surface;F54...

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

[F55"well" includes a permeable underground collection tank; and

"willow spiling" means live willow rods woven between live willow uprights driven into the bank or bed of a watercourse.**]**

Textual Amendments

F40 Words in sch. 3 Pt. 2 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(5)(b)**

F41 Words in sch. 3 Pt. 2 inserted (1.7.2013) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/176), regs. 1, **2(4)(b)**

F42 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(i)**

F43 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(ii)**

F44 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(iii)**

F45 Words in sch. 3 Pt. 2 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(5)(a)**

F46 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(iv)**

F47 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(v)**

F48 Words in sch. 3 Pt. 2 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(vi)**

F49 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(vii)**

F50 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(viii)**

F51 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(ix)**

F52 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(x)**

F53 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(xi)**

F54 Word in sch. 3 Pt. 2 omitted (1.1.2018) by virtue of The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(xii)**

F55 Words in sch. 3 Pt. 2 inserted (1.1.2018) by virtue of The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(xiii)**

Marginal Citations

M1 1985 c.48.
M2 1968 c.47.

Textual Amendments

F40 Words in sch. 3 Pt. 2 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(5)(b)**
F41 Words in sch. 3 Pt. 2 inserted (1.7.2013) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/176), regs. 1, **2(4)(b)**
F42 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(i)**
F43 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(ii)**
F44 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(iii)**
F45 Words in sch. 3 Pt. 2 inserted (1.1.2022) by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/412), regs. 1(2), **3(5)(a)**
F46 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(iv)**
F47 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(v)**
F48 Words in sch. 3 Pt. 2 substituted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(vi)**
F49 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(vii)**
F50 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(viii)**
F51 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(ix)**
F52 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(x)**
F53 Words in sch. 3 Pt. 2 inserted (1.1.2018) by The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(xi)**
F54 Word in sch. 3 Pt. 2 omitted (1.1.2018) by virtue of The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(xii)**
F55 Words in sch. 3 Pt. 2 inserted (1.1.2018) by virtue of The Water Environment (Miscellaneous) (Scotland) Regulations 2017 (S.S.I. 2017/389), regs. 1, **3(h)(xiii)**

Marginal Citations

M1 1985 c.48.
M2 1968 c.47.

PART 3

F56

. . .

Textual Amendments

F56 Sch. 3 Pt. 3 omitted (31.12.2020) by virtue of The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

F56

- . . . . . .

F56

- . . . . . .

Changes to legislation:
There are currently no known outstanding effects for the The Water Environment (Controlled Activities) (Scotland) Regulations 2011, SCHEDULE 3.