



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER I

GENERAL FUNCTIONS OF SEWERAGE UNDERTAKERS [^{F1}ETC]

Principal duties and standards of performance

[^{F1}96G Nutrient pollution standards determined through environmental permitting

- (1) The Secretary of State may designate a sensitive catchment area as a catchment permitting area.
- (2) In determining whether to make a designation under [subsection \(1\)](#) or to revoke such a designation under [section 96H\(3\)\(c\)](#), the Secretary of State may take into account, in particular, advice from, or guidance published by, the Environment Agency or Natural England.
- (3) Where the Secretary of State makes a designation under [subsection \(1\)](#), the Environment Agency must—
 - (a) review the environmental permits for the plants that discharge treated effluent into the catchment permitting area that are—
 - (i) nutrient significant plants, and
 - (ii) such other plants that the Environment Agency considers appropriate (including such plants within an area that may be determined by the Environment Agency), and
 - (b) impose conditions on those permits relating to nutrients in treated effluent discharged by those plants—

Status: Point in time view as at 26/12/2023.

Changes to legislation: Water Industry Act 1991, Section 96G is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) under Chapter 3 of Part 2 of the Environmental Permitting (England and Wales) Regulations 2016, and
 - (ii) for the relevant purpose.
- (4) The “relevant purpose” is ensuring that, on and after the applicable date, the overall effect on the habitats site associated with the catchment permitting area of nutrients in treated effluent discharged by all the plants that discharge treated effluent into the catchment permitting area is less significant or the same as the overall effect on the site of nutrients in treated effluent that would be discharged by those plants if—
- (a) the standard concentration applied to nutrient significant plants, and
 - (b) the nutrient significant plants were (on that basis) meeting the nutrient pollution standard on and after the applicable date.
- (5) For that purpose, a condition imposed on an environmental permit in pursuance of subsection (3)(b) may, in particular—
- (a) require, or have the effect of requiring, that the concentration of nutrients in treated effluent discharged by a plant is higher or lower than, or equal to, the standard concentration;
 - (b) relate to any or all of the plants mentioned in subsection (3)(a), including the concentration of nutrients in treated effluent discharged by those plants.
- (6) In subsection (4)—
- (a) the “applicable date” means—
 - (i) where the designation under section 96C(1) or (2) of the area that is the catchment permitting area takes effect during the initial period, 1 April 2030, or
 - (ii) where that designation takes effect after the initial period, the date specified under section 96C(4)(d) in that designation;
 - (b) a habitats site is “associated” with a catchment permitting area if water released into the area would drain into the site.
- (7) The duty in subsection (3) applies in relation to the grant of an environmental permit for a plant that discharges (or will discharge) treated effluent into the catchment permitting area as if—
- (a) paragraph (a) were omitted, and
 - (b) in paragraph (b)—
 - (i) for “those permits” there were substituted “the permit”;
 - (ii) for “those plants” there were substituted “the plant”;
 - (iii) for “Chapter 3” there were substituted “Chapter 2”.
- (8) It is for the Environment Agency to determine the overall effect on a habitats site of nutrients in treated effluent.
- (9) Regulations made by the Secretary of State may specify how such determinations are to be made.
- (10) In this section “nutrients”, in relation to an area designated under—
- (a) section 96C(1), means nutrients in water comprising nitrogen or compounds of nitrogen;
 - (b) section 96C(2), means nutrients in water comprising phosphorus or compounds of phosphorus.]

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Textual Amendments

- F1** Ss. 96B-96N inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 168(1), 255(6)** (with s. 247)
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Modifications etc. (not altering text)

- C1** S. 96G(6)(a) applied (26.12.2023) by S.I. 2017/1012, **reg. 85D** (as inserted by [Levelling Up and Regeneration Act 2023 \(c. 55\)](#), s. 255(6), **Sch. 15 para. 11** (with s. 247))
- C2** S. 96G(6)(a) applied (26.12.2023) by S.I. 2015/810, reg. 9A(7) (as inserted by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 170(2), 255(6)** (with s. 247))

Status:

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