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STATUTORY INSTRUMENTS

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**2008 No. 2349**

**The Nitrate Pollution Prevention Regulations 2008**

**PART 9**

**Review**

**Monitoring and review**

**46.**—(1) At least every four years the Secretary of State must review the effectiveness of the restrictions in nitrate vulnerable zones imposed by these Regulations as a means of reducing or preventing water pollution caused by nitrates from agricultural sources and if necessary revise them.

(2) In order to do this the Secretary of State must establish a monitoring programme to assess the effectiveness of the restrictions in these Regulations.

(3) When carrying out this review the Secretary of State must take into account—

- (a) available scientific and technical data, particularly with reference to respective nitrogen contributions originating from agricultural and other sources; and
- (b) regional environmental conditions.

**Public participation**

**47.**—(1) When carrying out this review the Secretary of State must ensure that the public is given early and effective opportunities to participate.

(2) The Secretary of State must make adequate arrangements for public participation to enable the public to prepare and participate effectively.

(3) The Secretary of State must ensure that—

- (a) the public is consulted about any proposals and that relevant information about such proposals is made available to the public, including information about the right to participate in decision-making and about the body to which comments or questions may be submitted; and
- (b) the public is entitled to express comments and opinions when all options are open before decisions on the plans and programmes are made.

(4) The Secretary of State must identify the public entitled to be consulted, including non-governmental organisations promoting environmental protection.

(5) Reasonable time must be allowed for consultation.

(6) Consultation must be taken into account in reaching a decision.

(7) Following consultation the Secretary of State must inform the public about the decisions taken and the reasons and considerations upon which those decisions are based, including information about the public participation process.