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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 323**

**The Water Environment (River Basin Management  
Planning: Further Provision) (Scotland) Regulations 2013**

**PART 3**

**SPECIFIC MEASURES AGAINST POLLUTION OF WATER**

**Interpretation of Part 3**

**16.** In this Part, “Priority Substances Directive” means [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy<sup>(1)</sup> as it had effect immediately before it was amended by [Directive 2013/39/EU](#) of the European Parliament and of the Council<sup>(2)</sup>.

**Environmental quality standards for bodies of surface water**

**17.—(1)** With the aim of achieving good surface water chemical status, SEPA must apply, in accordance with regulations 3 to 11 and Part 1 (protection of the water environment) of the Act, the environmental quality standards in Part A of Annex I to the Priority Substances Directive for each body of surface water within a river basin district in accordance with Part B of that Annex.

(2) SEPA may, where the Scottish Ministers so direct (in exercise of powers conferred by the Act or any other enactment), apply environmental quality standards for sediments and/or biota instead of those in Part A of Annex I to the Priority Substances Directive in accordance with Article 3(2) of that Directive.

(3) For the purposes of section 8(1) (monitoring) of the Act, SEPA must arrange for the long-term trend analysis of the concentration of those priority substances listed in Part A of Annex I to the Priority Substances Directive which tends to accumulate in sediment and/or biomass.

(4) Each programme of measures must include measures aimed at ensuring, subject to regulations 3 to 11, that concentrations of those priority substances listed in Part A of Annex I to the Priority Substances Directive do not significantly increase in sediment and/or relevant biota.

(5) SEPA must determine the frequency of monitoring in sediment and/or biota so as to provide sufficient data for reliable long-term trend analysis.

**Designation of mixing zones**

**18.—(1)** SEPA may designate a mixing zone adjacent to any point of discharge to the water environment which is a controlled activity.

(2) SEPA must ensure that the extent of any such zone is—

(a) restricted to the proximity of the point of discharge; and

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(1) OJ L 348, 24.12.2008, p.84.

(2) OJ L 226, 24.8.2013, p.1.

- (b) proportionate, having regard to the concentrations of pollutants at the point of discharge and to the conditions on emissions of pollutants contained in any prior authorisation.
- (3) Where SEPA designates a mixing zone, concentrations of one or more substances listed in Part A of Annex I to the Priority Substances Directive may exceed the relevant environmental quality standards within that zone, provided that this does not affect the compliance of the rest of the body of surface water with those standards.
- (4) The river basin management plan (or the next update of it) for a river basin district within which a mixing zone (or any part of a mixing zone) has been designated must include a description of—
- (a) the approaches and methodologies applied to define such zones; and
  - (b) measures taken with a view to reducing the extent of the mixing zones in the future.
- (5) In paragraph (1), “controlled activity” has the meaning given in regulation 2(1) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011<sup>(3)</sup>.

### **Register of emissions, discharges and losses**

**19.**—(1) For each river basin district, SEPA must maintain a register (including maps, if available) of emissions, discharges and losses of all priority substances and any pollutant listed in Part A of Annex I to the Priority Substances Directive, including their concentration in sediment and biota, as appropriate.

(2) The reference period for the estimation of pollutant values to be entered in the register must be one year between 2008 and 2010, except that for priority substances and any pollutant covered by Council Directive 91/414/EEC<sup>(4)</sup> concerning the placing of plant protection products on the market, the entries may be calculated as the average of the years 2008, 2009 and 2010.

(3) SEPA must update the register as part of (or, so far as it applies to an area of Scotland which is outside a river basin district, in conjunction with) each review under section 5(3) (review of characterisations) of the Act.

(4) The reference period which must be applied for the establishment of values in the updated register is the year before that review is to be completed, except that for priority substances and any pollutant covered by Council Directive 91/414/EEC, the entries may be calculated as the average of the 3 years before the completion of that review.

(5) SEPA must publish the updated register (except in so far as it applies to an area of Scotland which is outside a river basin district) in each update of the river basin management plan.

(6) For the purposes of paragraph (1) only—

“river basin district” includes—

- (a) the part of the Northumbria River Basin District which is in Scotland; and
- (b) the part of the Solway Tweed River Basin District which is in Scotland;

“the Northumbria River Basin District” means the area identified by regulation 3(1) of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003<sup>(5)</sup>; and

“the Solway Tweed River Basin District” means the area identified by regulation 3(1) of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004<sup>(6)</sup>.

(3) S.S.I. 2011/209, as amended by S.S.I. 2012/360 and S.S.I. 2013/176.

(4) OJ L 230, 19.8.91, p.1, as last amended by Commission Implementing Directive 2011/60/EU (OJ L 136, 24.5.2011, p.58).

(5) S.I. 2003/3245.

(6) S.I. 2004/99.

