
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 323

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

PART 2

RIVER BASIN MANAGEMENT PLANNING

Environmental objectives: modifications to physical characteristics

8. For the purposes of these Regulations and Part 1 of the Act (in particular section 9(7)(a)), a failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential, or to prevent deterioration in the status of a body of surface water or a body of groundwater is not a breach of the environmental objectives set pursuant to regulation 3(1) if the failure is the result of new modifications to the physical characteristics of the body of surface water or alterations to the level of the body of groundwater, and the following conditions are met—

- (a) all practicable steps are taken to mitigate the adverse impact on the status of the body of water;
- (b) the reasons for the modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the environmental objectives are outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety, or to sustainable development;
- (c) the beneficial objectives served by the modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate costs, be achieved by other means, which are a significantly better environmental option; and
- (d) the reasons for the modifications or alterations are set out and explained in the river basin management plan (or the next update of it) and the environmental objectives are reviewed every 6 years.

Changes to legislation:

There are currently no known outstanding effects for the The Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013, Section 8.