Environmental Protection

The Solway Tweed River Basin District (Status) (Scotland) Directions 2014

The Scottish Government
Riaghaltas na h-Alba

ENVIRONMENTAL PROTECTION

The Solway Tweed River Basin District (Status) (Scotland) Directions 2014

Made - - - -	*14th August 2014*
Coming into force - -	*16th August 2014*

CONTENTS

The Scottish Ministers give the following Directions to SEPA in exercise of the powers conferred by section 40(1) and (2) of the Environment Act 1995(**a**), section 2(6) of the Water Environment and Water Services (Scotland) Act 2003(**b**) and of all other powers enabling them to do so.

In accordance with section 40(6) of the Environment Act 1995, they have consulted SEPA.

Citation, commencement, extent and application

1.—(1) These Directions may be cited as the Solway Tweed River Basin District (Status) (Scotland) Directions 2014 and come into force on 16th August 2014.

(2) These Directions extend to Scotland only.

(3) These Directions apply—

(**a**) 1995 c. 25. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**b**) 2003 asp 3.

(a) only in relation to the exercise of SEPA's functions pursuant to—

(i) the 2004 Regulations;

(ii) Part 1 of the Act in so far as it applies (by virtue of regulation 5 of, and Schedule 4 to, the 2004 Regulations) in relation to the Solway Tweed River Basin District; and

(iii) the relevant enactments (other than Part 1 of the Act) in so far as they apply in relation to the part of the Solway Tweed River Basin District which is in Scotland;

(b) only in relation to bodies of water (or, as the case may be, the parts of such bodies) within the part of the Solway Tweed River Basin District which is in Scotland; and

(c) only in so far as they are consistent with the Directive and the Groundwater Directive.

Interpretation

2.—(1) In these Directions—

"the Act" means the Water Environment and Water Services (Scotland) Act 2003(**a**), as amended from time to time;

"the 2004 Regulations" means the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004(**b**), as amended from time to time;

"artificial or heavily modified body of surface water" means a body of surface water designated as artificial or heavily modified pursuant to Article 4(3) of the Directive;

"deterioration in the quality of water" means an upward trend in numbers or concentrations, or in the variability of the numbers or concentrations, of any micro-organisms, parasites or substances constituting a potential danger to human health;

"the Directive" means Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(**c**), as amended from time to time;

"drinking water abstraction" means an actual or planned abstraction of water intended for human consumption from a drinking water protected area;

"drinking water protected area" means a body of water identified under paragraph 3(1) (bodies of water used for the abstraction of drinking water) of Schedule 1 to the 2004 Regulations;

"the Groundwater Directive" means Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration(**d**), as amended from time to time;

"mitigation measures" means measures which SEPA considers are capable of mitigating the adverse impact of the artificial or heavily modified characteristics of an artificial surface water body or of a heavily modified surface water body on its ecological quality, but excluding any measure that changes the hydromorphological characteristics of the body such that it would have significant adverse effects on—

(a) the wider environment; or

(b) an activity mentioned in Article 4(3)(a)(ii) to (v) of the Directive;

"quality element" means a biological indicator, a chemical or physicochemical indicator or a hydromorphological indicator listed in Annex V of the Directive appropriate to the surface

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(**a**) 2003 asp 3, as amended by the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), schedule 2, paragraph 6, the Planning etc. (Scotland) Act 2006 (asp 17), schedule 1, paragraph 1, the Flood Risk Management (Scotland) Act 2009 (asp 6), Schedule 3, paragraph 14, the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7), section 54, the Water Resources (Scotland) Act 2013 (asp 5), schedule 4, paragraph 2, the Regulatory Reform (Scotland) Act 2014 (asp 3), schedule 3, paragraph 8(2), S.S.I. 2005/348 and S.I. 2011/1043.

(**b**) S.I. 2004/99, as amended by S.I. 2005/2035, S.I. 2008/1097, S.S.I. 2011/228, S.I. 2011/556, S.I. 2011/1043 and S.S.I. 2013/1675.

(**c**) OJ L 327, 22.12.2000, p. 1, as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1), Directive 2008/32/EC (OJ L 81, 20.3.2008, p. 60), Directive 2008/105/EC (OJ L 348, 24.12.2008, p. 84), Directive 2009/31/EC (OJ L 140, 5.6.2009, p. 114) and Directive 2013/39/EU (OJ L 226, 24.8.2013, p. 1).

(**d**) OJ L 372, 27.12.2006, p. 19.

water category of a body of surface water that is indicative of its ecological status or ecological potential;

"the relevant enactments" has the same meaning as it has in section 2(8) of the Act;

"Solway Tweed River Basin District" means the area identified as a river basin district by regulation 3(1) of the 2004 Regulations; and

"Standards Directions" means the Solway Tweed River Basin District (Standards) (Scotland) Directions 2014, as amended from time to time.

(2) In these Directions—

(a) a reference to a numbered article refers to the paragraph so numbered (other than a paragraph in a Schedule to these Directions);

(b) a reference to a numbered Schedule refers to the Schedule so numbered which refers in its heading to the Solway Tweed River Basin District (Status) (Scotland) Directions 2014; and

(c) "these Directions" includes each such Schedule.

(3) Any word or expression used (but not defined) in these Directions which is defined in Part 1 of the Act has the same meaning as it has in Part 1 of the Act.

(4) Unless the context otherwise requires, any other word or expression used (but not defined) in these Directions which is defined in the Directive has the same meaning as it has in the Directive.

Bodies of water: classification of status

3.—(1) SEPA must classify—

(a) the surface water status of each body of surface water (other than an artificial or heavily modified body of surface water) in accordance with—

(i) Schedule 1; and

(ii) where applicable, Schedule 3;

(b) the surface water status of each artificial or heavily modified body of surface water in accordance with—

(i) Schedule 2; and

(ii) where applicable, Schedule 3; and

(c) the groundwater status of each body of groundwater in accordance with Schedule 4.

(2) In doing so, SEPA must estimate the precision of, and its confidence in, each classification.

(3) SEPA must review and update each classification in accordance with the Directive.

Bodies of water used for the abstraction of drinking water

4. SEPA must identify and assess the risks to the quality of water intended for human consumption in each drinking water protected area in accordance with Schedule 5.

Cross-border bodies of water

5. In relation to a body of water which is partly within Scotland and partly within England, SEPA must, in exercising its functions pursuant to these Directions, work co-operatively with (and, if SEPA considers it appropriate, consult) the Environment Agency.

Revocation

6. The Solway Tweed River Basin District (Classification of Water Bodies) Directions 2009 are revoked(**a**).

W GEORGE BURGESS
A member of the staff of the Scottish Ministers

St Andrew's House,
Edinburgh
14th August 2014

(**a**) These are the Directions which were signed on 11th December 2009 and came into force on 15th December 2009.

SCHEDULE 1

Schedule 1 to the Solway Tweed River Basin District (Status) (Scotland) Directions 2014: Status of bodies of surface water (not artificial or heavily modified)

Part A

Surface water status

1.—(1) For each body of surface water (other than an artificial or heavily modified body of surface water), SEPA must—

(a) classify its ecological status in accordance with Part B; and

(b) classify its surface water chemical status in accordance with Part C.

(2) Subject to sub-paragraph (3), SEPA must classify the surface water status of the body as—

(a) "high" if it has—

(i) high ecological status; and

(ii) good surface water chemical status;

(b) "good" if it has—

(i) good ecological status; and

(ii) good surface water chemical status; and

(c) "moderate" if it—

(i) has high or good ecological status; and

(ii) is failing to achieve good surface water chemical status.

(3) If the body's ecological status is moderate, poor or bad, SEPA must (irrespective of the body's chemical status) classify its surface water status as the same as its ecological status.

Part B

Ecological status

2.—(1) Subject to sub-paragraph (2) and to the relevant restrictions imposed by Schedule 3, SEPA must classify the ecological status of the body as being the same status as that of the lowest classified applicable quality element (determined in accordance with this Part).

(2) Where the status of one or more applicable chemical or physicochemical quality elements is lower than moderate status, SEPA must classify the ecological status of the body as—

(a) "moderate ecological status", where no other quality element (aside from any chemical or physiochemical quality element) is classified lower than moderate status; or

(b) where one or more other quality elements are classified lower than moderate status, the lowest classified of those elements.

Quality element status

3.—(1) SEPA must classify, in accordance with sub-paragraph (2), the status of each applicable quality element by comparing the results of monitoring and/or modelling with—

(a) the environmental standards and condition limits in the Standards Directions that apply in relation to the each element; and

(b) the corresponding spatial environmental standards in Schedule 4 to those Directions.

(2) SEPA must classify a quality element as—

(a) "high status" where its condition is equal to, or better than, all the highest standards and condition limits applicable to that quality element as specified in the Standards Directions;

(b) "good status" where its condition is worse than one or more standards or condition limits for "high" applicable to that quality element as specified in the Standards Directions and of a condition equal to, or better than, any and all applicable standards and condition limits for "good";

(c) "moderate status" where its condition is worse than one or more standards or condition limits for "good" applicable to that quality element as specified in the Standards Directions and of a condition equal to or better than any and all applicable standards and condition limits for "moderate";

(d) "poor status" where its condition is worse than one or more standards or condition limits for "moderate" applicable to that quality element as specified in the Standards Directions, but equal to or better than any and all applicable standards or condition limits for "poor";

(e) "bad status" where its condition is worse than one or more standards or condition limits for "poor" applicable to that quality element as specified in the Standards Directions.

Applicable quality elements

4.—(1) Subject to sub-paragraph (2), the applicable quality elements must include—

(a) the biological quality element or elements—

(i) considered by SEPA to be the most sensitive to any pressures to which the body is subject that are liable to adversely affect the ecological quality of the body; and

(ii) to which an assessment of the impact on the element or elements of the pressure or pressures to which the body is subject can reasonably be made using the biological assessment methods referred to in Part A of Schedule 2 to the Standards Directions;

(b) the chemical or physicochemical quality element or elements—

(i) to which standards in the Standards Directions apply; and

(ii) considered by SEPA to be liable to be so altered by pollution as to adversely affect the ecological quality of the body;

(c) as relevant and subject to head (d), the hydrological regime or tidal regime quality element or elements—

(i) to which standards or condition limits in the Standards Directions apply; and

(ii) considered by SEPA to be the most sensitive to any anthropogenic alterations to the hydrological or tidal regime condition of the body that are liable to adversely affect the ecological quality of the body;

(d) for rivers only, the moderate and poor environmental standards for river flows in Part B of Schedule 2 to the Standards Directions are not applicable unless application of one or more of the methods referred to in Part A of Schedule 2 to the Standards Directions has provided evidence of major or severe adverse impacts;

(e) the morphological quality element or elements—

(i) to which standards or condition limits in the Standards Directions apply; and

(ii) considered by SEPA to be the most sensitive to any anthropogenic alterations to the morphological condition of the body that are liable to adversely affect the ecological quality of the body; and

(f) for rivers only, the river continuity quality element or elements—

(i) to which standards or condition limits in the Standards Directions apply; and

(ii) considered by SEPA to be the most sensitive to any anthropogenic alterations to river continuity that are liable to adversely affect the ecological quality of the body.

(2) For the purposes of paragraph 2, the applicable quality elements must exclude the priority substances and other pollutants in Table C5.1 in Part C of Schedule 2 to the Standards Directions.

Part C

Chemical status

5.—(1) SEPA must determine, using monitoring and/or modelling data, the concentration in the body of each applicable priority substance and other pollutant (determined in accordance with sub-paragraph (3)) in Table C5.1 in Part C of Schedule 2 to the Standards Directions.

(2) SEPA must compare those concentrations with the applicable standards in the Standards Directions in order to classify, as appropriate, surface water chemical status as follows—

(a) where the concentration of each applicable priority substance and other pollutant is equal to, or lower than, the corresponding standard for "good" specified in the Standards Directions, then surface water chemical status must be classified as "good surface water chemical status"; or

(b) where the concentration of one or more applicable priority substances or other pollutants is greater than a corresponding standard for "good" specified in the Standards Directions, then surface water chemical status must be classified as "failing to achieve good surface water chemical status".

(3) For the purposes of this Part, the applicable priority substances and other pollutants must include, at least, those which by reason of the quantities being discharged, or previously having been discharged, into the water environment are considered by SEPA to present a risk to the achievement of good surface water chemical status.

SCHEDULE 2

Schedule 2 to the Solway Tweed River Basin District (Status) (Scotland) Directions 2014: Status of artificial or heavily modified bodies of surface water

Part A

Surface water status

1.—(1) For each artificial or heavily modified body of surface water, SEPA must—

(a) classify its ecological potential in accordance with Part B; and

(b) classify its surface water chemical status in accordance with Part C of Schedule 1.

(2) Subject to sub-paragraph (3), SEPA must classify the surface water status of the body as—

(a) "maximum" if it has—

(i) maximum ecological potential; and

(ii) good surface water chemical status;

(b) "good" if it has—

(i) good ecological potential; and

(ii) good surface water chemical status; and

(c) "moderate" if it—

(i) has maximum or good ecological potential; and

(ii) is failing to achieve good surface water chemical status.

(3) If the body's ecological potential is moderate, poor or bad, SEPA must (irrespective of the body's chemical status) classify its surface water status as the same as its ecological potential.

Part B

Ecological potential

2.—(1) Subject to sub-paragraph (2) and to the relevant restrictions imposed by Schedule 3, SEPA must classify the ecological potential of the body as—

(a) "maximum ecological potential" where—

(i) all mitigation measures have been taken; and

(ii) all the applicable quality elements are classified as "high status"; or

(b) "good ecological potential" where—

(i) all mitigation measures have been taken and the lowest classified applicable quality element is classified as "good status"; or

(ii) all mitigation measures have been taken (other than those mitigation measures considered by SEPA to accumulatively achieve only a very minor improvement in the ecological quality of the body) and all applicable quality elements are classified as "high status" or "good status";

(c) "moderate ecological potential" where—

(i) the lowest classified applicable quality element has "moderate status"; or

(ii) the chemical and physicochemical condition of the body is lower than "moderate status" but no other applicable quality element is lower than "moderate status";

(d) "poor ecological potential" where the lowest classified applicable quality element (aside from any chemical or physicochemical quality element) has "poor status"; or

(e) "bad ecological potential" where the lowest classified applicable quality element (aside from any chemical or physicochemical quality element) has "bad status".

(2) Where SEPA is unable to determine whether the body should be classified as "maximum ecological potential" or "good ecological potential", then it may instead classify the water body as "good ecological potential or better".

Quality element status

3.—(1) SEPA must classify, in accordance with sub-paragraph (2), the status of each applicable quality element by comparing the results of monitoring and/or modelling with—

(a) the environmental standards or condition limits in the Standards Directions that apply in relation to each element; and

(b) the corresponding spatial environmental standards in Schedule 4 to those Directions.

(2) SEPA must classify a quality element as—

(a) "high status" where its condition is equal to, or better than, all the highest standards and condition limits applicable to that quality element as specified in the Standards Directions;

(b) "good status" where its condition is worse than one or more standards or condition limits for "high" applicable to that quality element as specified in the Standards Directions and of a condition equal to, or better than, any and all applicable standards and condition limits for "good";

(c) "moderate status" where its condition is worse than one or more standards or condition limits for "good" applicable to that quality element as specified in the Standards Directions and of a condition equal to or better than any and all applicable standards and condition limits for "moderate";

(d) "poor status" where its condition is worse than one or more standards or condition limits for "moderate" applicable to that quality element as specified in the Standards Directions, but equal to or better than any and all applicable standards or condition limits for "poor";

(e) "bad status" where its condition is worse than one or more standards or condition limits for "poor" applicable to that quality element as specified in the Standards Directions.

Applicable quality elements

4.—(1) Subject to sub-paragraph (2), the applicable quality elements must include—

(a) the biological quality element or elements—

(i) expected to occur in whichever of the four natural surface water categories most closely resembles the body concerned;

(ii) considered by SEPA to be the most sensitive to any pressures to which the body is subject that are liable to adversely affect the ecological quality of the body; and

(iii) for which an assessment of the impact of the pressure or pressures to which the body is subject can reasonably be made using the biological assessment methods referred to in Part A of Schedule 2 of the Standards Directions;

(b) the chemical or physicochemical quality element or elements—

(i) applicable to whichever of the four natural surface water categories most closely resembles the body concerned;

(ii) to which standards in the Standards Directions apply; and

(iii) considered by SEPA to be liable to be so altered by pollution as to adversely affect the ecological quality of the body;

(c) as relevant and subject to head (d) below, the hydrological regime or tidal regime quality element or elements—

(i) applicable to whichever of the four natural surface water categories most closely resembles the body concerned;

(ii) to which standards or condition limits in the Standards Directions apply; and

(iii) considered by SEPA to be the most sensitive to any anthropogenic alterations to the hydrological or tidal regime condition of the body that are liable to adversely affect the ecological quality of the body;

(d) for rivers only, the moderate and poor environmental standards for river flows in Part B of Schedule 2 to the Standards Directions are not applicable unless application of one or more of the methods referred to in Part A of Schedule 2 to the Standards Directions has provided evidence of major or severe adverse impacts;

(e) the morphological quality element or elements—

(i) applicable to whichever of the four natural surface water categories most closely resembles the body concerned;

(ii) to which standards or condition limits in the Standards Directions apply; and

(iii) considered by SEPA to be the most sensitive to any anthropogenic alterations to the morphological condition of the body that are liable to adversely affect the ecological quality of the body; and

(f) for rivers only, the river continuity quality element or elements—

(i) to which standards or condition limits in the Standards Directions apply; and

(ii) considered by SEPA to be the most sensitive to any anthropogenic alterations to river continuity that are liable to adversely affect the ecological quality of the body.

(2) For the purposes of paragraph 2, the applicable quality elements must exclude priority substances and other pollutants in Table C5.1 in Part C of Schedule 2 to the Standards Directions and those quality elements or assessments thereof in relation to any part or parts of the body in which both the following circumstances apply—

(a) an applicable standard or condition limit for "good" in the Standards Directions cannot be achieved for the quality element due to one or more of the respective artificial or, as the case may be, heavily modified characteristics of the body; and

(b) all mitigation measures, other than those considered by SEPA to accumulatively achieve only a very minor improvement in the ecological quality of the body, have been taken to mitigate the adverse impact on that quality element of the artificial or heavily modified characteristics.

SCHEDULE 3

Schedule 3 to the Solway Tweed River Basin District (Status) (Scotland) Directions 2014: Status of bodies of surface water affected by invasive non-native species

Rivers: non-native species posing a risk

1.—(1) Where SEPA determines that any species listed in Table 1 is present and reproducing successfully in a river water body and the length of that body in which the species is present is greater than the spatial standard for "high status" in paragraph 1 of Schedule 4 to the Standards Directions, the highest classification of ecological status or ecological potential SEPA must assign to the water body is "good".

(2) When applying the morphological condition limits for rivers specified in Schedule 3 to the Standards Directions, SEPA must take account of alterations to the structural complexity of vegetation within 2 metres of the channel caused by any species listed in Table 2.

Table 1: Invasive non-native species applicable to rivers

Species common name	*Species scientific name*
Floating pennywort	*Hydrocotyle ranunculoides*
Water fern	*Azolla filiculoides*
Canadian pondweed	*Elodea canadensis*
Nuttall's pondweed	*Elodea nuttallii*
North American signal crayfish	*Pacifastacus leniusculus*
Red swamp crayfish	*Procambarus clarkii*
Virile Crayfish	*Orconectes virilis*
Freshwater amphipod	*Dikerogammarus haemobaphes*
Freshwater amphipod	*Dikerogammarus villosus*
Mysid crustacean	*Hemimysis anomola*
Zebra mussel	*Dreissena polymorpha*
Chinese mitten crab	*Eriocheir sinensis*
Goldfish	*Carassius auratus*

Table 2: Invasive terrestrial non-native species applicable to rivers

Species common name	*Species scientific name*
Japanese knotweed	*Fallopia japonica*
Giant knotweed	*Fallopia sachalensis*
Himalayan balsam	*Impatiens glandulifera*
Giant hogweed	*Heracleum mantegazzianum*
Japanese knotweed and Giant knotweed hybrid	*Fallopia x bohemica*
Rhododendron	*Rhododendron ponticum*

Lochs: non-native species posing a risk

2. Where SEPA determines that any species listed in Table 3 is present and reproducing successfully in a loch water body and the area of the water body in which the species is present is greater than the spatial standard for "high status" specified in paragraph 2 of Schedule 4 to the Standards Directions, the highest classification of ecological status or ecological potential SEPA must assign to the water body is "good".

Table 3: Invasive non-native species applicable to lochs

Species common name	*Species scientific name*
Australian swamp stonecrop	*Crassula helmsii*
Water fern	*Azolla filiculoides*
Parrot's feather	*Myriophyllum aquaticum*
Curly water-thyme	*Lagarosiphon major*
Water primrose	*Ludwigia grandiflora*
Canadian pondweed	*Elodea canadensis*
Nuttall's pondweed	*Elodea nuttallii*
North American signal crayfish	*Pacifastacus leniusculus*
Red swamp crayfish	*Procambarus clarkii*
Virile crayfish	*Orconectes virilis*
Freshwater amphipod	*Dikerogammarus haemobaphes*
Freshwater amphipod	*Dikerogammarus villosus*
Mysid crustacean	*Hemimysis anomola*
Zebra mussel	*Dreissena polymorpha*
Topmouth gudgeon	*Pseudorasbora parva*
Goldfish	*Carassius auratus*

Transitional waters and coastal waters: non-native species posing a risk

3. Where SEPA determines that any species listed in Table 4 is present and reproducing successfully in a transitional water body or coastal water body and the area of that body in which the species is present is greater than the spatial standard for "high status" in paragraph 3 of Schedule 4 to the Standards Directions, the highest classification of ecological status or ecological potential SEPA must assign to the water body is "good".

Table 4: Invasive non-native species applicable to transitional waters and coastal waters

Species common name	*Species scientific name*
Common cord-grass, Townsend's grass or ricegrass	*Spartina anglica*
Slipper limpet	*Crepidula fornicata*
Leathery sea squirt	*Styela clava*
American oyster drill	*Urosalpinx cinerea*
Carpet seasquirt	*Didemnum vexillum*
Marine tubeworm	*Ficopomatus enigmaticus*
Chinese mitten crab	*Eriocheir sinensis*

SCHEDULE 4

Schedule 4 to the Solway Tweed River Basin District (Status) (Scotland) Directions 2014: Status of bodies of groundwater

Part A

Groundwater status

1.—(1) For each body of groundwater, SEPA must—

(a) classify its groundwater chemical status in accordance with Part B; and

(b) classify its groundwater quantitative status in accordance with Part C.

(2) SEPA must classify the groundwater status of the body as—

(a) "good" if it has—

(i) good groundwater chemical status; and

(ii) good groundwater quantitative status; and

(b) "poor" if it has either—

(i) poor groundwater chemical status; or

(ii) poor groundwater quantitative status.

Part B

Groundwater chemical status

2.—(1) SEPA must determine if there is a risk of the groundwater chemical status of the body being poor by identifying whether one or more of the indicators for poor groundwater chemical status in column (1) of Table 1 apply to the body and, where this is the case, SEPA must carry out appropriate investigations to determine whether the criteria corresponding to each applicable indicator in column (2) of the table are satisfied.

(2) Where the indicators do not apply, or one or more apply but the appropriate investigations confirm that the criteria in column (2) of Table 1 (corresponding to each applicable indicator) are not satisfied, SEPA must classify the body as having "good groundwater chemical status".

(3) Where SEPA determines that one or more of the criteria in column (2) of Table 1 are satisfied, it must instead classify the body as "poor groundwater chemical status".

Table 1: Indicators and criteria for poor groundwater chemical status

Column (1)	*Column (2)*
Indicators of a risk that the chemical status of a body of groundwater is poor	*Criteria for poor groundwater chemical status*
Failure of a threshold value for groundwater in the Standards Directions indicative of saline intrusion; or other indications of other intrusions of pollutants into the body of groundwater.	Significant and sustained upward trend in electrical conductivity indicating saline intrusion; significant and sustained upward trend in the concentration of indicators of other intrusions; or evidence that abstractions have been rendered unsuitable for use without purification treatment as a result of an intrusion.
Failure of a threshold value for groundwater in the Standards Directions indicative of a risk to the ecological or chemical quality of an associated surface water from point or diffuse source pollution of groundwater.	An applicable chemical or physicochemical standard for 'good' in the Standards Directions is failed in an associated surface water body and the concentration in the surface body of the pollutant concerned resulting solely from inputs via groundwater represents ≥ 50 % of the value of the standard.
Failure of a threshold value for groundwater in the Standards Directions indicative of a risk to the quality of a wetland directly depending on groundwater; or other indications of damage to a wetland directly depending on the body of groundwater resulting from pollution where the source of pollution is suspected to be the groundwater.	There is evidence of significant damage to a wetland caused by pollution and the pollutant or group of pollutants responsible for that damage is judged to have reached the wetland via groundwater.
Failure of a threshold value for groundwater in the Standards Directions indicative of a risk of deterioration in the quality of water being abstracted, or intended to be abstracted, for human consumption; or other indications of deterioration in the quality of water within a drinking water protected area.	Deterioration in the quality of water within a drinking water protected area has compromised a relevant abstraction of water intended for human consumption in accordance with Schedule 4.
Failure of a groundwater quality standard or a threshold value for groundwater in the Standards Directions indicative of other significant environmental risks including those to the ability of groundwater to support human uses.	Either— (a) the average of the monitoring results representative of the risk to the quality of the groundwater in the body exceeds the threshold value and the concentration of the pollutant concerned also exceeds the groundwater quality standard or maximum concentration allowed in drinking water in at least one sample from an appropriately representative monitoring point; or (b) a threshold value is exceeded throughout at least 2 km^2 of a pollutant plume in the groundwater and the maximum concentration allowed in drinking water for the pollutant concerned is also exceeded in part of that plume.

Part C

Groundwater quantitative status

3.—(1) SEPA must determine if there is a risk of the groundwater quantitative status of the body being poor by identifying whether one or more of the indicators for poor groundwater quantitative status in column (1) of Table 2 apply to the body and, where this is the case, SEPA must carry out appropriate investigations to determine whether the criteria corresponding to each applicable indicator in column (2) of the table are satisfied.

(2) Where the indicators do not apply, or one or more apply but the appropriate investigations confirm that the criteria in column (2) of Table 2 corresponding to each applicable indicator are not satisfied, SEPA must classify the body as having "good groundwater quantitative status".

(3) Where SEPA determines that one or more of the criteria in column (2) of Table 2 are satisfied, it must instead classify the body as having "poor groundwater quantitative status".

Table 2: Indicators and criteria for poor groundwater quantitative status

Column (1)	*Column (2)*
Indicators of a risk that the chemical status of a body of groundwater is poor	*Criteria for poor groundwater quantitative status*
Failure of a threshold value for groundwater in the Standards Directions indicative of saline intrusion; or Other indications of other intrusions of pollutants into the body of groundwater.	Significant and sustained upward trend in electrical conductivity indicating saline intrusion; significant and sustained upward trend in the concentration of indicators of the risk of other intrusions; or evidence that abstractions have been rendered unsuitable for use without treatment as a result of an intrusion.
An applicable river flow standard for 'good' in the Standards Directions is failed in an associated surface body and there is reason to suspect that groundwater abstractions may be contributing to the failure.	An applicable river flow standard for 'good' in the Standards Directions is failed in an associated river water body and the reduction in river flow in the surface body concerned resulting solely from groundwater abstraction represents ≥ 50% of the value of the applicable river flow standard.
Indications of damage to a wetland resulting from insufficient water availability where alterations to groundwater levels are suspected to be the major cause of the insufficient water availability.	There is evidence of significant damage to a wetland caused by insufficient water availability and the major reason for the insufficient water availability is judged to be alterations to groundwater levels resulting from human activities.
Indications that the quantity of groundwater being abstracted from the body of groundwater may represent more than a very small proportion of the long-term annual average rate of overall recharge.	The annual average volume of water abstracted from the groundwater represents more than 20% of the long-term annual average rate of overall recharge and there is evidence of a long-term fall in groundwater levels in the body of groundwater.

SCHEDULE 5

Schedule 5 to the Solway Tweed River Basin District (Status) (Scotland) Directions 2014: Identification of risks to drinking water abstractions

1.—(1) SEPA must identify where deterioration in the quality of water within a drinking water protected area has compromised a drinking water abstraction.

(2) A drinking water abstraction is compromised if the deterioration in the quality of the water within the drinking water protected area means that (in order to meet the relevant quality standards for water intended for human consumption)—

(a) the drinking water abstraction has to be abandoned and replaced by an alternative abstraction or abstractions;

(b) the abstracted water has to be, or would have to be, blended with water abstracted from another source;

(c) additional purification treatment to that previously applied or planned to be applied has to be, or would have to be, applied to the abstracted water; or

(d) the operating demand on the existing or planned purification treatment system has to be, or would have to be, significantly increased.

EXPLANATORY NOTE

(This note is not part of the Directions)

These Directions apply in relation to the exercise of SEPA's functions pursuant to—

- regulation 4 (general duties) of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 ("the 2004 Regulations"); and
- Part 1 of the Water Environment and Water Services (Scotland) Act 2003 ("the Act").

They apply only in relation to bodies of water (or, as the case may be, the parts of such bodies) within the part of the Solway Tweed River Basin District ("the District") which is in Scotland.

They should be read with reference to SEPA's functions under Schedule 1 of the 2004 Regulations and, in particular, paragraph 5 of that Schedule which requires the Environment Agency and SEPA ("the Agencies") to monitor surface water and groundwater in the District.

By virtue of section 2(1) of the Act and paragraph 5(4) of Schedule 1 to the 2004 Regulations, SEPA is required to ensure that this monitoring is carried out in accordance with Annex V to the Directive 2000/60/EC. Annex V sets out how the status of each body of water must be classified. These Directions apply only so far as they are consistent with that Directive, including Annex V.

Article 3 directs SEPA to classify the status of each body of water in a particular way. For the purposes of assessing the chemical status of each body of groundwater, SEPA is required to take account of the groundwater quality standards and threshold values referred to in the Solway Tweed River Basin District (Standards) (Scotland) Directions 2014. This therefore supplements the measures needed to comply Article 3(1) of Directive 2006/118/EC.

Article 4 directs SEPA to identify and assess the risks to the quality of water intended for human consumption in each drinking water protected area in a particular way.

Article 5 directs SEPA as regards cross-border bodies of water.

Article 6 revokes a previous set of Directions relating to the above matters.

SEPA must comply with these Directions by virtue of—

- section 2(6) of the Act; and
- section 40(8) of the Environment Act 1995.

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