

SCHEDULE 2

PART 3

Determining Ecological Potential of Heavily Modified and Artificial Water Bodies

1. The Department must classify a surface water body designated as heavily modified or artificial as—

- (a) “good ecological potential” if the following conditions are met:
 - (i) all applicable mitigation measures have been taken; and
 - (ii) the values of all the indicators of the quality elements not sensitive to hydromorphological pressures related to the heavily modified or artificial water body designation, including biology, specific pollutants and other physicochemical quality elements achieve the standards for “high” or “good”.
- (b) “moderate ecological potential” if the following conditions are met:
 - (i) not all applicable mitigation measures have been taken and the values of one or more of the indicators of the quality elements not sensitive to hydromorphological pressures directly related to the heavily modified or artificial water body designation, including biology, specific pollutants and other physicochemical quality elements achieve the standards for “high”, “good” or “moderate”; or
 - (ii) all applicable mitigation measures have been taken and the values of one or more of the indicators of the quality elements not sensitive to hydromorphological pressures directly related to the heavily modified or artificial water body designation, including biology, specific pollutants and other physicochemical quality elements achieve the standards for “moderate”.
- (c) “poor ecological potential” if the values of one or more of the indicators of the biological quality elements not sensitive to hydromorphological pressures directly related to the heavily modified or artificial water body designation achieve the standards for “poor”.
- (d) “bad ecological potential” if the values of one or more of the indicators of biological quality elements not sensitive to hydromorphological pressures directly related to the heavily modified or artificial water body designation achieve the standards for “bad”.

2. In order to determine how to classify surface water bodies designated as heavily modified or artificial in accordance with paragraph 1, the Department must —

- (a) determine whether or not all practicable mitigation has been taken to improve the modified or artificial hydromorphological characteristics of the surface water body other than that which would have a significant adverse impact on:
 - (i) the use served by the modified or artificial characteristics; or
 - (ii) the wider environment.
- (b) estimate representative values of indicators of the condition of the relevant biological and physicochemical quality elements from monitoring or modelling results. The indicators shall include:
 - (i) indicators of the biological quality elements which are not sensitive to the artificial or heavily modified characteristics of the water body;
 - (ii) the concentrations of those specific pollutants likely to be in the surface water body in quantities that could cause a failure of a specific pollutant standard; and
 - (iii) the values for those other physicochemical quality elements at risk of being so altered as to be failing a physicochemical standard.

Status: This is the original version (as it was originally made).

- (c) compare the values of the indicators estimated from monitoring or modelling with the applicable standards in Schedule 1 of these Regulations.
3. When determining whether all practicable mitigation has been taken, mitigation measures may be excluded which would contribute only a very minor improvement in the ecology of the water body.