
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 323

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

PART 4

SPECIFIC MEASURES TO PREVENT AND CONTROL POLLUTION OF GROUNDWATER

Measures to prevent or limit inputs of pollutants into groundwater

24.—(1) Each programme of measures must include ^{M1}—

- (a) for any hazardous substance, all measures necessary to prevent the input of the substance into groundwater; and
- (b) for any other pollutant, considered to present an existing or potential risk of pollution, all measures necessary to limit inputs of the pollutant into groundwater so as to ensure that such inputs do not cause deterioration or significant and sustained upward trends in the concentrations of pollutants in groundwater.

(2) For the purposes of paragraph (1), inputs of pollutants from diffuse sources of pollution having an impact on the groundwater chemical status must be taken into account whenever technically possible.

(3) Without prejudice to any more stringent requirement in [^{F1}[^{F2}assimilated] law], paragraph (1) does not apply to the input of pollutants that are—

- (a) the result of direct discharges authorised in accordance with regulation 13(1)(j);
- (b) considered by SEPA to be of a quantity and concentration so small as to obviate any present or future danger of deterioration in the quality of the receiving groundwater;
- (c) the consequences of accidents or exceptional circumstances of natural cause that could not reasonably have been foreseen, avoided or mitigated;
- (d) the result of artificial recharge or augmentation of any body of groundwater authorised in accordance with regulation 13(1)(f);
- (e) in the view of SEPA incapable, for technical reasons, of being prevented or limited without using—
 - (i) measures that would increase risks to human health or to the quality of the environment as a whole; or
 - (ii) disproportionately costly measures to remove quantities of pollutants from, or otherwise control their percolation in, contaminated ground or subsoil; or
- (f) the result of interventions in surface waters for the purposes, amongst others, of mitigating the effects of floods and droughts, and for the management of waters and waterways, including at international level, provided that—
 - (i) the interventions are authorised for that purpose; and

(ii) the inputs do not compromise the achievement of the environmental objectives set pursuant to regulation 3(1) for each body of water concerned, provided that efficient monitoring of each body of groundwater concerned, in accordance with section 2.4.2 (surveillance monitoring) of Annex V to the Water Framework Directive, or other appropriate monitoring, is being carried out.

Textual Amendments

- F1** Words in [reg. 24\(3\)](#) substituted (31.12.2020) by [The Environment \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/26\)](#), regs. 1, [4\(11\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in [reg. 24\(3\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 2 para. 24\(8\)](#)

Marginal Citations

- M1** See also regulation 13.

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 24.