

Land contamination and impacts on the water environment consultation

Appendix 4: Statutory guidance description of significant pollution

Paragraph A.46 of the Statutory Guidance provides that when determining whether pollution of the water environment is "significant pollution of the water environment" for the purposes of section 78A(2)(b)", the local authority shall have regard to the following seven measures of significant pollution. Paragraph A.46 containing the seven measures is reproduced below.

- Whether there is a breach of, or failure to meet, any statutory quality standard for the water environment at an appropriate pollution assessment point. In the absence of any suitable UK or EU standard, other international standards can be used where demonstrated to be appropriate;
- Whether there is a breach of, or a failure to meet, any operational standard adopted by SEPA for the protection of the water environment;
- Whether the pollution results in an increased level of treatment for an existing drinking water supply to ensure it is suitable for use and to comply with the requirements of Council Directive 98/83 /EC on the quality of water intended for human consumption. The potential for an increased level of treatment must also be considered for future use in drinking water protected areas as defined in sections 6 and 7 of the Water Environment and Water Services (Scotland) Act 2003;
- Whether the pollution results in an increased level of pre-treatment of water abstracted for industrial purposes;

- Whether the pollution results in:
 - deterioration in the status of a water body or failure to meet good status objectives, as defined in the Water Framework Directive 2000/60/EC; and/or
 - the failure of a Protected Area to meet its objectives, as defined in the Water Framework Directive 2000/60/EC
- Whether there is a significant and sustained upward trend in the concentration of pollutants in groundwater being affected by the land in question;
- Whether there is a material and adverse impact on the economic, social and/or amenity use associated with a particular water environment.

It is SEPA's view that if the assessment criteria for significant pollution are met, as set out in Appendix 1, then the objectives set out here are met.