natural scotland
SCOTTISH GOVERNMENT

Summary of the consultation responses that informed the development of the second river basin management plan for the Scotland river basin district

Working together to protect and improve our water environment

Contents

1. Background

We are committed to reviewing and updating the river basin management plan every six years and will be publishing a new, updated river basin management plan (RBMP) in December 2015. Work to review the first plan and develop the second began a number of years ago.

In December 2009, the first RBMP for the Scotland river basin district was published[1] simultaneously with the plan for the Solway Tweed river basin district[2]. It set out our environmental objectives for rivers, lochs, estuaries, coastal waters and groundwater, and established a programme of measures designed to achieve them. Information on the costs and benefits of that programme was published alongside the draft of the first plan[3].

In 2012, SEPA consulted across the Scotland and Solway Tweed river basin planning districts to engage interested parties about the development of the second RBMP cycle - *Getting involved in developing the second river basin plan*[4]. The comments and suggestions we received in 2013 were used to improve the engagement process.

In 2013, we published a report on the *Current condition and challenges for the future*[5]. The report provided a detailed description of progress towards the objectives we had set for 2015. It also identified where we would need to make a step change in our management of particular pressures if we are to meet our goals for 2021 and beyond. Comments received helped shape the proposals and scenarios for the consultation on the second plans.

[1] The river basin management plan for the Scotland river basin district 2009 - 2015. http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/
[2] The river basin management plan for the Solway Tweed river basin district 2009 - 2015. http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/
[3] Draft river basin management plan http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/
[4] Working together to protect and improve Scotland's water environment: Getting involved in developing the second river basin plan http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/
[5] Current condition and challenges for the future http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/

2. Introduction

This digest summarises the responses received for the consultation to inform the development of the second river basin management plan for the Scotland river basin district.

We would like to thank everyone who took the time to respond to the consultation and worked to help develop and refine the second plans.

The consultation set out the main proposals for the second plan outlined below:

- re-phasing our objectives for 2021 and 2027 to ensure we prioritise those improvements that will bring the greatest benefits;
- step changes in the effort focused on the key significant management challenges;
- new or improved measures for tackling pressures on the water environment to help secure achievement of our objectives.

The consultation provided the opportunity for anyone to comment or contribute to the development of the second river basin plan. This consultation was supported by engagement with stakeholders through the advisory group network.

A consultation for the Solway Tweed district ran in conjunction with this consultation[6]. The summary of responses has been published and is available on the SEPA and Environment Agency[7] websites.

The Scottish Government ran a consultation[8] about strengthening the delivery framework for restoration projects alongside the RBMP consultations. A summary of the responses is available on the Scottish Government website[9]

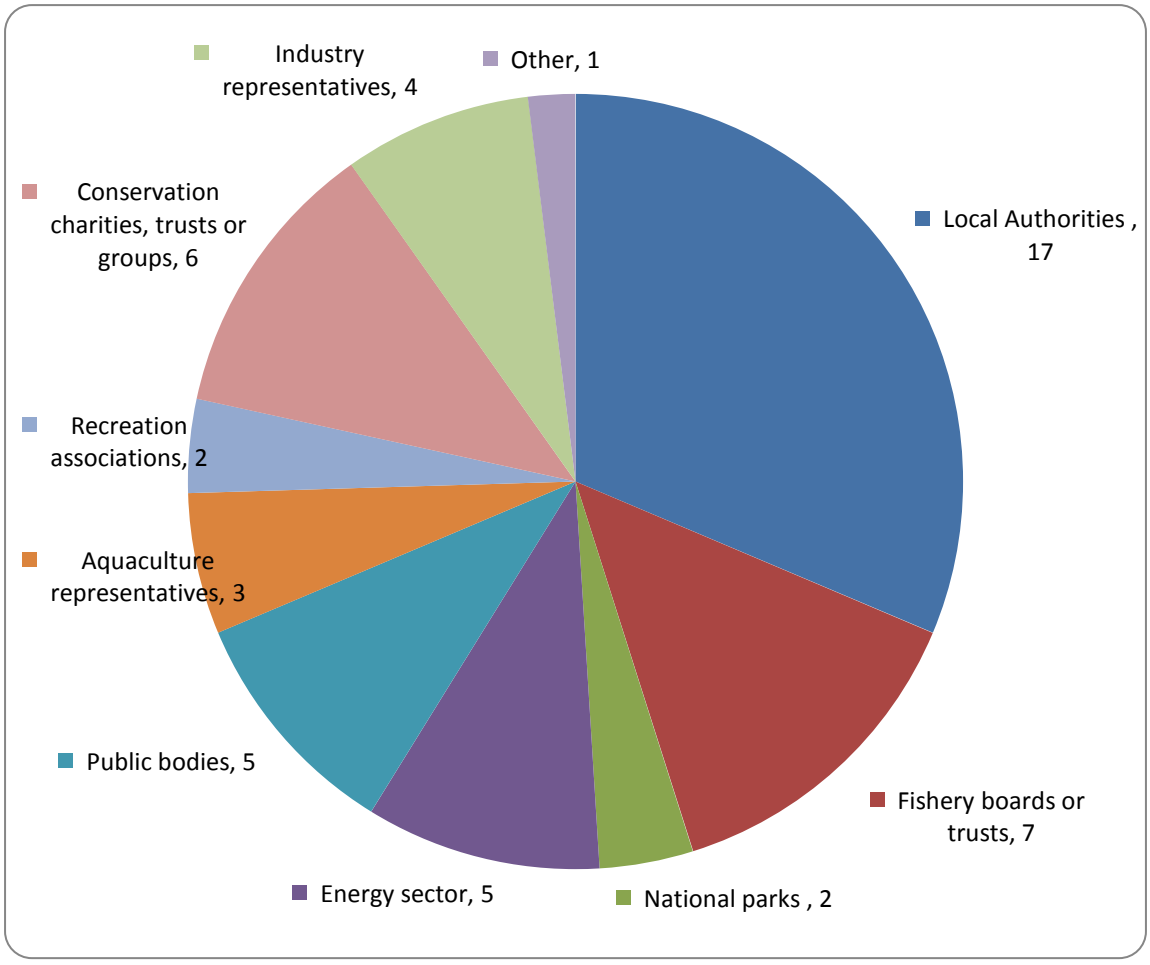
[6] http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/
[7] https://www.gov.uk/government/consultations/update-to-the-draft-river-basin-management-plans
[8] http://www.gov.scot/Publications/2015/02/1275
[9] http://www.gov.scot/Publications/2015/08/2127

3. Summary of responses

3.1 Responses

Fifty two responses were received to the consultation from a variety of stakeholders and responsible authorities. A full list of respondents can be found in Appendix 1.

Figure 1: Breakdown of respondents



3.2 Overview of responses

The responses received were detailed and well informed about the river basin management planning process and its application across Scotland. The respondents' comments ranged from high level strategic policy issues to water body specific queries; all focused on the delivery of objectives and their roles to achieve this.

Respondents were asked to decide what level of effort (outlined in three different scenarios) should be invested toward achieving objectives for the significant water management challenges of rural diffuse pollution, physical condition of the water environment and barriers to fish passage.

There was overwhelming support for the most ambitious scenario, step change 2, to be adopted for rural diffuse pollution, building on the successful work carried out to date. For objectives associated with physical condition of the water environment and barriers to fish movement most respondents supported a step change, but were divided about the level of

effort to tackle these pressures. Respondents were cautious about resource availability to facilitate this work.

The majority of respondents were strongly supportive of the new or improved measures for managing pressures from contaminated land and urban diffuse pollution, hydroelectricity and invasive non-native species. They also supported the proposed changes to heavily modified water bodies designation.

Further detail of the comments received for these topics are available in section 4.

Overall, the most prominent themes were:

- working in partnership;
- integration of planning and policies;
- the scale of effort required to achieve a step change.

Working in partnership

We are pleased that there was unanimous support for partnership working, and recognition that this approach is essential if we are to achieve a step change in the delivery of RBMP objectives. Targeting combined resources focused on delivery enables complementary solutions and projects to be designed that maximise opportunities to achieve multiple benefits and make the best use of the resources available.

It was widely recognised that partnerships will require detailed co-ordination and be variable depending on the land-use, pressures, scale and the opportunities and benefits for interested parties. Use of existing partnership groups, where possible, was suggested as an efficient way to progress.

Integration of planning and policies

Respondents reiterated their support for the integration and co-ordination of the RBMP with other strategic plans and policies to achieve multiple benefits and maximise efficiencies in stakeholder efforts. There was strong support for co-ordination with flood risk management plans[10], developing and integrating what is being learned through the first cycle pilot catchment work[11]. Marine spatial planning was noted as an opportunity, and work by the Clyde Forum[12] was referenced as an excellent example that should be extended to other areas.

Significant progress was made to align plans and policies during the first cycle and we are pleased that stakeholders support this strategy. More will be done to continue this work in the second cycle.

The scale of effort required to achieve a step change

The rate of delivery for measures was raised by most respondents but opinions varied considerably. Around half of the respondents felt we must be more ambitious and should front load measures to allow for the lag in ecological recovery. Other respondents were concerned that further information was required, through engagement and scoping, to inform prioritisation and ensure the resources are targeted where they are most needed.

[10] Flood risk management http://www.sepa.org.uk/environment/water/flooding/flood-risk-management/
[11] Pilot catchments http://www.sepa.org.uk/environment/water/river-basin-management-planning/actions-to-deliver-rbmp/pilot-catchments/
[12] Clyde forum http://www.clydeforum.com/

Respondents were strongly supportive of the principle that prioritisation should be driven by ecological quality, and that thorough scoping and prioritisation, developed with partners would achieve long term solutions with associated multiple benefits. Some respondents raised concern and asked for more information regarding resourcing this programme of work.

4. Analysis of responses by topic

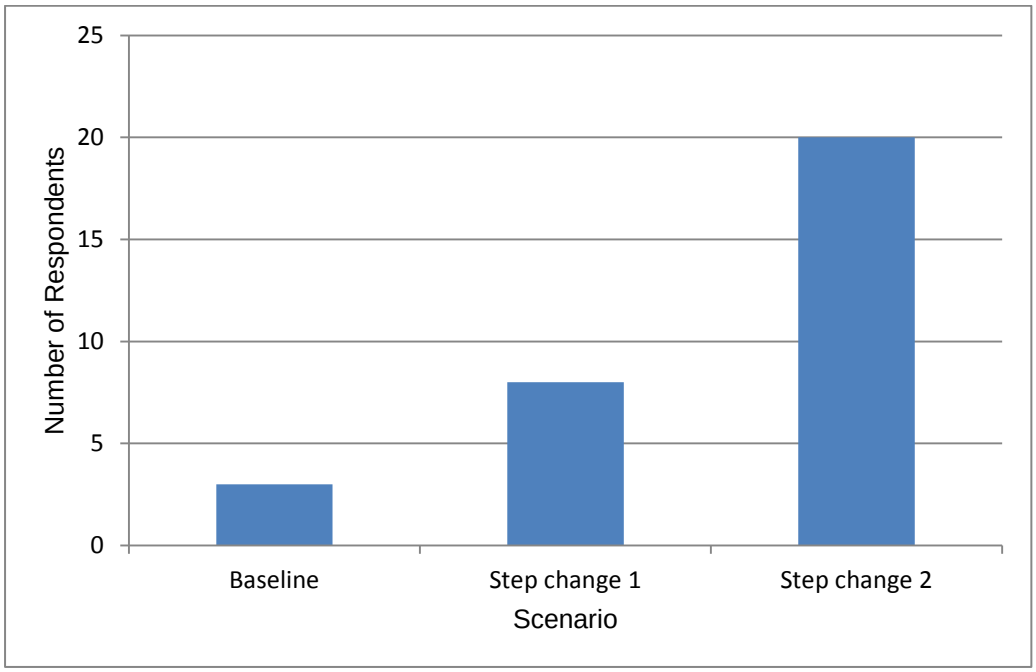
In addition to the main themes outlined, we received detailed comments and suggestions on each topic. These are summarised below.

4.1 Rural diffuse pollution

We asked:

"Q1 – Which scenario do you consider to strike the appropriate balance between effort and feasibility in addressing rural diffuse pollution? Please give reasons for your views."

Figure 2: Responses for rural diffuse pollution scenarios



Respondents were supportive of proposals to continue with and expand the successful priority catchment[13] approach developed during the first cycle. It was noted that, while this is an excellent foundation to build on, sufficient resources must be made available prior to expanding to avoid compromising the quality of this work.

Step change 2, which specifies that work in all new priority catchments and focus areas would start in cycle two, was favoured because:

- a high level of ambition is necessary to allow for the ecological lag in recovery;
- impacts of diffuse pollution could increase with intensification of agricultural practices and pressures from climate change;
- a slower progress would lose important momentum and partners may become disengaged.

Other points raised around the priority catchment approach were as follows:

[13] Priority catchments http://www.sepa.org.uk/environment/water/river-basin-management-planning/actions-to-deliver-rbmp/priority-catchments/

- The targeting of priority catchments using ecological impact and conservation considerations to prioritise protected areas was well supported.
- There is an established network of stakeholders that can be extended for engagement and dissemination of the already extensive library of guidance and information.
- Where voluntary measures prove insufficient, cross compliance should be enforced more rigorously using the appropriate legislation.
- Evidence to support general binding rules (GBRs)[14]achieving improvements in water quality will be important.
- Additional benefits should be used in economic analysis – from the wider ecological benefits of buffer strips to the improved amenity value provided.

For areas where intensive agriculture is not the main pressure, focus areas are proposed. Comments received about this approach focussed on specific types of pressure:

- A number of respondents, all of whom were in favour of step change 2, highlighted the importance of work to improve shellfish growing waters and the vital role this industry plays in protecting fragile rural economies that depend upon them.
- Various respondents raised concerns that the impact of forestry on water quality may not be fully reflected in classification. Catchments with a significant area of forestry will be targeted in the second cycle in both priority catchments and focus areas. SEPA will work with Forestry Commission Scotland and private foresters to ensure good practice and regulatory compliance is achieved minimising the impact of forest activities in these impacted areas.

Some respondents also highlighted that there is an ongoing requirement for work to ensure correct use maintenance of rural septic tanks.

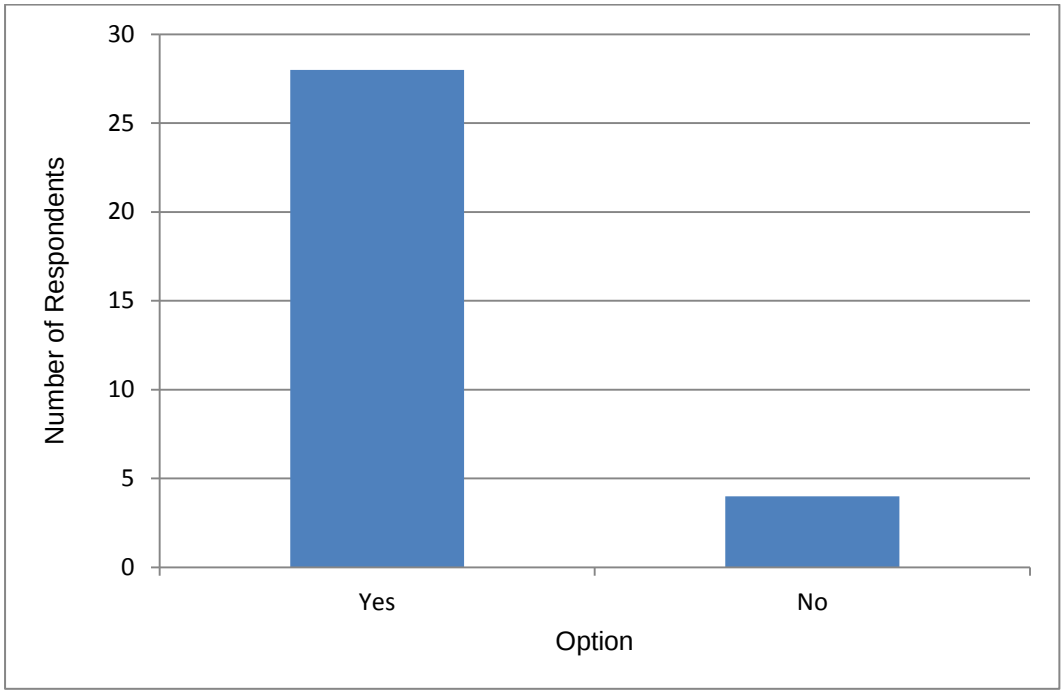
4.2 Urban diffuse pollution and land contamination

We asked:

"Q2 – Do you agree with the general approach for managing the other pressures on water quality? Please give reasons for your views."

[14] Diffuse pollution http://www.sepa.org.uk/regulations/water/diffuse-pollution/diffuse-pollution-in-the-rural-environment/

Figure 3: Responses for the approach for water quality.



Respondents were very supportive of the proposals outlined. There was a call for organisations to work together to help to:

- develop strategies to mitigate the impact of substances;
- collate and share information from appropriate bodies to understand waterbodies at risk, and the source, fate and impact of substances;
- identify potential opportunities through planning and development management that will be essential for remediation of contaminated land;
- promote the installation of sustainable drainage solutions in new developments and retrofitting where pressures are identified.

A couple of respondents highlighted an opportunity to share information from site investigations. They acknowledged that variation is likely to occur in the specific aims, assessment criteria and reporting context in which site investigations and monitoring are carried out. However, given the shared roles and responsibilities in relation to RBMP and the range of data sources and ownership, it would be beneficial to have a set of 'rules and procedures' in terms of liaison and how data is used and shared between relevant stakeholders. SEPA is currently considering how to progress this.

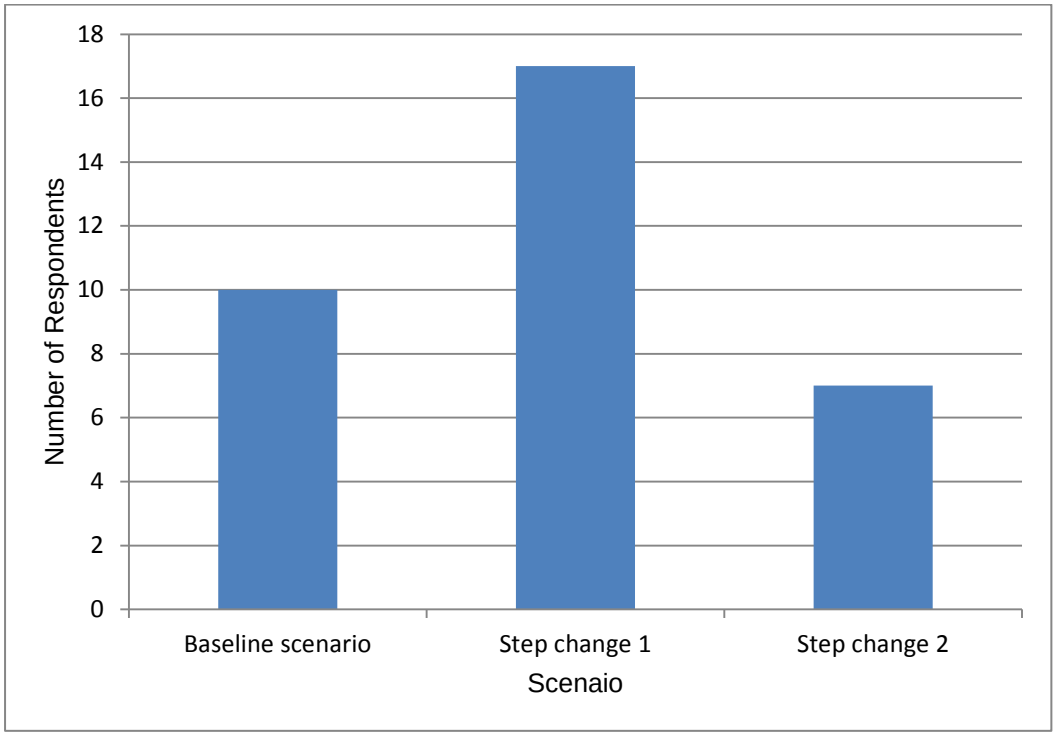
Resources were raised as an inhibiting factor for the development and implementation of measures, highlighting the added expense of retrofitting mitigation.

4.3 Improving the physical condition of the water environment

We asked:

"Q3 - Which scenario do you consider to strike the appropriate balance between effort and feasibility in improving the physical condition of the water environment? Please give reasons for your views."

Figure 4: Responses to the physical condition scenarios



Respondents were supportive of the criteria used for prioritising waterbodies but divided about the level of ambition. Most respondents did want to see a step change in the pace of delivery but were cautious because they felt more time is needed to:

- build information and certainty through scoping to assess where to direct implementation to achieve ecological improvements;
- integrate objectives with other projects and planning processes;
- engage and develop delivery partnerships at the appropriate scale with the knowledge and expertise to address pressures;
- capacity build in budgets;
- negotiate the location and scale of works accounting for current land uses.

Other respondents expressed concern that this would mean waterbodies recovering beyond 2027 and that associated social and ecosystem benefits should have been given greater consideration in setting a higher level of ambition.

Respondents were keen that we apply what has been learned from, and develop the approach that has been applied through, the pilot catchments projects[15]during the first cycle. Other suggestions to increase efficiency in delivery of improvements included:

- integrating the improvements with other projects and planning processes to gain multiple benefits and use existing delivery mechanisms such as; flood risk management planning[16], Metropolitan Glasgow Strategic Drainage Partnership, (MGSDP)[17] and Green Networks to reduce costs;
- use existing delivery partners who have the appropriate knowledge and expertise;

[15]Pilot catchments http://www.sepa.org.uk/environment/water/river-basin-management-planning/actions-to-deliver-rbmp/pilot-catchments/
[16]Flood risk management planning http://www.sepa.org.uk/environment/water/flooding/
[17]Metropolitan Glasgow Strategic Drainage Partnership http://www.mgsdp.org

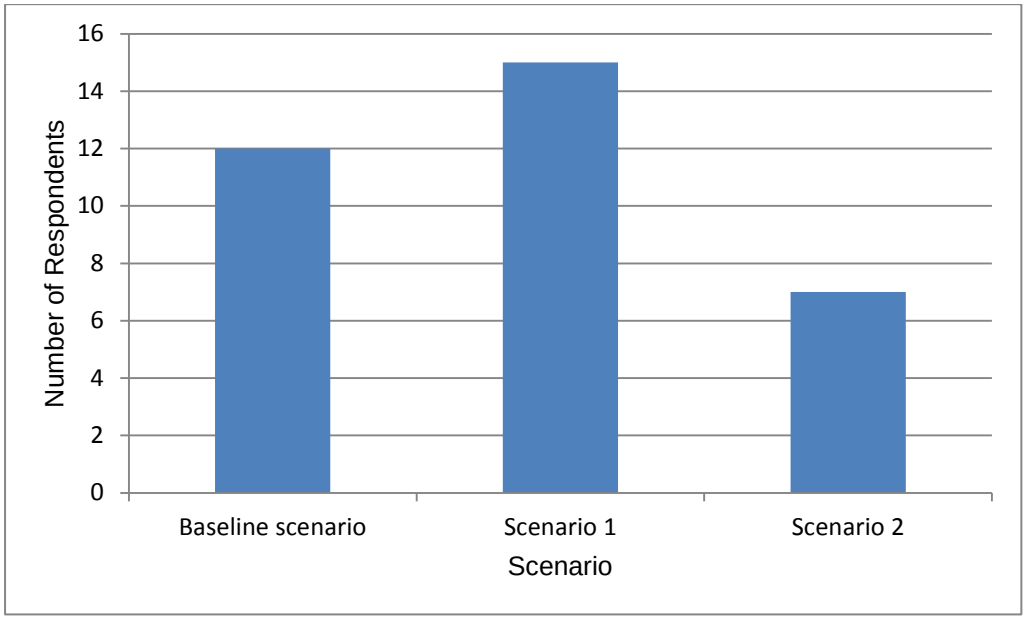
- stronger regulations to enforce change where required;
- easing of the application process for the Water Environment Fund[18] to maintain momentum for projects;
- identify funding streams with opportunities to link works with wider ecological benefits such as riparian planting;
- consideration of geographic distribution of objectives, for example areas with few objectives, or that are a nationally low priority, could be addressed by enthusiastic local delivery groups instead of being listed as in the third planning cycle or with less stringent objective.

4.4 Barriers to fish movement

We asked:

"Q4 – Which scenario do you consider to strike the appropriate balance between effort and feasibility in addressing barriers to fish movement? Please give reasons for your views."

Figure 5: Responses for the scenarios to address fish barriers



Respondents were supportive of the prioritisation process for barriers to target work where they will provide the greatest benefit. Similar themes to the responses for improving physical condition were highlighted by respondents in relation to methods to improve delivery.

Some respondents called for a greater level of ambition but the majority of respondents felt more time and information was needed to create a well prioritised, achievable list of objectives. These respondents also highlighted that delivery needs to be scheduled and integrated into planning processes of partner organisations, some of which may not meet the timescales set under the Water Framework Directive. Forest plans, road developments, local authority investment programmes can be used to coordinate with partner organisations and ensure measures are appropriately resourced.

[18]Water Environment Fund http://www.sepa.org.uk/environment/water/water-environment-fund/

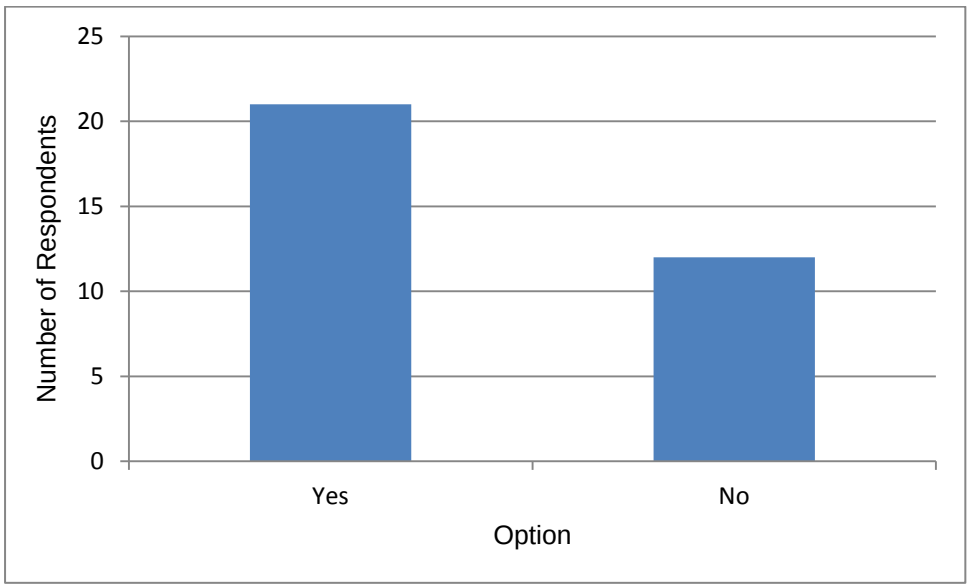
Concern regarding resource availability was a strong theme for respondents choosing a less ambitious scenario.

4.5 Managing pressures from hydroelectricity generation

We asked:

"Q5 – Do you consider that our proposals strike the appropriate balance between the second and third cycles in terms of the water bodies prioritised for action? If no, please give your reasons and which water bodies you think should be addressed in a different cycle to that proposed."

Figure 6: Responses for the proposals for prioritised action.



There was a clear divide between respondents for this section. The majority of respondents were supportive of the proposals. These respondents also expressed concern about the low number of water bodies that would be returned to good status and the high number of water bodies that have deteriorated as a result of new hydroelectricity developments in the first cycle.

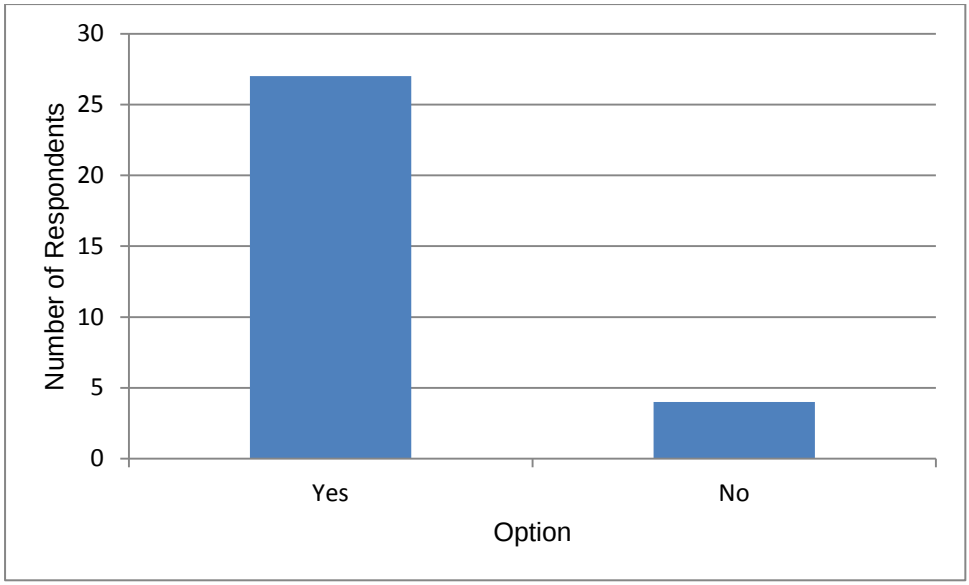
The other respondents, half of which represented the energy sector, suggested that the improvements sought were too restrictive and could impact energy production.

4.6 Invasive non-native species

We asked:

"Q6 – Do you agree with the management approach for pressures on the water environment from invasive non-native species? Please give reasons for your views."

Figure 7: Responses received relating to invasive non-native species



Respondents were very supportive of the proposals for awareness raising and promotion of biosecurity building on work already being carried out by key public bodies and fisheries trusts. Respondents reinforced that prevention was the most cost effective mechanism for addressing invasive non-native species(INNS) but investment in control strategies was also required. Other suggestions to help prevent spread included:

- integrating INNS mechanisms with other projects such as restoration works to prevent inadvertent spread;
- improved data sharing so all information is consolidated into one source;
- aligning and integrating the RBMP with statutory mechanisms such as the Wildlife and Natural Environment (Scotland) Act[19], Invasive Alien Species Regulations 2015[20] and Scottish Biodiversity Strategy 2020[21] to manage INNS with partners.

Respondents suggested that we need to learn from experience to date and pilot projects to establish a blue print for future control and eradication projects. Further suggestions to aid this included:

- funding provided at a catchment scale to undertake eradication programmes;
- regulations enforced to support eradication;
- cost recovery for responsible authorities.

The greatest successes in the first cycle for control and eradication in river systems have been strategic catchment scale projects, predominantly lead by fishery trusts. Co-ordination of interested community groups to target invasive non-native species in their areas would require support from local authorities, SEPA, Scottish Natural Heritage, (SNH) and Forestry Commission Scotland (FCS) to achieve wider benefits. The Firth of Clyde Forum[22] marine biosecurity planning work provides an excellent example for marine INNS and there was

[19] Wildlife and Natural Environment (Scotland) Act http://www.gov.scot/Topics/Environment/Wildlife-Habitats/InvasiveSpecies/legislation
[20] Invasive Alien Species Regulations 2015 http://ec.europa.eu/environment/nature/invasivealien/index_en.htm
[21] Scottish Biodiversity Strategy 2020 http://www.gov.scot/Resource/0048/00480289.pdf
[22] Firth of Clyde Forum http://www.clydeforum.com/

significant support to expand this style of work across Scotland, especially given the social and economic impacts on the Scottish shellfish industry.

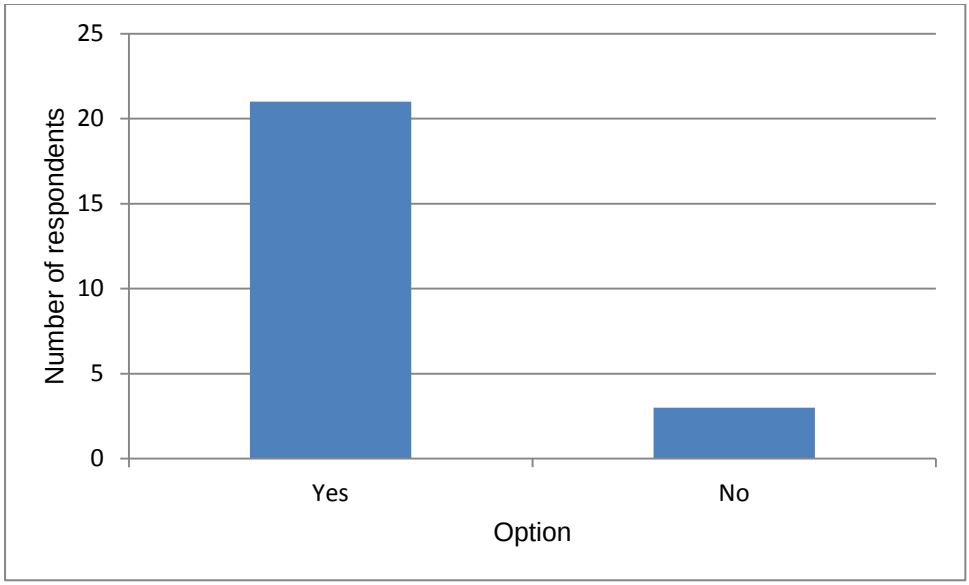
Respondents who did not support the approach to INNS felt that a greater level of ambition was needed to achieve eradication supported by monitoring, rapid response and effective control mechanisms.

4.7 Proposed changes to heavily modified water body (HMWB) designations

We asked:

"Q7 – Do you agree with our proposals for de-designation of certain water bodies? If no, please give reasons and indicate water bodies concerned."

Figure 8: Responses relating to the proposals to de-designate HMWBs



The majority of respondents were supportive of the proposals to de-designate waterbodies and the criteria used to do this.

In addition we asked:

"Q8 – Do you consider that our proposals to designate heavily modified water bodies are appropriate for:

a) purposes other than for agricultural land drainage?
b) agricultural land drainage purposes?

If no to either, please give your reasons and indicate the water bodies concerned.

Figure 9a: Responses relating to the proposals to designate HMWBs for purposes other than for agricultural land drainage purposes.

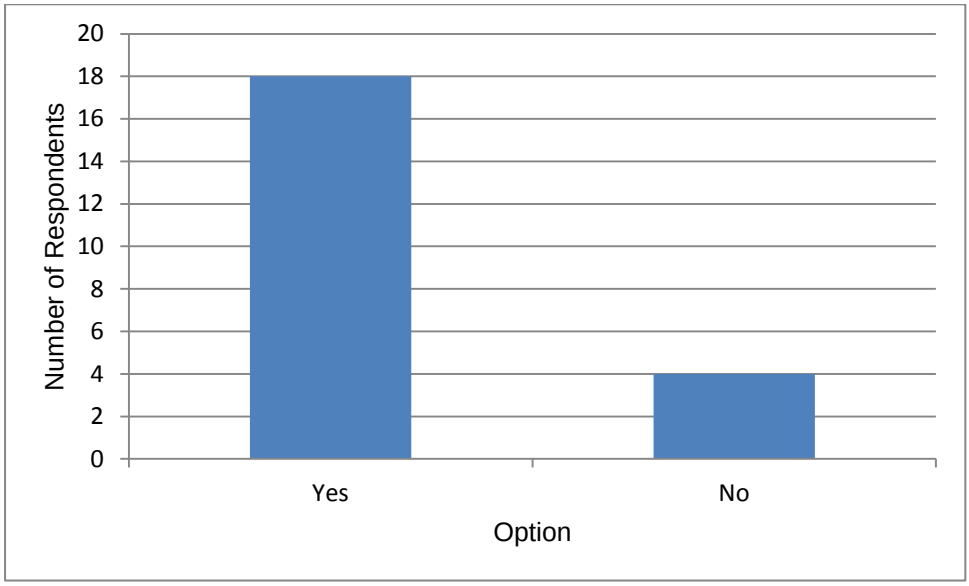
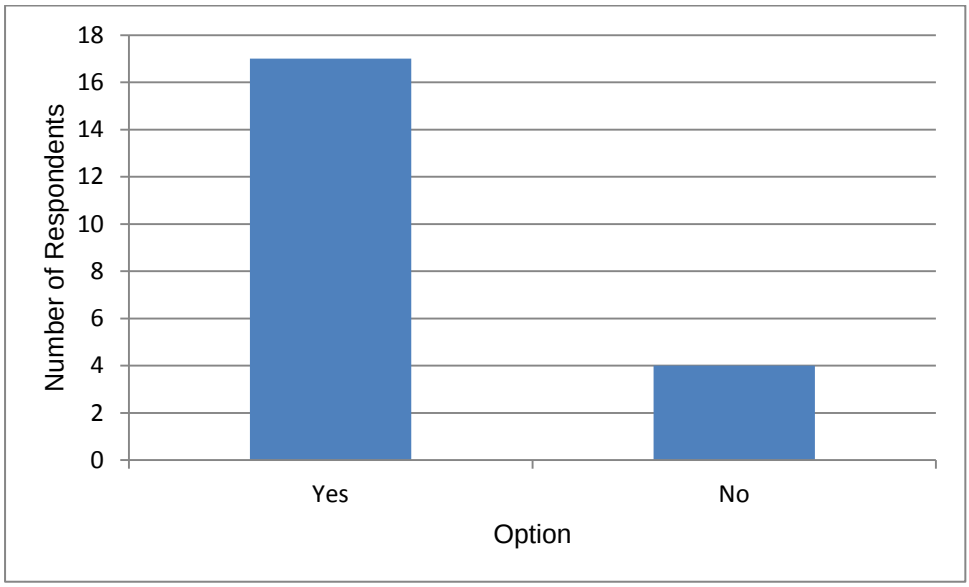


Figure 9b: Responses relating to the proposals to designate HMWBs for purposes for agricultural land drainage purposes.



Respondents were supportive of the methodology used to designate these water bodies. Some expressed surprise at the low number of agricultural HMWBs and suggested that further work would identify more of these types of modifications.

A few respondents raised concerns that the HMWB classification was a downgrade and objectives would not be set to improve other pressures, such as flows and levels or ecology.

The designation of a water body as a HMWB is the recognition that modifications to physical condition and/or flows are enabling specific socio-economic benefits, and that those outweigh the benefits of restoring the water body to a more natural state to achieve good status. This does not prevent further improvements being made to other elements that are

unrelated to the specific physical modifications, such as water quality, required to achieve good ecological potential.

5. Next steps

We will consider the comments and suggestions in the development of the second plans. Water body specific comments have been used to review and adjust the priorities set out for the second and third cycles. A summary of these, including SEPA's feedback, has been made available to all respondents.

The plans will be presented to Scottish Government ministers in September 2015.

Appendices

Appendix 1 – List of consultation respondents

Aberdeenshire Council	Outer Hebrides Fisheries Trust/ Western Isles District Salmon Fisheries Board
Angus Council	Perth and Kinross Council
Argyll and Bute Council	Planning Service, South Ayrshire Council
Association of Scottish Shellfish Growers	Renfrewshire Council
Cairngorms National Park Authority	Rivers and Fisheries Trusts of Scotland & Association of Salmon Fisheries Boards
Centre for Water Law, Policy and Science, University of Dundee	Royal Society for Protection of Birds (RSPB)
City of Edinburgh Council	Royal Yachting Association Scotland
Clackmannanshire Council	Scotch Whisky Organisation
Confederation Of Scottish Local Authorities	Scottish Canals
East Dunbartonshire Council	Scottish Environment Link.
Energy UK	Scottish Land & Estates
Environmental Protection Scotland	Scottish Natural Heritage (SNH)
Environmental Reclamation Services Ltd	Scottish Power
Falkirk Council	Scottish Renewables
Fife Council	Scottish Southern Energy
Forestry Commission Scotland	Scottish Water
Forth Fisheries Trust	Scottish Woodlands
Friends of Loch Etive	Seafood Shetland
Kyle of Sutherland District Salmon Fishery Board and Kyle of Sutherland Fisheries Trust	Spey Foundation and Spey Fishery Board
Lochaber Fisheries Trust	Sports Scotland
Loch Lomond and Trossachs National Park Authority	Stirling Council
Midlothian Council	Tay District Salmon Fisheries Board
Migdale Smolt Ltd	The Coal Authority
National Farmers Union Scotland	Tidal Lagoon Power
North Ayrshire Council	Tweed Forum
Orkney Islands Council	West Lothian Council

Appendix 2 - Consultation questions

Rural diffuse pollution

Q1. Which scenario do you consider to strike the appropriate balance between effort and feasibility in addressing rural diffuse pollution? Please give reasons for your views.

Other water quality pressures

Q2. Do you agree with the general approach for managing the other pressures on water quality? Please give reasons for your views.

Improving the physical condition of the water environment

Q3. Which scenario do you consider to strike the appropriate balance between effort and feasibility in improving the physical condition of the water environment? Please give reasons for your views.

Barriers to fish movement

Q4. Which scenario do you consider to strike the appropriate balance between effort and feasibility in addressing barriers to fish passage? Please give reasons for your views.

Hydroelectricity generation

Q5. Do you consider that our proposals strike an appropriate balance between the second and third cycles in terms of the water bodies prioritised for action? If no, please give your reasons and which water bodies you think should be addressed in a different cycle to that proposed.

Invasive non-native species

Q6. Do you agree with the general management approach for pressures on the water environment from invasive non-native species? Please give reasons for your views.

Proposed changes to heavily modified water body designations

Q7. Do you agree with our proposals for de-designation of certain water bodies? If no, please give your reasons and indicate the water bodies concerned.

Q8. Do you consider that our proposals to designate heavily modified water bodies are appropriate for:
a) purposes other than agricultural land drainage?
b) agricultural land drainage purposes?
If no to either, please give your reasons and indicate the water bodies concerned.