



River Basin Management Planning

Fish & Fisheries Advisory Group update ..

June 2017

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1. Engagement with fisheries sector

SEPA held a series of positive workshops with the fishery sector during the first River Basin Management Planning, RBMP, cycle that improved our data and joint working with fishery trusts. This helped us prioritise the targets set in the second RBMP and refocus our efforts in progressing delivery of measures to achieve the objectives.

We intend to repeat this engagement by holding a series of workshops to give a breakdown of local RBMP targets, demonstrate our information tools and build links between fishery management plan and RBMP priorities. The aim is to hold 5-6 of these workshops throughout 2017.

We had hoped to start this process with a first workshop in June, but as this is a busy time for the sector we are now aiming to deliver them later in the year. The programme of workshops will be discussed further during the Fish & Fisheries advisory group meeting.

2. RBMP Data- where to look for what you need

A reminder that all of the information for the river basin management plans, Scotland and Solway Tweed districts, can be found in the [Water environment hub](#). It provides information on each waterbody, pressures, measures and the objectives (targets) that we have set, using 2014 classification data.

Classification data from 2015, and 2016 when it is finalised, will shortly be available on [SEWeb – water body classification page](#) or on the SEPA web page; <http://www.sepa.org.uk/environment/water/classification/classification-results/>.

Please contact us if you have any questions or queries about where to access the data you need, via FFSAG@sepa.org.uk

3. Water Environment Fund - Delivery Priorities

As detailed in our previous update paper, the [second RBMPs](#) set out Scotland's objectives for protecting and improving water bodies up to 2027, recognising that this would require a significant increase in funding.

In the current climate of public sector budget constraints, we are now planning for a scenario where funding levels and timing are different from those original assumptions. The Water Environment Fund has therefore prioritised projects for delivery based on this level of funding.

In the short term we are focusing efforts on barriers to fish migration and urban morphology projects that deliver multiple benefits. We are still on track to remove 40+ fish barriers opening up over 800km of river to migratory fish and to restore the physical condition of 11 water bodies by 2021.

However, current funding levels will not enable a number of ongoing projects to continue through to completion as originally planned. These projects will be paused at an appropriate stage and reviewed in the light of overall RBMP priorities, funding availability and timing. This won't affect existing contracts for individual stages of ongoing projects. The decision on which projects will be affected was very difficult to take. It was based on the amount of environmental improvement they'll each deliver.

Further information about the Water Environment Fund is available in the [Funding](#) section of this paper or on their web page; <http://www.sepa.org.uk/environment/water/water-environment-fund/>

In the meantime we'll continue to actively explore other sources of funding. If you have any questions please contact FFSAG@sepa.org.uk

4. RBMP Delivery Updates

There are numerous and varied delivery mechanisms in place for delivering RBMP objectives of protecting and improving the water environment including; land use planning, license reviews through SEPAs regulatory mechanisms, Scottish Water's significant investment programme etc. For the purpose of this paper we have focused on barriers to fish migration, and a further update on measures delivery will be given during the June meeting. If you would like specific information on other pressures or measures please contact us direct via; RBMP@sepa.org.uk

Barriers to fish migration

In Scotland, man-made barriers to fish migration cut-off access to over 4,000km of rivers. This affects all fish species, but has a particular impact on salmon, sea trout, lampreys and eels. Removing these barriers is a priority for the second river basin management plans.

Fish barrier projects follow a step-wise process. SEPA aim to scope all fish barriers during the second cycle to get a better understanding of what we can do to improve fish passage.



Since the last update paper, we have carried out scoping visits on 17 historic barriers, and have put these forward to proceed to options development with Water Environment Fund support where appropriate. A further 11 scoping visits are underway.

We have also held a workshop with two local authorities (Highland and Moray), and a meeting with Aberdeenshire Council, to agree priorities for scoping of asset barriers associated with roads. Further engagement with asset owners is planned, and asset scoping visits are scheduled to start in autumn 2017.

For asset barriers, a remediation notice* will be issued under [the Water Environment \(Remedial Measures\) \(Scotland\) Regulations 2016](#). * *The operational framework SEPA requires to start issuing remediation notices is in development. Further information is given below.*

Remedial Measures Regulations

[The Water Environment \(Remedial Measures\)\(Scotland\) Regulations 2016](#) give SEPA the power to serve, vary or revoke a remedial measures notice on a responsible authority (RA) who owns (manages, operates, maintains or is responsible for) an artificial structure.

The notice would require that improvement measures are put in place to achieve or contribute to achieving a RBMP objective and would contain only high level detail of the measures required. As most measures would require to be licensed through Controlled Activities Regulations (CAR) the detail of the exact measure to be implemented would be

agreed during pre-application discussion; advertising and consultation on the exact activity would also be done through CAR.

It is an offence to fail to comply with the remedial measures notice.

These regulations are set within the expectation that RAs will fulfil their duties under WEWS and river basin management planning and take improvement action to address pressures identified in the plan for which they have responsibility.

What type of structure would a remedial measures notice apply to?

The regulations refer to 'artificial structures', these would include engineering structures e.g. bridge aprons or culverts which cause or contribute to a downgrade due to the barrier they pose to migratory fish or the contribution they make to morphology downgrade. It does not include activities which are not structures i.e. footprint changes to a river such as realignments, nor would it include impoundments as CAR can be used to enforce mitigation measures identified for impoundment pressures. The regulations apply to the fresh water, estuarine and marine environment.

Who do the remedial measures notices apply to?

The regulations give SEPA power to serve notices only on Scottish Ministers, Network Rail or responsible authorities (RA) as designated under the [WEWS Act in 2003](#).

Currently these are:

- Local Authorities
- Scottish Water
- Scottish Natural Heritage
- Forestry Commission Scotland
- British Waterways-Scottish Canals
- National Parks Authority

Working with Responsible Authorities and the role of remedial measures notices

Notices are seen as a formal way for SEPA to communicate to a RA expectations regarding remediation against a particular artificial structure. Therefore once monitoring and partnership working has taken us as far as knowing the exact pressure to be remediated, the owner and the high level measure required, SEPA would serve a notice on the RA. The timing of notices will be unclear until we have further developed partnership working. The remediation measures notice would contain high level detail and the CAR authorisation would sit below this identifying the exact activity to be carried out.

For example it may state that that fish passage must be provided at a certain bridge, but as there are likely to be a number of possible solutions, the notice would not specify the particular solution to be adopted - that would be for the recipient to determine, taking account of costs, feasibility and other considerations. This detail would later be discussed through the CAR authorisation process. CAR enforcement notices could be used if licence is not complied with and the remedial measures notice if no action is taken at all.

There is a requirement in the regulations for SEPA to consult prior to issuing the notice; 'other users of the water environment likely to be affected' and this may provide information to SEPA to help with the detail of remedial measures notice.

5. Funding News

Community Engagement Fund

The **Green Infrastructure Community Engagement Fund** is now open for applications. More information at: www.greeninfrastructurescotland.org.uk/community-engagement-fund

Water Environment Fund (WEF)

The Scottish Government provides an annual grant - [the Water Environment Fund \(WEF\)](#) - to improve the physical condition of water bodies that have been damaged by historical activities. This includes financial support for the removal or easement of redundant structures that are barriers to fish migration, and projects to restore natural river shape and function (morphology). This fund is administered by SEPA who use it to:

- **directly commission restoration work:** We will directly commission options appraisals, designs and groundworks for eligible fish barriers and river channel restoration in line with RBMP priorities;
- **provide a grant of assistance:** In some circumstances a grant of assistance to a third party may be appropriate. For example, partnership projects with local authorities for river channel restoration;
- **compensation:** Compensation may be provided for land owners/managers for income forgone due to giving over productive land to river restoration.

If you plan to take forward a restoration project on an RBMP priority, please contact us at restoration.proposals@sepa.org.uk to find out if you are eligible for funds.