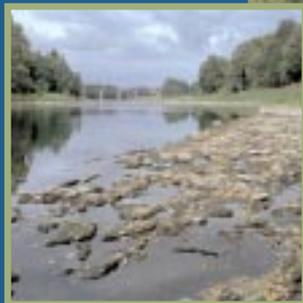
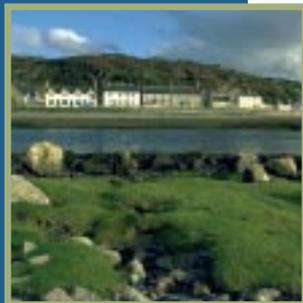


River Basin Planning Strategy for the Scotland River Basin District



Contents

Foreword	3
Executive summary	4
1. Introduction	6
1.1 Development of this Strategy	6
1.2 The Water Framework Directive	6
1.3 Implementation of the Water Framework Directive in Scotland	8
1.4 What are river basin planning and River Basin Management Plans?	8
1.5 Our vision of river basin planning	10
2. Developing administrative structures and arrangements	12
2.1 Background	12
2.2 National Advisory Group	12
2.3 Area Advisory Groups	14
2.4 Formation of advisory groups	16
2.5 Leading the process	17
2.6 Coordinating the process	17
2.7 A bottom-up and top-down process	18
2.8 Existing water management groups	20
3. Delivering participation and consultation	21
3.1 Background	21
3.2 Guiding principles to encourage participation and involvement	22
3.3 Delivering participation in Scotland	24
3.4 Supporting the involvement of others	25
4. Coordination and cooperation between river basin planning and other planning processes	26
4.1 The importance of coordination and cooperation	26
4.2 Town and country planning	26
4.2.1 Policy and guidance	27
4.2.2 Modernising planning	27
4.2.3 Timescales and plan updating	28
4.2.4 Planning authority involvement in RBMP preparation	28
4.2.5 National Planning Framework (NPF)	28
4.2.6 Plan provisions	29

4.3 Other planning processes	30
4.3.1 National Parks	30
4.3.2 Community planning	30
4.3.3 Coastal planning	31
4.3.4 Natura 2000 sites	33
4.3.5 Biodiversity planning	34
4.3.6 Agriculture	35
4.3.7 Forestry	36
4.3.8 Freshwater fishery management	37
4.3.9 Catchment Management Plans	38
4.3.10 Flooding	39
4.4 Strategic Environmental Assessment (SEA)	40
5. Summary of Strategy recommendations and monitoring progress	41
6. List of Acronyms	44
Map 1: River Basin Districts in Scotland	9
Map 2: Area Advisory Group boundaries and surface waters	15
Table 1: Potential membership of the RBMP National Advisory Group	13
Table 2: Summary of actions	41
Figure 1: The main elements of the Water Framework Directive	7
Figure 2: The river basin management planning process	10
Figure 3: Summary of bottom-up and top-down river basin planning process	19
Figure 4: Levels of participation in river basin management planning	20
Figure 5: Components of good public participation	22

Foreword



The Water Framework Directive came into force in Europe in December 2000. It established new, better ways of protecting, improving and using Europe's rivers, lochs, estuaries, coasts and groundwater. The Directive has been translated into Scot's law via the Water Environment and Water Services (Scotland) Act 2003.

To deliver the Act, Scotland needs a river basin planning system that will promote sustainable water use in a way which protects and improves the water environment. The system allows for water management at many levels; from individual water bodies to river basin districts. These different scales of management provide a level of flexibility that will allow the most appropriate actions to be put in place in different circumstances, ensuring efficient and effective management.

The Scottish Environment Protection Agency (SEPA) is responsible for developing this planning system, which will culminate in the publication of the first Scottish River Basin Management Plan in 2009.

The success of the new planning system will depend upon the active participation of other interested parties. Delivering the River Basin Management Plan will require new ways of working, new partnerships and 'joined-up thinking'. Some began their involvement by attending workshops held across Scotland in September and October 2003, or by responding to SEPA's River Basin Planning Strategy consultation exercise in 2004. Views expressed at the workshops and to the consultation have been used to help us write this document and to consider the direction Scotland should take in developing a river basin planning system.

I hope many others will use this Strategy to inform how and when they wish to become involved in river basin planning in the years ahead and to consider how their contributions will be most effective. Only through the participation of a wide range of partners can river basin planning be truly effective in improving and protecting Scotland's water environment for us all.

We intend to take forward the actions proposed with partners to develop and deliver a river basin planning system that uses limited resources efficiently, is inclusive in its provision of opportunities for collaboration, participation and consultation and is effective in protecting and improving Scotland's water environments. This is no small task. However, this Strategy provides the basis on which SEPA and its partners can plan and prepare to deliver river basin planning in order to better protect, manage and improve Scotland's waters for all.

I look forward to working with you in delivering the first River Basin Management Plan for Scotland.

A handwritten signature in blue ink, which appears to read 'Campbell Gemmell'. The signature is fluid and cursive, with a large initial 'C'.

Campbell Gemmell
Chief Executive
SEPA

Executive summary

The Water Framework Directive (the Directive) has been translated into Scot's law through the Water Environment and Water Services (Scotland) Act 2003. The Act requires the creation of a river basin planning system which will promote sustainable water use while protecting and improving the water environment.

SEPA is charged with delivering the river basin planning process in Scotland. This requires the publication of the first River Basin Management Plan (RBMP) in 2009. After this, RBMPs must be produced every six years.

To do this, SEPA must work effectively alongside other organisations and stakeholders – a process which has already begun. The actions set out in this Strategy have been developed following a series of stakeholder seminars across Scotland in 2003 and a public consultation exercise in 2004.

This Strategy describes planned actions within three key areas necessary for the development of effective river basin planning:

- Establishing administrative arrangements and working principles to support RBMP production;
- Delivering opportunities for participation and consultation; and
- Integrating and coordinating the RBMP with other plans and planning.

There are three River Basin Districts (RBDs) in Scotland; the Scotland RBD which covers most of the country, and the Solway -Tweed and Northumbria RBDs which are shared with England and governed by separate regulations. This Strategy sets out actions in the Scotland RBD. A separate strategy for the Solway-Tweed RBD will be produced jointly by SEPA and the Environment Agency. As only a very small part of the Northumbria RBD lies in Scotland we anticipate that SEPA will make only a small contribution to RBMP production there which will be led by the Environment Agency.

Administrative arrangements

A National Advisory Group will be formed early in 2006 to coordinate and inform RBMP production across Scotland. The development of the National Advisory Group will be discussed with the Scottish Executive during 2005/06.

A supporting network of eight Area Advisory Groups covering the whole of the Scotland RBD will also be formed early in 2006. The network will be based on surface water catchments and coastal water units, and aligned where possible with local authority boundaries. During 2005/06, we will complete preparations for the formation of these groups. This will include further communication and dialogue with stakeholders to consider and develop working mechanisms appropriate to the area covered by each group. This work will consider how to make the best use of available resources and how the roles of existing organisations and partnerships can best contribute to, and be included within, the process.

The Area Advisory Groups will develop and deliver consultation and participation activities and the Area Management Plans of the RBMP. They will establish working arrangements that reflect the geography, issues and social characteristics of their area. This may involve the creation of working groups to assist the process of plan production and to complete specific tasks. This will help to ensure that contributions are effective and efficient, and make best use of limited resources.

In addition, we consider that an Advisory Group Forum should be set up in each advisory group area to provide information regularly to, and receive feedback from, a wider body of interests than the Area Advisory Groups. This exchange could take place, for example, through standing conferences held at key stages of RBMP production. These Forums would be open to all.

Effective participation and consultation

The task of preparing and implementing the first Scotland RBMP will depend on a number of organisations and individuals. Some will have resources dedicated to this purpose, while others will be contributing to the process without additional supporting resources – perhaps in a voluntary capacity. SEPA is committed to helping interested parties become actively involved. We therefore need to ensure that there are various ways of providing input to and receiving information about the process. The National Advisory Group, Area Advisory Groups and Advisory Group Forums are proposed with this in mind and to allow stakeholders to engage with the process at a scale and level of detail appropriate to them.

In particular, the Area Advisory Groups are intended to function at a scale which can be supported by a range of local organisations. The opportunity to form working groups and convene a wider Advisory Group Forum will allow others to either become actively involved in the plan production process or to be kept better informed of progress. In addition we will make information available through a range of printed materials and, increasingly, through our website (www.sepa.org.uk) and in electronic formats.

To help those who wish to play a part in river basin planning to determine the most appropriate level and mechanism of involvement for them (as well as its likely resource costs), we will produce a Participation and Communication Plan by December 2006. This will be part of the Plan of Action Report required by the Directive. This Plan will support and inform the activities undertaken by the National and Area Advisory Groups, and will be based on the guiding principles set out in section 3 of this Strategy.

Integration of the RBMP with other planning activities

We also propose actions to assist and ensure the coordination and integration of the RBMP and river basin planning with other plans and types of planning. This coordination and integration is important as the setting of appropriate objectives within the RBMP and their effective delivery will often rely on the actions and policies within the plans and planning systems of others.

Many of the actions set out in this Strategy identify the need to include representatives of other sectors on either the National Advisory Group or the Area Advisory Groups. Further specific recommendations are made on the important relationship between the RBMP and statutory Development Plans. In particular, a Planning Working Group will be formed in 2005/06 to inform and assist coordination between these plans during the preparation of the crucial first RBMP in 2009. This group will include representatives from SEPA's river basin planning team, the Scottish Executive, planning authorities and local authority development planning functions.

Actions are also proposed in respect of National Park, community planning, coastal planning, Natura 2000 sites, biodiversity, agriculture, forestry, freshwater fisheries, catchment management planning and flood planning processes. Although further work is required to develop and clarify these relationships, it is crucial to maintain flexibility in order to allow locally appropriate arrangements to be put in place by different Area Advisory Groups.

The Strategy also considers the requirements of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 (the Strategic Environment Assessment Regulations) and presents initial actions. These Regulations offer significant opportunities to facilitate the coordination and integration of the RBMP with other plans.

I. Introduction

I.1 Development of this Strategy

This Strategy is an important step in taking forward river basin planning in the Scotland River Basin District (RBD). It sets out how the Scottish Environment Protection Agency (SEPA) plans to produce Scotland's first and subsequent River Basin Management Plan (RBMP) in an efficient and inclusive way. We hope that this document will assist your preparations to be part of this new planning system.

The Strategy does not consider all the many detailed issues and questions that must be resolved for the successful delivery of the RBMP and river basin planning in Scotland. It focuses instead on three strategic issues, proposing a range of actions in each area:

1. Developing administrative arrangements and principles to support RBMP production;
2. Delivering effective opportunities for participation and consultation; and
3. Effectively coordinating and integrating the RBMP with other plans and planning.

Other detailed issues and questions will be addressed as the implementation process develops.

We have prepared this Strategy by actively involving and listening to the views of others. In 2003, more than 140 organisations attended a series of Scotland-wide seminars which informed the development of a public consultation document in 2004¹. More than 80 organisations and individuals responded to this consultation. This Strategy reflects the contributions made to these processes. While different views were expressed on some issues, we hope that the actions proposed represent, for the most part, a consensus of how river basin planning should proceed in Scotland.

I.2 The Water Framework Directive

The Water Framework Directive (WFD) is a wide-ranging and ambitious piece of European environmental legislation, which came into force in December 2000².

The overall objective of the WFD is to bring about the effective coordination of water environment policy and regulation across Europe in order to:

- Prevent deterioration and enhance the status of aquatic ecosystems, including groundwater;
- Promote sustainable water use;
- Reduce pollution; and
- Contribute to the mitigation of floods and droughts.

A further important aspect of the WFD is that it specifies that the active involvement of interested parties must be encouraged throughout its implementation.

To deliver these objectives, the WFD sets up a six-yearly cycle of actions made up of four main elements. These are outlined in Figure 1 and together form the river basin planning process which will deliver the first River Basin Management Plans (RBMPs) throughout Member States in 2009. Their publication will follow a public consultation on draft RBMPs in December 2008. To make this consultation meaningful and to provide the public with a complete view of proposals for the management of the water environment, the content of these draft RBMPs needs to be close to that of the final documents.

¹The RBMP Strategy consultation and a digest of consultation responses can be viewed on our website at www.sepa.org.uk/consultation/closed/2004/rbmp

²Further information on all aspects of WFD implementation in Scotland is available from our website at www.sepa.org.uk/wfd

Figure 1: The main elements of the Water Framework Directive

Environmental and economic characterisation

Describes the pressures and impacts on the water environment and the economic importance of these pressures.

Deadlines

- 2004 – First report on characterisation of water environment
- 2007 – Significant Water Management Issues Report
- 2013 – Second report on characterisation of water environment
- Then every six years

Environmental monitoring programme

Allows the classification of the water environment.

Deadlines

- 2006 – Environmental monitoring programme in place
- 2015 – Monitor whether objectives have been achieved
- Then every six years

Programme of measures

Identifies the measures to be taken to protect and improve the water environment in each River Basin District.

Reporting deadline

- 2009 – Programme of Measures identified in RBMP
- 2012 – Actions identified in Programme of Measures completed
- Then every six years

Objective setting

Identifies the environmental objectives which can be achieved.

Deadlines

- 2008 – Draft River Basin Management Plan
- 2009 – Final River Basin Management Plan
- Then every six years

1.3 Implementation of the Water Framework Directive in Scotland

The Water Environment and Water Services (Scotland) Act 2003³ (WEWS Act) makes SEPA responsible for coordinating RBMP production in Scotland. There are three RBDs in Scotland; the Scotland RBD covers most of the country and the Solway-Tweed and Northumbria RBDs are shared with England. These RBDs are shown in Map 1.

Separate regulations govern river basin planning in the Solway-Tweed and Northumbria RBDs. These require SEPA and the Environment Agency to work together to produce the RBMPs for these districts. Only a very small part of the Northumbria RBD lies in Scotland and consequently we do not expect to make a significant input to the production of its RBMP. We are producing a joint strategy with the Environment Agency to inform river basin planning in the Solway-Tweed RBD.

A number of other public authorities and stakeholders will need to be involved throughout the preparation of the Scotland RBMP. Some will be identified as 'responsible authorities' by the Scottish Executive and will have duties to consider the WFD and the RBMP when exercising their respective functions.

The aim of the WEWS Act is to promote sustainable water use while protecting and improving the water environment. The Act places general duties upon Scottish Ministers, SEPA and other responsible authorities in delivering WFD requirements. When exercising their functions these bodies must:

- (a) have regard to the social and economic impact of such exercise of those functions;*
- (b) so far as is consistent with the purposes of the relevant enactment or designated function in question—*
 - (i) promote sustainable flood management, and*
 - (ii) act in the way best calculated to contribute to the achievement of sustainable development, and*
- (c) so far as practicable, adopt an integrated approach by co-operating with other authorities with a view to coordinating the exercise of their respective functions.*

In addition, the WEWS Act places a duty upon Scottish Ministers and every public body and office holder to have regard to RBMPs and sub-basin plans (other plans produced to support achievement of RBMP objectives) when their functions affect a RBD.

1.4 What are river basin planning and River Basin Management Plans?

The WFD recognises that activities which take place in one part of the water environment can have consequences elsewhere and that the actions of water users in one area can affect the interests of others. The effective management of the water environment therefore requires an integrated and coordinated planning system based on river basins.

A key function of river basin planning is to identify environmental objectives that represent an appropriate balance between environmental, social and economic interests. The WFD sets a number of 'default' objectives, which we are required to consider first of all. However, a range of other objectives can be determined (alternative objectives). For example, more stringent objectives may be set which recognise the value of protected areas such as waters important for bathing or shellfish production. Alternatively, less stringent objectives may be set if it would be disproportionately expensive to achieve the WFD's 'default' objective.

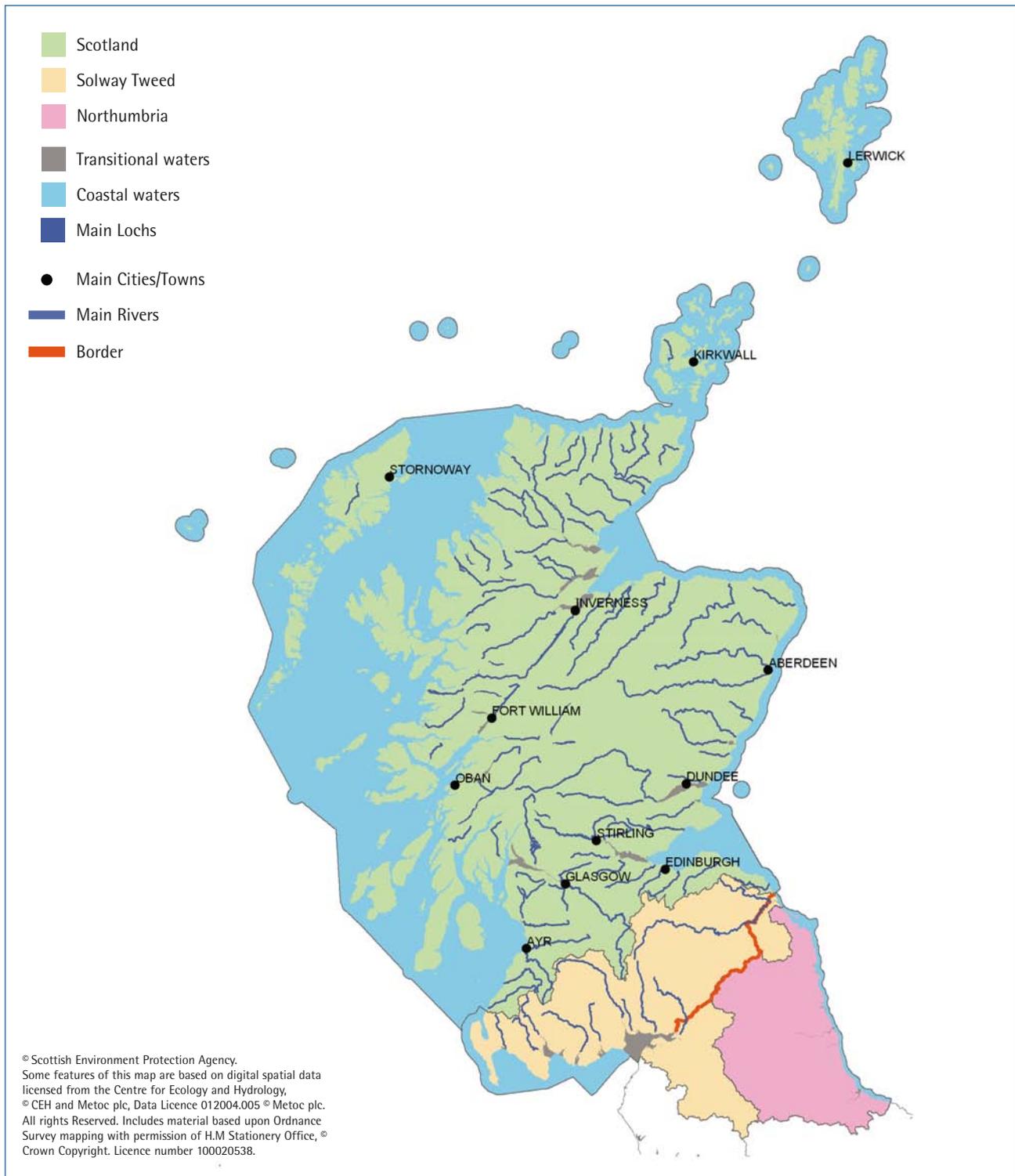
This flexibility within river basin planning and objective setting is important. It will ensure that:

- The objectives set in each RBMP are achievable and affordable; and
- RBMPs are able to consider major and strategic trends, drivers and issues affecting the water environment.

These and other considerations will place the RBMP in an appropriate environmental, social and economic context, and allow it to help shape and direct sustainable development.

³See www.opsi.gov.uk/legislation/scotland/acts2003/20030003.htm

Map 1: River Basin Districts in Scotland



1.5 Our vision of river basin planning

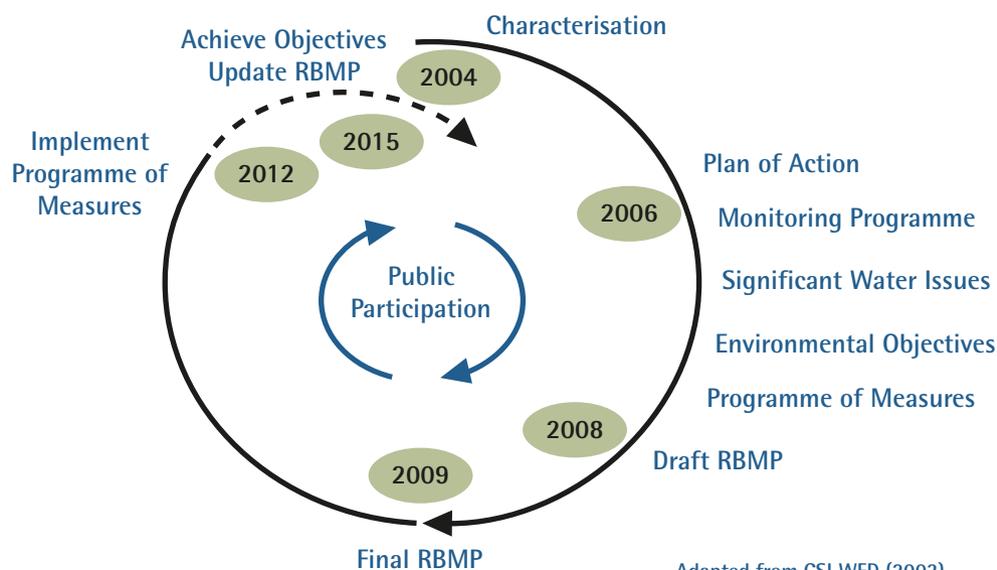
I. River basin planning will be an ongoing process that promotes sustainable water use while protecting and improving the water environment.

We believe that river basin planning should promote sustainable water use while protecting and improving the water environment. This is important as Scotland's waters have a wide range of uses, which contribute to the economic and social well-being of the country. Water is used by industry to make products, assist industrial processes and generate power. It is used by the wider public to support many, often commercial, recreational uses, while sustaining healthy environments and a range of wildlife enjoyed by us all.

We see river basin planning as more than just producing a plan. It is an ongoing process that contributes to, and supports, all stages of delivering the obligations of the WFD and the WEWS Act in Scotland (see Figure 2). River basin planning will have an ongoing role in contributing to the development and delivery of the following important WFD outputs:

- Assessment of the pressures and impacts upon the water environment;
- Analysis of the economic importance of water use;
- Design of monitoring programmes to assess impacts and monitor changes;
- Identification and delivery of measures to improve the environment; and
- Setting of environmental objectives.

Figure 2: The river basin management planning process



Adapted from CSI WFD (2003)
*Best practices in river basin planning,
guidance on the planning process*

2. River basin planning will provide the basis upon which a range of organisations can work together to deliver agreed environmental objectives.

A wide range of organisations already work to improve and protect the water environment in Scotland. River basin planning is a tool which we can all use to protect the environment more efficiently. It provides us with an opportunity to better coordinate our actions and to set shared objectives against which we can assess the results of our actions.

3. River basin planning will adopt an approach based on participation and the engagement of local stakeholders and communities.

We have high aspirations for river basin planning in Scotland. We believe it will be an important mechanism to protect, improve and manage Scotland's water environment in partnership with others and for us all. To do this, the river basin planning process must:

- Acknowledge, support and accommodate the contributions of others; and
- Coordinate the management of water and land effectively and efficiently.
- Undertake work at scales that allow consideration and action by those with a direct interest in the environment.

4. River basin planning will deliver Water Framework Directive obligations as well as other important objectives for Scotland.

River basin planning has been designed to deliver the requirements of the Water Framework Directive. In the first instance, we will focus on meeting these requirements. However, we believe that river basin planning can also make an important contribution to delivering wider Scottish objectives for the water environment in the longer term, e.g. biodiversity objectives.

5. River Basin Management Plans will provide a medium-term view of how the water environment can be managed. This will provide the context within which decisions within an individual planning cycle can be made.

River basin planning is a cyclical and iterative process. But to maintain momentum, it needs to combine shorter-term planning within one six-year cycle with medium-term planning and prioritisation over two or three cycles. The WFD itself allows for this to take place through a flexible objective setting process whereby objectives can be set to be achieved in one, two or three river basin planning cycles. We believe that ensuring a medium-term view within each RBMP is important to ensure that water users can plan with confidence.

6. River basin planning will work towards the integration of water and land management to support sustainable development in Scotland.

We cannot protect the water environment in isolation. River basin planning must work with other planning processes to provide effective environmental protection. The management of the land has a substantial impact upon the water environment, while the water environment represents a valuable economic and amenity resource.

2. Developing administrative structures and arrangements

2.1 Background

Sections 15 and 17 of the WEWS Act require the formation of sub-basin plans and one or more advisory groups to assist RBMP production in the Scotland RBD. However, the Act allows SEPA to determine the remit, membership, geographic coverage and procedures of such plans and groups.

To help develop a shared vision of how the requirements for advisory groups should be taken forward, we presented a range of models for discussion with stakeholders at local meetings, and, subsequently, in a national consultation. The views expressed throughout this process have helped determine the concept of a coordinating National Advisory Group (see section 2.2) and a network of Area Advisory Groups (see section 2.3). These will now be put in place.

In considering these requirements, we have developed proposals for the use of advisory groups and advisory group areas covering all the Scotland RBD. We believe that the use of advisory groups is a significant and positive step in ensuring stakeholder engagement with the river basin planning process. We will develop these groups as far as possible in a manner consistent with the views and aspirations of others. We expect this to contribute to a wider understanding and knowledge of river basin planning and the RBMP. We also expect this approach to result in the development of more effective partnerships to assist in the coordinated production and implementation of the RBMP.

Although these arrangements provide opportunities for interested parties to engage in the planning process, there are concerns about the level of resources required. A major challenge will be to ensure that the National Advisory Group and Area Advisory Groups:

- Function effectively and efficiently; and
- Make best use of available resources.

This section acknowledges these challenges and sets out how we feel they can be met. The input of others in developing appropriate and effective working arrangements for each Area Advisory Group will be crucial as we work towards making these groups functional.

2.2 National Advisory Group

We intend to establish a National Advisory Group responsible for:

- (1) Coordinating the work of the Area Advisory Groups; and
- (2) Overseeing and contributing to the production of the final RBMP.

Coordination of the Area Advisory Groups will include:

- Providing strategic direction and guidance on RBMP preparation to ensure a consistent approach;
- Providing national support and guidance for public participation and consultation;
- Acting as an arbiter to resolve conflicts identified by Area Advisory Groups; and
- Providing a link between Ministers and Area Advisory Groups.

Overseeing and contributing to the production of the Scotland RBMP will include:

- Identifying national priorities for environmental improvement and protection;
- Identifying the need for measures to be developed nationally to deliver nationally agreed standards, e.g. in respect of individual sectors or water uses;
- Identifying opportunities to enhance the integration of different strategic plans and policies to better protect the water environment and promote its sustainable use; and
- Contributing to, and reviewing, the RBMP before it is submitted to Ministers.

We expect the National Advisory Group to be composed of representatives from:

- Responsible authorities;
- National stakeholders; and
- Organisations working at a strategic level.

In addition, it is important that the National Advisory Group has clear links to Ministers, who must ultimately approve the RBMP, and with the Area Advisory Groups (see section 2.3).

We consider that membership should be flexible, allowing new members to join and existing members to leave as the nature of the work changes with time.

Given these requirements, we anticipate that members would include those outlined in Table 1. Final membership will be developed with the Scottish Executive and stakeholders.

Table 1: Potential membership of the National Advisory Group

Scottish Executive	Other regulators*
SEPA*	Representative organisations for fisheries management
Scottish Natural Heritage*	Industry trade associations
Scottish Water*	Representative organisations for the agriculture sector
Local authorities*/Convention of Scottish Local Authorities (CoSLA)	Non-governmental environment and conservation groups
National Park Authorities*	Scottish Coastal Forum
Forestry Commission Scotland	Area Advisory Group representatives
Port authorities*	

* Bodies proposed by the Scottish Executive as WFD responsible authorities

In addition to the Scotland RBD, there is a significant Scottish component to the Solway-Tweed RBD. There will be integrated cross-border management of this district by SEPA and the Environment Agency, and we may use some of the guidance provided by the National Advisory Group to inform our work there.

Action 1

A National Advisory Group will be formed to provide strategic guidance, input to and coordination of RBMP production in the Scotland RBD.

2.3 Area Advisory Groups

On the basis of the consultation responses, we propose to divide the Scotland RBD into eight areas each with its own Area Advisory Group.

The boundaries of the areas are shown in Map 2.⁴ These boundaries have been formed by or are based upon:

- Complete surface water catchments;
- Consideration of coastal management units and processes; and
- Alignment with local and planning authority boundaries to help to facilitate their input.

To allow Area Advisory Groups to provide an effective link to local stakeholders and expertise, they need to be made up of representatives appropriate to the area. At this stage, it is not possible for us to identify all the bodies that will be invited to join each group. Membership will be driven largely by:

- The issues and activities that are locally important;
- The organisations present in the area; and
- The relative significance of the different water types in the area.

However, we will invite representatives from the following generic groups to participate:

- Public and responsible authorities, including local authorities;
- Major water users, industries and interests in the area; and
- Local stakeholders for further sub-basin planning activities (where required).

We consider that the Area Advisory Group network is fundamental to RBMP production and implementation. We believe that these groups should undertake and inform many of the key tasks and activities of the river basin planning process. We therefore propose that the groups should produce Area Management Plans as required by section 15 of the WEWS Act. These Area Management Plans will form the 'geographic chapters' of the RBMP.

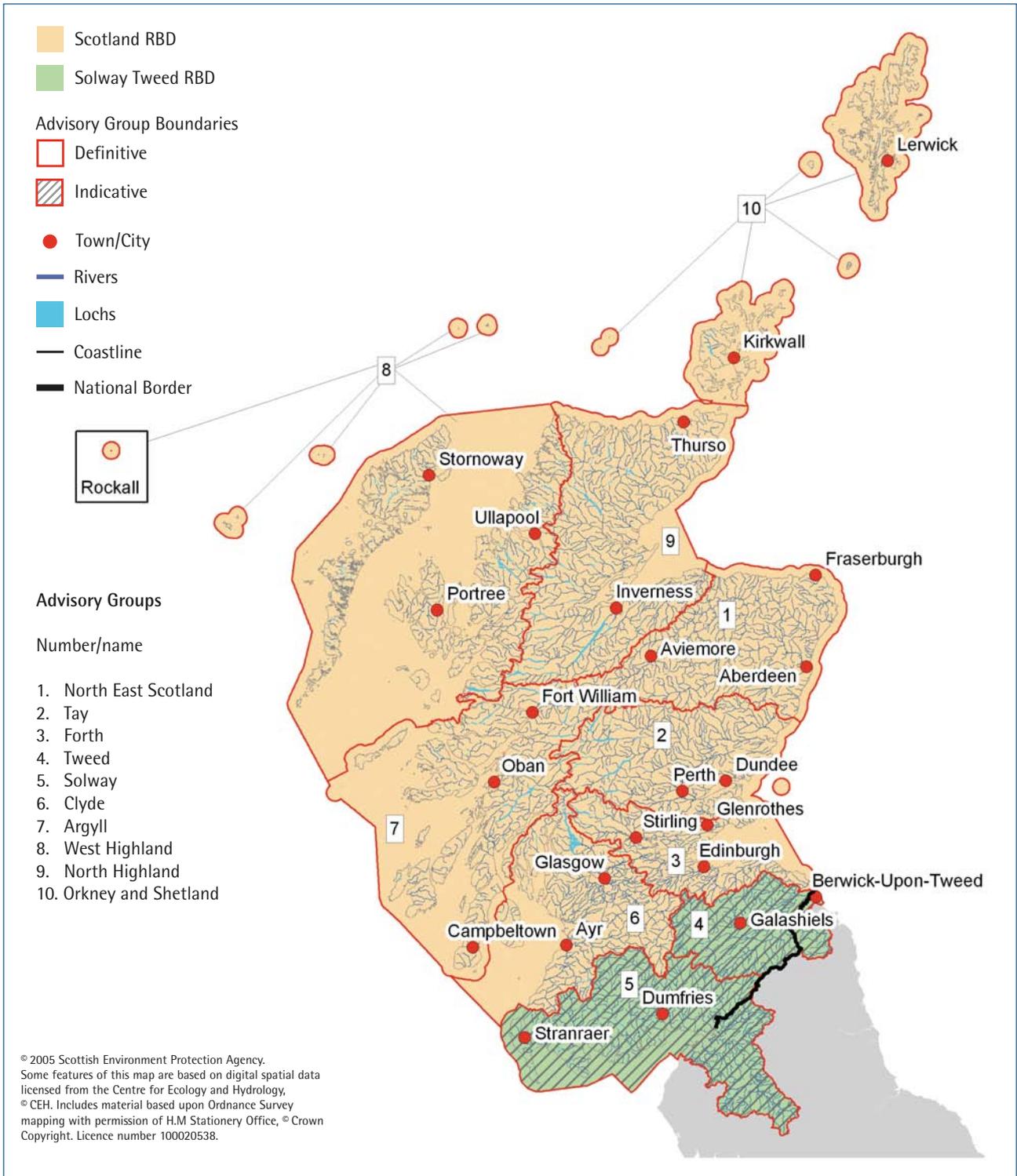
In developing Area Management Plans, the Area Advisory Groups will:

- Identify key priorities for environmental improvement and protection within the area;
- Identify actions and measures to deliver environmental improvement and protection;
- Provide advice on the use of alternative objectives (see section 1.4);
- Identify improvements in the coordination and integration of different plans and policies for the area that will help to better protect the water environment and promote its sustainable use;
- Coordinate relevant consultation and participation activities within the area; and
- Consider the need for, and use of, further detailed plans and programmes.

Action 2

A network of eight Area Advisory Groups will be formed to support the production of the Scotland RBMP and to provide links to local stakeholders.

Map 2: Area Advisory Group boundaries and surface waters



2.4 Formation of advisory groups

Under the timetable provided by the WFD for river basin planning, the final RBMP must be produced by December 2009. However, we must produce a full draft RBMP a year before in order to allow sufficient time for public consultation. This will require:

- The contents of the final 2009 RBMP to be largely identified at least a year before its publication; and
- The work to produce the draft plan to be complete by September 2008 to allow time for it to be presented to Ministers and prepared for publication at the end of 2008 for consultation.

Experience gained from other processes has indicated that a 2–3 year period is desirable to allow the development of such plans. Consequently, the National and Area Advisory Groups should be developed in 2005/06 and become operational in early 2006.

We recognise there is much still to clarify and agree with stakeholders regarding both the national and area groups, e.g. membership, remit, working arrangements and mechanisms. In addition, the resources available to SEPA and others in 2005/06 are likely to be limited and we must make best use of what is available.

The membership and working arrangements within each Area Advisory Group will be developed with stakeholders during 2005/06. It is expected that these arrangements will differ for each group according to, for example:

- Existing partnerships in the area;
- The nature and distribution of pressures on the environment; and
- The extent and abundance of different water types.

We consider it essential that arrangements reflect the character of the area and are appropriate for each one.

Production of a single integrated RBMP for the Scotland RBD depends on particular components of the river basin planning process being consistent. For example, the contents and structure of the Area Management Plans prepared by the Area Advisory Groups will need to follow a common framework. The type of information available to, and collected for, each Area Advisory Group will also need to be agreed.

It is important that we clarify the information and support available from our scientific and regulatory functions and our river basin planning coordinators (see section 2.6).

Decision-making, plan approval and arbitration processes and procedures will also need to be established.

Action 3

SEPA will work with the Scottish Executive and stakeholders in 2005/06 to develop the composition and membership of the National Advisory Group and make the group functional in 2006.

Action 4

SEPA will work with the National Advisory Group to agree a remit for the group to be considered by Scottish Ministers in 2006.

Action 5

SEPA will develop the Area Advisory Groups during 2005/06 and make these groups functional in 2006.

Action 6

The membership and working methods for each Area Advisory Group will be developed with stakeholders in 2005/06.

2.5 Leading the process

SEPA will be both a participant in, and the coordinator of, the river basin planning process. We recognise that there are potential conflicts between these roles and that they must be clearly defined and understood.

The role of participant extends beyond that of a regulator. We will have significant contributions to make, for example, to monitoring activities and the development and presentation of anticipated or recommended measures and environmental objectives applying to water bodies.

The process of RBMP production is a new one and will require clear and effective leadership. This will be particularly important in the early stages when all those involved are developing a mutual understanding of the new planning system.

The National Advisory Group will be chaired by SEPA on an ongoing basis. Our current thinking is that, initially at least, we should chair the Area Advisory Groups. Changes in this role should be agreed within, and by, the Area Advisory Groups themselves; an appropriate time to consider change is after the finalisation of the first RBMP in 2009. We recognise the benefits in sharing lead roles in the process, particularly in developing a genuine position of shared ownership of, and commitment to, the plan and its implementation.

Action 7

When formed, SEPA will chair the National Advisory Group on an ongoing basis and the Area Advisory Groups in the first instance.

2.6 Coordinating the process

We will need to support and facilitate the work of the National Advisory Group and the Area Advisory Groups. Given the likely extent of the tasks facing these groups, a river basin planning coordinator from SEPA will support each Area Advisory Group. A coordinating presence will also be required to support the National Advisory Group and, ultimately, RBMP production.

SEPA will provide these resources to support river basin planning in the Scotland RBD. River basin planning coordinators will be appointed in 2006/07 and based around Scotland to provide points of contact for the National Advisory Group and Area Advisory Groups.

Action 8

River basin planning coordinators will be provided by SEPA in 2006/07 to support the Area Advisory Groups in developing their contributions to the first RBMP for Scotland.

A national coordinating resource will be provided by SEPA in 2006/07 to:

- Bring together, coordinate and integrate the outputs from the Area Advisory Groups;
- Provide technical support to the National Advisory Group; and
- Produce the RBMP.

2.7 A bottom-up and top-down process

We believe that RBMP production should be a bottom-up and top-down process with clear links between each stage. The provision of a National Advisory Group and Area Advisory Group network will put the basic blocks of such a system in place:

- The National Advisory Group will provide consistency to ensure that a single coherent RBMP can be produced; and
- The Area Advisory Groups will provide the local input to ensure that the most effective local approaches to environmental problems can be delivered.

The Area Advisory Groups will cover relatively large areas of Scotland and, in certain circumstances, it may be necessary and beneficial to plan on a more detailed scale within an area. Where more detailed planning is required, the group itself should identify this need. However, such planning should be initiated only when it is necessary and cost-effective to do so in order to achieve environmental objectives. This may lead to the setting up of sub-groups designed to address particular issues or to focus on particular catchments.

We want river basin planning to reach beyond the National Advisory Group and Area Advisory Groups and their members. Therefore, we propose that each Area Advisory Group should form an Advisory Group Forum with provision for a wide and open membership. This will allow a wide body of interests to provide input to, and be regularly informed of, progress in river basin planning without needing to be involved in the detail of the plan production process.

In addition, information will be made available to the public in different forms and formats. Together with the National Advisory Group and Area Advisory Groups, these arrangements will provide the components of a participative and inclusive process. This will allow active involvement, provide consultative opportunities and make information available on an ongoing basis (see section 3).

Different river basin planning activities will involve different organisations and people. They will take place at different times and be undertaken at different scales. Involving the right people at the right time and in the right place will help make the system efficient. Our proposals for a tiered system of a National Advisory Group and Area Advisory Groups together with their associated sub-groups and Forums will deliver this.

The relationships between the different groups and forums are summarised in Figure 3 and the tiered system of involvement proposed is shown in Figure 4.

Action 9

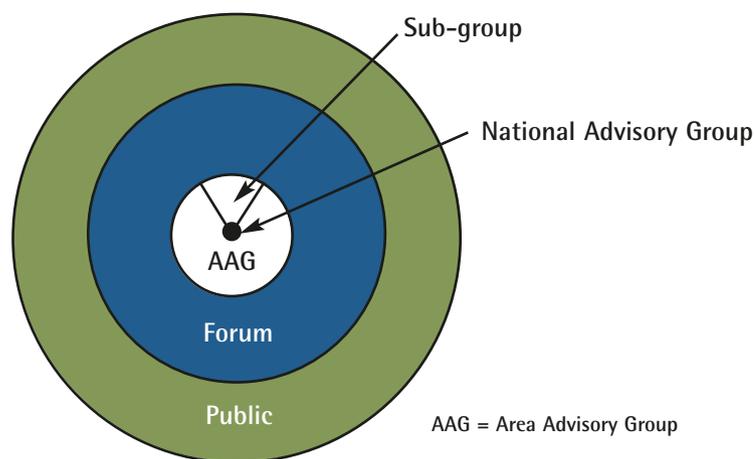
Area Advisory Groups will set up sub-groups where this is considered the most effective means of addressing particular issues.

Each Area Advisory Group will set up an Advisory Group Forum to provide opportunities to exchange information and ideas with interested parties that are not directly involved in the advisory groups.

Figure 3: Summary of bottom-up and top-down river basin planning process

WHAT	BODY	WHO
<ul style="list-style-type: none"> • Approve Scottish RBMPs • Submit RBMP to Europe • Resolve conflict and arbitrate 	Scottish Ministers	
↕		
<ul style="list-style-type: none"> • Coordinate the work of the Area Advisory Groups • Oversee and contribute to Scottish RBMP production • Produce and issue national guidance and instruction • Resolve conflict and arbitrate • Provide link between Ministers and Area Advisory Groups 	National Advisory Group	<ul style="list-style-type: none"> • Scottish Executive • SEPA • Responsible authorities • National stakeholders • Representatives from key water use sectors • Representatives of environmental non-governmental organisations • Representatives from Area Advisory Group network
↕		
<ul style="list-style-type: none"> • Develop RBMP Area Management Plans • Identify priorities for environmental improvement and protection • Identify actions and measures to deliver environmental improvement and protection • Provide advice on objective setting • Coordinate public participation & consultation • Coordinate with other statutory and non-statutory plans • Identify need for more detailed plans and programmes • Act as a link between National Advisory Group and detailed sub-basin plans and programmes 	Area Advisory Group(s)	<ul style="list-style-type: none"> • SEPA • Responsible authorities (including individual Local Authorities) • Local representatives of key water use sectors • Representatives of other local interested parties • Representatives from detailed sub-basin planning initiatives
↕		
<ul style="list-style-type: none"> • To gather and provide information on water use activities, water status and potential measures • To review characterisation assessments and significant water management issues report • Consider and be consulted upon options for measures and objectives and to provide indication of wider public priorities and attitudes • Contribute to detailed sub-basin plans and programmes 	Advisory Group Forum	<ul style="list-style-type: none"> • Wide and open membership • Members of responsible authorities, interested organisations, stakeholders and the public

Figure 4: Levels of participation in river basin management planning



2.8 Existing water management groups

To deliver the requirements of river basin planning, it will be essential for us to work with existing water management groups in order to:

- Rationalise the planning process;
- Ensure effective and efficient use of limited resources;
- Avoid duplication of effort; and
- Make use of existing knowledge and information.

Many existing partnerships or networks carry out public participation, consultation and engagement exercises. Part of the work of these, often local, initiatives may overlap with that of the Area Advisory Groups. However, the scope and range of activities covered by existing groups can vary significantly from specific or sectoral water issues (e.g. fisheries management) to broader topics extending beyond the water environment (e.g. community planning).

We therefore propose that Area Advisory Groups should, where possible:

- Coordinate planning processes and resources with existing groups;
- Utilise the contacts established by existing networks; and
- Ensure the outcomes from existing participation exercises are used and valued.

It is vital that the relative roles and responsibilities of existing groups and Area Advisory Groups (including the delivery of consultations and participation exercises) are developed and clarified before and during the river basin planning process. This will particularly important where existing groups perform similar functions to those proposed for an Area Advisory Group.

Action 10

Area Advisory Groups will consider the potential for existing water management groups to deliver the planning, participation and consultation aspects of its tasks, together with the provision of resource requirements (where appropriate).

3. Delivering participation and consultation

Participation, consultation and communication run through the whole river basin planning process. The provisions for National and Area Advisory Groups and Advisory Group Forums outlined in section 2 form the foundations of a participatory planning process and have been developed with local involvement in mind.

This section concentrates on the principles and strategic issues which the advisory groups will need to consider in order to deliver a participative approach to river basin planning. This approach has been developed using the outputs from the stakeholder events and public consultation processes described in section 1.1.

3.1 Background

Effective river basin planning requires the adoption of an inclusive and participative approach during the production and implementation of the RBMP. Such an approach will:

- Make the best possible use of available knowledge and expertise;
- Give a more accurate reflection of priorities; and
- Promote the ownership of environmental objectives and the contributions required to achieve them.

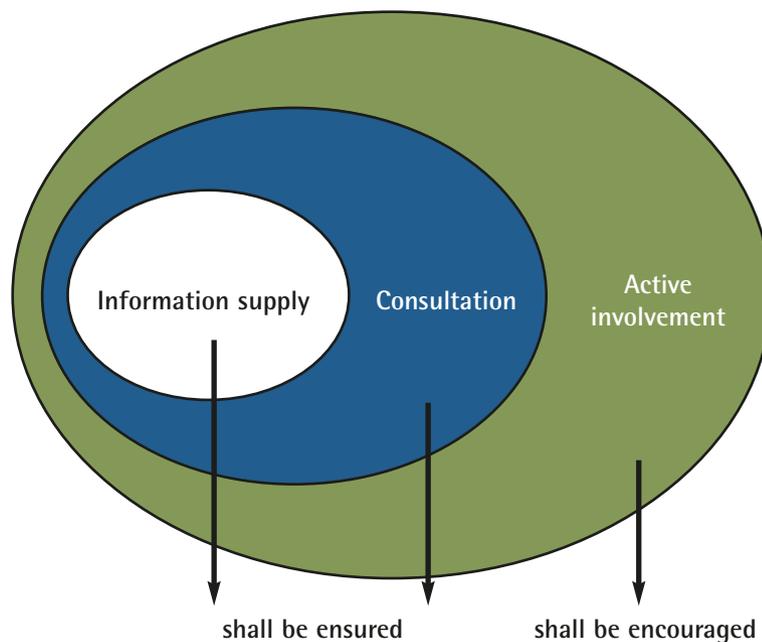
This approach will mean that a better RBMP is produced and that more effective partnerships are developed to support its implementation. The benefits of an approach based on participation and consultation are summarised in Box 1.

Box 1: The benefits of adopting a participative approach to RBMP development and decision-making

- Establishment of sustainable and long-term decision-making processes
- Development of a shared understanding of the contribution made by different sectors to the achievement of environmental objectives
- Improved ownership of environmental objectives, actions and plans
- Improved compliance with regulatory and other policy decisions and drivers
- Fewer costly enforcement measures
- Greater likelihood of successful plan implementation

European Union guidance on the role that public participation, consultation and information provision should play in effective river basin planning will be followed. This will ensure that the planning process achieves the fundamental components of good public participation, i.e. to supply information and consultation opportunities while encouraging the long-term active involvement of interested parties and building capacity and opportunities to participate (see Figure 5).

Figure 5: Components of good public participation



3.2 Guiding principles to encourage participation and involvement

The arrangements put in place to encourage stakeholder and public participation during RBMP production and implementation will need to be:

- **Efficient** – in the use of time and resources;
- **Open and transparent** – to give stakeholders the opportunity to contribute meaningfully to the process;
- **Consistent** – in application across sectors and Advisory Group areas;
- **Targeted** – used for the right audience at the right time in the right way;
- **Time bound** – to deliver RBMP outputs within WFD or required timeframes; and
- **Outcome based** – contribute to the protection and improvement of Scotland's water environment.

We have developed a set of guiding principles (see Box 2) to help ensure that participation and consultation are part of the RBMP production process in Scotland. These principles will be supported by guidance, work methods and practical examples of good practice.

Box 2: Guiding principles for effective participation in river basin planning

Principle 1:

Provide a focal point for development and delivery of the RBMP.

Principle 2:

Ensure administrative arrangements are open, transparent and inclusive.

Principle 3:

Set out and communicate the key mechanisms in river basin planning to deliver its outputs.

Principle 4:

Produce a Participation and Communication Plan, with the help of Area Advisory Groups, to support the production of the RBMP.

Principle 5:

Communicate using tools appropriate to the audience and issues.

Adherence to these guiding principles will help to provide effective opportunities for involvement in river basin planning. They will form the basis of work by Area Advisory Groups and others during the production and implementation of the RBMP.

The administrative arrangements and levels of involvement available through the National Advisory Group, Area Advisory Groups and Advisory Group Forums (see section 2) offer the flexibility to:

- Develop an effective planning process that encourages active involvement in plan preparation;
- Provide for effective consultation; and
- Make information available to interested parties on an ongoing basis.

Action 11

The guiding principles for effective participation in river basin planning should inform the development of work methods and guidance used by the National and Area Advisory Groups to deliver participative river basin planning across the Scotland RBD.

3.3 Delivering participation in Scotland

Area Advisory Groups and Forums will use the guiding principles given in Box 2 to deliver an inclusive river basin planning process based on participation, consultation and information provision.

We will publish a Participation and Communication Plan to help Area Advisory Groups meet these requirements in practice. This will form part of the Plan of Action Report that the WFD requires to be published by December 2006.

The Participation and Communication Plan will set out the tools and arrangements required to deliver effective participation and consultation. It will also give the timescales within which these will be delivered. A set of proposed topics for this plan are set out in Box 3. The Area Advisory Groups will be responsible for using them to develop arrangements appropriate to their local circumstances and requirements.

Box 3: Likely contents of the Participation and Communication Plan

- Tasks and milestones
- Tools, techniques and guidance to be developed or used
- How to carry out a stakeholder analysis
- Training needs or skills required
- Guidelines on where, when and how Area Advisory Groups could and/or should use participatory approaches
- Where and when in the planning process consultation will be used
- The availability and sources of information on river basin planning and water management
- Expected resource requirements for SEPA and responsible authorities
- Assistance available to Area Advisory Groups to support the contributions of others

Action 12

By December 2006, SEPA will publish a Participation and Communication Plan as part of the Plan of Action Report required by the Water Framework Directive. This Plan will set out the uses, techniques, delivery arrangements, skills and resources needed to support the river basin planning process in Scotland and how these will be provided.

3.4 Supporting the involvement of others

This Strategy is intended to help other organisations to identify opportunities and plan for their involvement in river basin planning in the Scotland RBD. For public bodies, this planning may extend to informing dialogue with government and, for others, it may help them prioritise their work. By providing clarification of our intentions, we hope others can make informed decisions about the most cost-effective way for them to prepare for and participate in river basin planning. If necessary, they will have time to discuss these issues with us.

Advisory Group Forums (see section 2.7) offer provision for different levels of involvement beyond those of the National Advisory Group and the network of Area Advisory Groups. Interested parties will be able to select a level of involvement most appropriate and cost-effective for them. This will make the system effective and efficient and allow appropriate contributions from groups and individuals at appropriate times and on appropriate and relevant issues.

We recognise that the time of others is valuable and that it should only be used and called upon when necessary. In practical terms, we will minimise the number of meetings held so long as this does not compromise the plan production process. Additional practical actions will also facilitate the contributions of others. For example, the management of agendas on a sectoral or topic basis can encourage focussed contributions. We will also seek to hold meetings at times suitable for public bodies, voluntary bodies and individuals to allow contributions to be made by those with other time commitments.

Despite efforts to develop an efficient river basin planning system and to put in place practical approaches to allow others to make best use of finite resources, we realise that there will be occasions when this is not enough.

Section 17(7) of the WEWS Act allows SEPA to pay expenses and allowances to members of an advisory group. At present, the extent of monies available to make such payments is not clear. At this stage, we envisage that we would seek to support the contribution of non-public bodies. When available resources are known, we will confirm and develop these arrangements with the National and Area Advisory Groups. We will need to use available resources to facilitate the input of particularly important, necessary or valuable contributions to the river basin planning process.

Action 13

SEPA will seek to support the contribution of non-public bodies to the river basin planning process. SEPA will confirm and develop this support with the National and Area Advisory Groups when available resources are known.

4. Coordination and cooperation between river basin planning and other planning processes

4.1 The importance of coordination and cooperation

RBMPs are not the only plans with an important role in protecting, enhancing and managing the water environment. It is therefore important that RBMPs are integrated and coordinated within other planning frameworks. This will ensure that their preparation and content contribute to common goals while still respecting differing requirements and objectives. This integration will be achieved by involving the right organisations at the right time, and by respecting and making reference to existing plans.

Such an approach is statutory in Scotland. The WEWS Act states:⁵

... [SEPA and the responsible authorities must] so far as practicable, adopt an integrated approach by co-operating with each other with a view to co-ordinating the exercise of their respective functions.

The Act also states that, in exercising their functions, public bodies must have regard to the RBMP.⁶

Such an integrated approach will help different plans to reinforce and support each other and avoid duplication. However, there may be instances where it is not practicable to coordinate completely either actions or priorities – though this is expected to be the exception rather than the norm.

A cooperative approach will help deliver any RBMP objectives and programmes that rely on other plans for implementation or support. Some of the main areas where this will apply are considered below. As we work towards RBMP production, we will identify any other relevant plans and develop coordination mechanisms.

4.2 Town and country planning

The National Planning Framework (NPF) and the statutory Development Plans (currently Structure and Local Plans prepared by planning authorities) will provide a starting point for the first RBMP for the Scotland RBD. In addition, some of the measures set out in the RBMP will be deliverable through the development planning system.

Prospective developers and public authorities (such as infrastructure providers) may have based agreements and investment decisions on these plans. Where these commitments are consistent with the requirements of the WFD, they need to be accommodated in the policies and measures of the RBMP. Similarly, when Development Plans are reviewed and altered they should accommodate the requirements of the RBMP, which will have set WFD environmental objectives and measures to achieve them.

The RBMP will inform the preparation of new Development Plans and, where relevant, it will be a 'material consideration' in decision-making on planning applications. Although some stakeholders considered this sufficient to ensure coordination, the predominant view was that there is significant value in developing specific mechanisms to link river basin planning and land-use planning. Three specific proposals covering a range of issues were set out in our strategy consultation and these are considered in sections 4.2.1–4.2.6.

⁵Section 2(4)(c)

⁶Section 16

4.2.1 Policy and guidance

The overwhelming view from stakeholders was that guidance is needed for planning authorities about the interactions with the RBMP and how these should be reflected in Development Plans. Many considered that this interaction could be set out in a Scottish Planning Policy (SPP), while others advocated clarification of roles without the formal guidance of an SPP. However, sufficient issues were identified to warrant the establishment of a Planning Working Group to examine further the need for policy and guidance. The group might usefully evolve to consider wider planning and WFD interactions as well as those of river basin planning.

Action 14

A Planning Working Group will be established in 2006 with representatives from key organisations including the Scottish Executive, SEPA, planning authorities and other planning interests to bring together all those involved in the river basin and development planning processes.

The group will determine its own aims, but these are expected to include:

- Identify significant coordination issues and challenges;
- Build consensus about how and when to address identified issues;
- Provide agreed and consensual information to assist coordination;
- Advise on the need for guidance in advance of the first RBMP in 2009;
- Provide a forum for information exchange to build capacity and understanding across and between river basin and development planning; and
- Raise awareness of RBMP issues in development planning.

SEPA and the Scottish Executive have commissioned consultants through the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) to undertake preparatory work to assist the Planning Working Group. This work will help to:

- Raise awareness;
- Build capacity;
- Identify key issues; and
- Facilitate early meetings of the Planning Working Group.

4.2.2 Modernising planning

The Scottish Executive's moves to modernise the planning system may create challenges in strategic coordination of land-use and river basin planning. Particularly relevant are the proposals for Local Development Plans across the country and upper-tier city-region Strategic Development Plans for the four main cities.

The arrangements for river basin planning must, therefore, be flexible enough to work both with the current system and that resulting from the modernisation agenda. The Planning Working Group will ensure that such matters are considered fully and will advise on the need for specific guidance or procedural instruction.

4.2.3 Timescales and plan updating

Some stakeholders believe that the differing timescales of Development Plans and RBMPs will make successful coordination difficult and that plan production should, as far as possible, be synchronised to avoid such problems. Clearly, challenges will arise from differing timescales. However, synchronising would bring its own difficulties given the different scale, complexity and coverage of plans and the well-founded need to review or extend them at any time. We therefore consider it impractical to seek synchronisation of Development Plans with RBMPs. However, the production and implementation of RBMPs may be compromised if Development Plans are out of date; this will add weight to widely held concerns about this issue.

In its *Review of Strategic Planning* and its consultation *Making Development Plans Deliver*, the Scottish Executive proposed two-year 'Action Plans'. This concept was reasserted in its planning White Paper, *Modernising the Planning System*, published in June 2005.⁷ The strategy consultation considered whether 'Action Plans' would offer a mechanism for integration. Further examination has shown that such plans may not be suitable mechanisms for the general integration of RBMPs and Development Plans. However, it is possible that they could help secure implementation of specific objectives or measures within RBMPs.

We believe that the Planning Working Group will be well placed to advise on issues relating to timescales and plan updating.

4.2.4 Planning authority involvement in RBMP preparation

Most stakeholders consider it important that planning authorities engage effectively in the RBMP production process in order to achieve coordination. We agree with this view and propose that local authorities are represented on the National and Area Advisory Groups (see sections 2.2 and 2.3). This would allow the coordination of input from a range of local authority functions including planning.

To increase the contribution from planning authorities, it may in some circumstances be appropriate to convene a 'planning issues group' within an Advisory Group area. The Area Advisory Group itself should decide this whether this is appropriate. A 'planning issues group' would be able to advise on planning issues relevant to the Advisory Group area and activities, but would be separate from the Planning Working Group set out in Action 14.

Action 15

Area Advisory Groups will include representatives from local authorities, who should coordinate input from their authority's functions including planning.

Where more specific input is required from planning authorities, appropriate arrangements should be developed by the Area Advisory Group and the authorities involved.

4.2.5 National Planning Framework (NPF)

The first NPF was published in April 2004 and refers briefly to river basin planning. The four-yearly reviews of the NPF will provide regular opportunities to address any strategic water management matters arising from river basin planning.

We will work with the Scottish Executive on future reviews of the NPF so as to take forward the spatial expression of strategic water management issues.

⁷See www.scotland.gov.uk/Publications/2005/06/27113519/35231

4.2.6 Plan provisions

Many stakeholders foresee potential difficulties arising from the different requirements of the RBMPs, which are perceived to be environmentally driven, and the wider social, economic and environmental perspective of Development Plans. In reality the WFD, the RBMP and the river basin planning process are also required to balance environmental, social and economic needs in developing programmes and objectives.

Essentially, this is a question of resolving competing priorities. We consider that, in practice, such issues can be managed through the four mechanisms described below. We will therefore seek to use and develop these mechanisms in association with the Planning Working Group.

1. Partnership working

The WEWS Act distributes WFD duties across a number of public authorities in Scotland. We believe it will be possible to air, discuss and resolve any differences as part of RBMP production through:

- Existing arrangements for development planning; and
- The proposal for planning authority involvement in Area Advisory Groups.

2. Legislative instruction

Under the WEWS Act,⁸ all responsible authorities:

... must exercise their designated functions so as to secure compliance with the requirements of the Directive.

This means that planning authorities and SEPA will have to consider the WFD during Development Plan preparation and to seek coordination between the two processes.

3. RBMPs as material considerations

The RBMP itself may, where appropriate, be a material consideration in planning decisions.

4. SEPA as a consultee

We are already a consultee for Structure and Local Plans and could carry our concerns about any policy or proposal thought to prejudice RBMP implementation through to formal objection. For Local Plans, such objections would be considered at a public inquiry, whereas those for Structure Plans would be considered by Scottish Ministers.

The planning White Paper proposes that consultees like SEPA should be given a statutory duty to engage in Development Plan preparation. This would reinforce our role in influencing Development Plans in respect of RBMP issues.

In the unlikely event that a significant difference remained between a RBMP and a Development Plan, this would ultimately be a matter for Scottish Ministers who approve RBMPs and Structure Plans, and may intervene in Local Plans.

Action 16

SEPA will use the following mechanisms and also work through the Planning Working Group to avoid and resolve potential differences between River Basin Management Plans and Development Plans:

1. Partnership working
2. Legislative instruction
3. RBMPs as material considerations
4. SEPA as a consultee

⁸Section 2(2)

4.3 Other planning processes

4.3.1 National Parks

Scotland currently has two National Parks – Loch Lomond and Trossachs and the Cairngorms. The respective National Park Authorities (NPAs) have different powers in respect of planning and development control.

It is essential that the priorities and requirements of each National Park and their plans are considered within the RBMP and vice versa. This coordination is particularly important as Park Plans will be produced for both National Parks before the first RBMP in 2009.

To achieve this coordination, we propose that the NPAs are represented on appropriate Area Advisory Groups. Given that both NPAs cover more than one Area Advisory Group, we will discuss with them how this can be best and most efficiently achieved.

We also intend that NPAs are represented on the National Advisory Group. Further development of specific integration mechanisms between the RBMP and National Park Plans may also be required. We will seek to clarify these matters with the NPAs and through the activities of the Planning Working Group proposed in section 4.2.1.

Both NPAs have established consultative mechanisms as part of the production of their respective Park Plans. We will discuss with each NPA how and when such mechanisms might be utilised to support consultative and participative activities during RBMP production. This will help to make best use of existing consultative mechanisms.

Action 17

SEPA will invite NPAs to be members of relevant Area Advisory Groups and to be represented on the National Advisory Group. SEPA will discuss with the NPAs how this can best be achieved.

SEPA will clarify further integration mechanisms between River Basin Management Plans and Development Plans (see Actions 14, 15 and 16) and propose that planning within National Parks is considered in this action.

4.3.2 Community planning

The Local Government in Scotland Act 2003 provides a statutory framework for community planning. We agree with the suggestion by stakeholders that it would be useful to coordinate river basin planning with this process. In particular, we consider that the partnerships in community planning may help secure participation and consultation to help support the river basin planning process. The intended membership of Area Advisory Groups includes organisations already involved in community planning and this should create a link between the two processes.

Action 18

During RBMP production, SEPA will seek to use community planning to assist in engagement, participation and consultation activities. The nature of this relationship and interaction will be considered by Area Advisory Groups to ensure effective and appropriate use of this developing network.

4.3.3 Coastal planning

Integrated Coastal Zone Management (ICZM) in Scotland is currently undertaken primarily by a voluntary partnership network coordinated in part by the Scottish Coastal Forum (SCF). Partnerships exist in every major Scottish estuary (Solway, Clyde, Moray, Tay and Forth) and similar groups operate, or are developing, in the Northern and Western Isles, along the Grampian coast and elsewhere. These groups aim to bring together those involved in the development, management and use of the coast and to devise strategies for integrated management and sustainable use of coastal resources. These strategies are then delivered through the action of individual partners or projects set up and run by the partnership. Coastal partnerships can be effective in building consensus on issues requiring joint action and they have developed considerable experience in engaging and working effectively with coastal stakeholders.

Statutory planning does not presently exist in the coastal and marine environment, but the Scottish Executive is developing a Strategic Framework for Scotland's Marine Environment. This is likely to build on:

- A generally expressed need for more coordinated marine management;
- The Scottish Coastal Strategy drafted by the Scottish Coastal Forum; and
- The Scottish Biodiversity Forum's implementation plan.

The Scottish Executive also intends to consult on legislation on the planning of aquaculture developments and is investigating marine management techniques.

In view of the draft SCF recommendations on better integration and the adoption of marine spatial planning, we believe that the SCF and its individual members represent an effective means of linking with coastal stakeholders and helping to identify coastal issues and priorities.



We therefore consider that the SCF and the local coastal partnerships (whose interests it represents at a national level) should be part of the National Advisory Group and appropriate Area Advisory Groups. Consideration of specific coastal and estuarine issues will be required during RBMP production and implementation. Coastal partnerships will provide an effective means of engaging interested parties in doing this.

The extent of coastal management issues is likely to vary between Advisory Group areas. Diverse approaches and roles for coastal partnership organisations may therefore emerge to reflect this. The areas of Advisory Groups and existing partnerships may or may not coincide geographically, or a single coastal partnership may not match an Advisory Group boundary.

To enable appropriate mechanisms to be established in each case, we will therefore need to discuss with coastal partnerships and within Area Advisory Groups how coastal management issues might best be considered. This may extend to the use of coastal partnerships to deliver individual tasks (e.g. supporting consultation and participation) or developing a more substantive role in coastal and estuarine issues within an Advisory Group area or across more than one group.

To develop suitable individual arrangements, appropriate working mechanisms to consider coastal management issues in each Advisory Group area will be developed during 2005/06 in collaboration with coastal partnership organisations. This will include consideration of the need or requirement for a 'Coastal Issues Group' and whether such a group, if required, could be provided through existing coastal partnerships.

Action 19

SCF should be represented on the National Advisory Group and individual coastal partnership groups should be represented on relevant Area Advisory Groups.

In 2005/06, SEPA will look further how best to consider coastal management issues in each Advisory Group area. SEPA will seek to develop working mechanisms appropriate to each area and to make best and effective use of existing structures and partnerships.



4.3.4 Natura 2000 sites

A number of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) have been, or are being, designated in Scotland under the Birds Directive⁹, the Habitats Directive¹⁰ and the Conservation (Natural Habitats, Etc.) Regulations 1994. SACs and SPAs are part of a European network of protected sites known as Natura 2000.

Statutory Schemes of Management may be produced for Marine SAC and SPA sites. These will set out the conservation objectives and the actions required by competent authorities to deliver them. Such schemes are not required for freshwaters, though the concept of non-statutory River Conservation Strategies is developing. Elsewhere, catchment-wide initiatives have considered or delivered the requirements of freshwater Candidate SACs. Such an approach may be considered by Scottish Natural Heritage (SNH) and other partners at other designated sites.

The RBMP must aim to achieve those objectives of Natura 2000 sites that depend on the condition of the water environment. Schemes of Management for Marine SAC and SPA sites and River Conservation Strategies (if already developed) will therefore be taken into account in RBMP production.

All relevant protected areas designated under EU legislation must also be listed in the Register of Protected Areas included within the RBMP.

We will work with SNH and other partners to ensure that Schemes of Management, River Conservation Strategies and, where agreed, catchment-wide initiatives account for and bring the objectives of SPAs and SACs into the river basin planning process.

Action 20

SEPA will integrate the relevant measures identified in statutory Schemes of Management, River Conservation Strategies and catchment-wide initiatives into RBMPs. This will help ensure that river basin management planning contributes to the achievement of the objectives for Natura 2000 sites.

⁹Council Directive 79/409/EEC on the conservation of wild birds

¹⁰Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

4.3.5 Biodiversity planning

Local Biodiversity Action Plans (LBAPs) are designed to help achieve national targets published in the UK's Biodiversity Action Plan. Local voluntary partnerships, made up of a wide range of interest organisations, work together to produce their LBAP. Twenty-five LBAPs covering all of Scotland are either published or under development. These plans focus largely on local authority areas or clusters of them, though there is a specific plan for the Cairngorms. These individual LBAPs are delivered within the context of Scotland's national biodiversity strategy published in 2004.¹¹

LBAP groups have a strong geographic and environmental focus and may be able to fulfil a number of roles within the river basin planning process. These could include:

- Representation on Area Advisory Groups;
- Assistance in delivering public consultation and participation;
- Awareness raising activities; and
- A contribution to the development and implementation of the Programme of Measures.

We will seek to work with the Scottish Biodiversity Forum and individual LBAP initiatives to agree how such contributions might be delivered effectively.

At this stage, we do not propose that biodiversity planning should specifically be represented on each Area Advisory Group. This is because we anticipate that many of the partners involved in biodiversity planning will already be represented on the Area Advisory Groups – e.g. local authorities, SNH and SEPA itself. In addition, the Nature Conservation (Scotland) Act 2004 requires public bodies to further the commitment to biodiversity by contributing to the river basin planning process. However, this does not mean that biodiversity planning will not, in some instances, be represented on Area Advisory Groups.

Action 21

SEPA will work with the Scottish Biodiversity Forum in 2005/06 and 2006/07 to develop procedures for biodiversity priorities to contribute to RBMP production.

SEPA will work with LBAP initiatives to identify how they can contribute to and benefit from river basin planning.

4.3.6 Agriculture

Agriculture is an important sector in terms of its influence on the quality of Scotland's water environment. A high proportion of Scotland's land area is used by agriculture and farmers are therefore expected to have an increasingly significant and positive contribution to make towards the achievement of RBMP objectives. This is likely to happen through the application of existing and proposed regulatory controls and codes of good practice as required by the WFD. There is likely to be particular emphasis on how to address diffuse pollution while sustaining economic agricultural activity. The role of farmland in managing flooding is also of increasing importance.

A mixture of voluntary measures and regulatory tools will be required. In addition, funding streams from the reformed Common Agricultural Policy (CAP) and Scottish Rural Development Plan (SRDP) could play an important role if aligned to fit with WFD requirements. For example, the provision of targeted support might encourage farmers to adopt best management practices (BMP). The development of Land Management Contracts offers a significant opportunity to target BMPs towards addressing diffuse pollution, biodiversity and landscape issues from Scottish agriculture.

The active engagement and collaboration of farmers within the river basin planning process will be essential to identify how best to collaborate and make the most of such opportunities. We believe this would be most directly achieved through the representation of the agricultural sector on both the National and Area Advisory Groups.

It is not yet known how CAP reform will influence land-use management in Scotland. We expect active enforcement of cross compliance and Good Agricultural and Environmental Conditions under the Single Farm Payment Scheme will help to promote and deliver environmental protection and improvement. The same applies to 'good farming practice' (GFP) conditions placed on support paid to farmers under agri-environment schemes and the SRDP. The Prevention of Environmental Pollution From Agricultural Activity (PEPFAA) Code sets out what is required for cross compliance and GFP, as well as other good practice recommendations.

We recognise the importance of an integrated approach with respect to economic, social and environmental support of agriculture. We believe that this will be delivered within the devolved context and direction afforded by Scottish Ministers.

Action 22

SEPA will seek to secure agricultural sector representation on the National and Area Advisory Groups to assist the identification and delivery of environmental objectives and required actions and measures.

SEPA will work with the Scottish Executive, the agricultural sector and other relevant stakeholders to identify opportunities within the implementation of the CAP reform package to take account of river basin planning priorities.

4.3.7 Forestry

Forestry and woodlands represent a significant land use in Scotland. Some of their associated activities (e.g. road construction and tree planting and felling) have the potential to influence and affect the water environment. Such activities are controlled principally through the application of the Forests and Water Guidelines (F&WGs).

National forestry priorities in Scotland are set out in the Scottish Forestry Strategy implemented by the Forestry Commission Scotland. Local priorities are set out in planning authority Indicative Forestry Strategies. Local and national priorities are also reflected in the detailed forest plans produced by all Forestry Commission Scotland Forest Districts and by many private forestry holdings. It is important that these and other forestry planning mechanisms are integrated appropriately with those of river basin planning.

Existing methods of forest activity regulation and planning, overseen by Forestry Commission Scotland, will probably be maintained (perhaps in revised form) during the river basin planning process. We feel it would be beneficial for the forestry sector to be represented on the National Advisory Group and, particularly in areas where forestry is a major land use, on Area Advisory Groups. We will also seek to incorporate WFD and river basin planning priorities within our contribution to forestry planning activities at both strategic and local scales.

Action 23

SEPA will work with Forestry Commission Scotland to ensure coordination and integration between forestry plans and river basin management plans. To help achieve this, SEPA will:

- Advise on river basin planning priorities in its contribution to strategic and local forestry planning activities; and
- Seek forestry sector representation on the National and Area Advisory Groups.



4.3.8 Freshwater fishery management

Responsibility for the management of freshwater fish in Scotland does not lie with any single organisation. Those responsible for the management of migratory salmonid fish (salmon and sea trout) are represented by:

- The District Salmon Fishery Boards (DSFBs) and their umbrella association, the Association of Salmon Fishery Boards (ASFB); and
- The individual Fishery Trusts and their own newly formed umbrella organisation, Rivers and Fisheries Trusts Scotland (RAFTS).

Increasingly, these groups consider the needs and requirements of non-salmonid fish in formulating management strategies and plans – though there is no legal requirement for them to do so. There are no comprehensive management structures to represent non-salmonid fish species in Scotland.

Further efforts are being made to ensure better coordination between DSFBs and Fishery Trusts, and to encourage more coordinated management of other species. Codes of conduct for the management of these bodies and codes of practice for management issues may be produced. We would expect to be consulted on these codes by the bodies involved and will contribute to their preparation as required.

The Scottish Executive has formed a Freshwater Fisheries Forum¹² to consider and advise on how freshwater fisheries management might be developed in Scotland. This may, in the longer term, lead to legislative changes defining new or revised fisheries management structures. Our contributions to the Forum's work will highlight opportunities to coordinate fishery management with those of river basin planning. If and when legislative changes occur, we will work with any new arrangements to maintain freshwater fish and fishery representation within river basin planning processes.

Fishery Management Plans are often produced by individual DSFBs or Fishery Trusts for catchments or groups of catchments. It would be helpful to consider these plans during RBMP production, but they have no formal status and their production process is inconsistent. In addition, there is incomplete national coverage. We therefore consider that fishery groups on the National and Area Advisory Groups will be best placed to represent these plans. Priorities and actions for fisheries management can then be considered in the river basin planning process.

In 2005/06, we will discuss with fishery groups (particularly ASFB and RAFTS) how and who is best placed to represent fishery management in each Area Advisory Group. A key issue is how fishery management representatives will communicate with, and bring management priorities from, other catchments to the river basin planning process.

Similarly, we will seek to ensure fishery representation on the National Advisory Group. We consider that the ASFB might best fulfil this role in terms of statutory responsibilities.

Action 24

Fishery interests will be represented on the National and Area Advisory Groups in order to present fishery management priorities. SEPA will discuss with fishery organisations in 2005/06 who should provide this representation and how it might be achieved.

SEPA will promote the development of communication mechanisms to ensure effective contribution from fisheries bodies not represented individually on an Area Advisory Group.

¹²www.scotland.gov.uk/about/ERADFF/FFAME/00019422/Introduction.aspx

4.3.9 Catchment Management Plans

Catchment Management Plans (CMPs) can provide effective and innovative approaches to managing water resources at a local level. Such plans are typically issue-led and facilitate stakeholder participation in water management.

This means that current CMPs have different drivers, e.g. SAC designation on the River Spey and LBAP recommendations in Dumfries and Galloway for the Rivers Annan, Nith and Dee. Although CMPs often extend beyond the requirements of the WFD, effective stakeholder groups may have been established during their preparation. These groups consider a wide range of management issues, develop consensus and priorities for action, and allocate tasks. Thus, there is significant potential for these initiatives to contribute to RBMPs.

Many stakeholders urged the use of existing initiatives in RBMP delivery and particularly identified CMPs as important. We agree that catchment-based activities could harness local stakeholder enthusiasm and expertise in RBMP delivery. We therefore propose that existing CMPs should be considered by Area Advisory Groups and used, as appropriate, to deliver RBMP requirements. For example, a CMP might deliver part of the Programme of Measures or support consultation or public participation activities.

However, other stakeholders suggested that planning on a catchment by catchment basis was unnecessary, resource intensive and not practical to support or deliver. We agree and do not consider CMPs to be required in all situations or to be supportable by the resources available to SEPA and others. This applies particularly to those organisations whose jurisdiction extends across many catchments.

Nevertheless, we consider that the Area Advisory Group should be able to set up new CMP schemes as necessary within the development of a cost-effective Programme of Measures. CMPs will not be necessary in all situations but, in some cases, may offer the most effective approach.

Action 25

Area Advisory Groups will:

- Take account of existing Catchment Management Planning (CMP) initiatives in developing their Area Management Plan;
- Promote the establishment of new CMP initiatives where they consider this necessary to deliver effective management within their area; and
- Ensure significant CMP partnerships are represented on their group.

4.3.10 Flooding

The WEWS Act places general duties upon Scottish Ministers, SEPA and other responsible authorities to promote sustainable flood management during the delivery of their designated functions¹³. The Scottish Executive has established the Flood Issues Advisory Committee (FIAC) to provide guidance on flood management, including the promotion of sustainable flood management. Guidance produced by FIAC will be appropriate for use by the National and Area Advisory Groups. We are part of FIAC and will contribute to its work.

Existing Flood Liaison and Appraisal Groups (FLAGs) consider many flooding issues with a number of interested parties. Although FLAGs do not consider all aspects of flood management or involve all interested parties, they provide effective and positive links with local and planning authorities. They also represent a developing network that could consider flood management priorities and inform appropriate Area Advisory Groups of their conclusions.

Action 26

SEPA will continue to work with the Scottish Executive FIAC to develop guidance on sustainable flood management.

SEPA will seek to develop a relationship between the Area Advisory Groups and relevant Flood Liaison and Appraisal Groups to help promote integration between river basin planning and flood management.



¹³Section 2(4)

4.4 Strategic Environmental Assessment (SEA)

The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 require that the potential significant environmental effects of implementing certain plans and programmes must first be assessed. Box 4 summarises the key features of SEA.

The Scotland RBMP will be subject to SEA. SEPA is also an SEA Responsible Authority. During RBMP production, we must therefore undertake a formal assessment of the significant environmental effects (positive and negative) of implementing the RBMP for the Scotland RBD. This process must also provide effective opportunities for stakeholder and public comment.

As SEA requires significant consultation with the public and certain other bodies, we believe there would be benefits in combining these requirements, where possible, with the river basin planning consultative requirements set out in the WEWS Act.

Box 4: Key features of SEA

- Preparation of an Environmental Report which:
 - Provides baseline information about the state of the environment covered by the project;
 - Identifies the likely significant environmental effects of implementing the project;
 - Evaluates different alternatives considered by the project; and
 - Identifies measures to prevent or reduce the adverse environmental effects of implementing the project.
- Requirement for extensive engagement with stakeholders and the public;
- Requirement to take the Environment Report and every view expressed concerning it into account before the project is adopted formally;
- Requirement for long-term monitoring of environmental effects during the implementation of the project.

This approach would have a number of advantages including:

- Avoiding duplication of some consultation activities;
- Providing an early and effective opportunity for stakeholders to consider the environmental effects of the RBMP; and
- Allowing for systematic and informed evaluation of alternative objectives and measures.

Under the SEA Regulations, we are a designated Consultation Authority for SEA of plans and programmes prepared by other authorities across Scotland. We will seek to use this role to promote integration between RBMPs and other plans being prepared across the country.

Action 27

SEPA will undertake SEA of the RBMP for the Scotland RBD in accordance with the SEA Regulations. It will seek to use the publicity and consultation requirements of SEA to undertake some of the WEWS Act consultation requirements.

SEPA will seek to integrate RBMP water quality objectives and measures within other plan objectives and policies through its role as a Consultation Authority for SEA.

5. Summary of Strategy recommendations and monitoring progress

The actions set out throughout this strategy are summarised in Table 2. We will use these to monitor our progress and to identify the work and resource requirements for:

- SEPA;
- Other responsible authorities; and
- Stakeholders who we anticipate can contribute to the river basin planning process in the Scotland RBD.

Table 2: Summary of actions

Number	Action
1	A National Advisory Group will be formed to provide strategic guidance, input to and coordination of RBMP production in the Scotland RBD.
2	A network of eight Area Advisory Groups will be formed to support the production of the Scotland RBMP and to provide links to local stakeholders.
3	SEPA will work with the Scottish Executive and stakeholders in 2005/06 to develop a composition and membership for the National Advisory Group and make the group functional in 2006.
4	SEPA will work with the National Advisory Group to agree a remit for the group to be considered by Scottish Ministers in 2006.
5	SEPA will develop the Area Advisory Groups during 2005/06 and make these groups functional in 2006.
6	The membership and working methods for each Area Advisory Group will be developed with stakeholders in 2005/06.
7	When formed, SEPA will chair the National Advisory Group on an ongoing basis and the Area Advisory Groups in the first instance.
8	River basin planning coordinators will be provided by SEPA in 2006/07 to support the Area Advisory Groups in developing their contributions to the first RBMP for Scotland. A national coordinating resource will be provided by SEPA in 2006/07 to: <ul style="list-style-type: none"> • Bring together, coordinate and integrate the outputs from the Area Advisory Groups; • Provide technical support to the National Advisory Group; and • Produce the RBMP.
9	Area Advisory Groups will set up sub-groups where this is considered the most effective means of addressing particular issues. Each Area Advisory Group will set up an Advisory Group Forum to provide opportunities to exchange information and ideas with interested parties not directly involved in the advisory groups.
10	Area Advisory Groups will consider the potential for existing water management groups to deliver the planning, participation and consultation aspects of its tasks, together with the provision of resource requirements (where appropriate).
11	The guiding principles for effective participation in river basin planning should inform the development of work methods and guidance used by the National and Area Advisory Groups to deliver participative river basin planning across the Scotland RBD.

- 12 By December 2006, SEPA will publish a Participation and Communication Plan as part of the Plan of Action Report required by the Water Framework Directive. This Plan will set out the uses, techniques, delivery arrangements, skills and resources needed to support the river basin planning process in Scotland and how these will be provided.
-
- 13 SEPA will seek to support the contribution of non-public bodies to the river basin planning process. SEPA will confirm and develop this support with the National and Area Advisory Groups when available resources are known.
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- 14 A Planning Working Group will be established in 2006 with representatives from key organisations including the Scottish Executive, SEPA, planning authorities and other planning interests to bring together all those involved in the river basin and development planning processes.
-
- 15 Area Advisory Groups will include representatives from local authorities who should coordinate input from across local authority functions including planning.
Where more specific input is required from planning authorities, appropriate arrangements should be developed by the Area Advisory Group and the authorities involved.
-
- 16 SEPA will use the following mechanisms and also work through the Planning Working Group to avoid and resolve potential differences between River Basin Management Plans and Development Plans:
1. Partnership working
2. Legislative instruction
3. RBMPs as material considerations
4. SEPA as a consultee
-
- 17 SEPA will invite NPAs to be members of relevant Area Advisory Groups and to be represented on the National Advisory Group. SEPA will discuss with the NPAs how this can best be achieved.
SEPA will clarify further integration mechanisms between River Basin Management Plans and Development Plans (see Actions 14, 15 and 16) and propose that planning within National Parks be considered in this action.
-
- 18 During RBMP production, SEPA will seek to use community planning to assist in engagement, participation and consultation activities. The nature of this relationship and interaction will be considered by Area Advisory Groups to ensure effective and appropriate use of this developing network.
-
- 19 SCF should be represented on the National Advisory Group and individual coastal partnership groups should be represented on relevant Area Advisory Groups.
In 2005/06, SEPA will look further how best to consider coastal management issues in each Advisory Group area. SEPA will seek to develop working mechanisms appropriate to each area and to make best and effective use of existing structures and partnerships.
-
- 20 SEPA will integrate the relevant measures identified in statutory Schemes of Management, River Conservation Strategies and catchment-wide initiatives into RBMPs. This will help ensure that river basin management planning contributes to the achievement of the objectives for Natura 2000 sites.
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- 21 SEPA will work with the Scottish Biodiversity Forum in 2005/06 and 2006/07 to develop procedures for biodiversity priorities to contribute to RBMP production.
SEPA will work with LBAP initiatives to identify how they can contribute to and benefit from river basin planning.
-

22	SEPA will seek to secure agricultural sector representation on the National and Area Advisory Groups to assist the identification and delivery of environmental objectives and required actions and measures. SEPA will work with the Scottish Executive, the agricultural sector and other relevant stakeholders to identify opportunities within the implementation of the CAP reform package to take account of river basin planning priorities.
23	SEPA will work with Forestry Commission Scotland to ensure coordination and integration between forestry plans and river basin management plans. To help achieve this, SEPA will: <ul style="list-style-type: none"> • Advise on river basin planning priorities in its contribution to strategic and local forestry planning activities; and • Seek forestry sector representation on the National and Area Advisory Groups.
24	Fishery interests will be represented on the National and Area Advisory Groups in order to present fishery management priorities. SEPA will discuss with fishery organisations in 2005/06 who should provide this representation and how it might be achieved. SEPA will promote the development of communication mechanisms to ensure effective contribution from fisheries bodies not represented individually on an Area Advisory Group.
25	Area Advisory Groups will: <ul style="list-style-type: none"> • Take account of existing Catchment Management Planning (CMP) initiatives in developing their Area Management Plan; • Promote the establishment of new CMP initiatives where they consider this necessary to deliver effective management within their area; and • Ensure significant CMP partnerships are represented on their group.
26	SEPA will continue to work with the Scottish Executive FIAC to develop guidance on sustainable flood management. SEPA will seek to develop a relationship between the Area Advisory Groups and relevant Flood Liaison and Appraisal Groups to help promote integration between river basin planning and flood management.
27	SEPA will undertake SEA of the RBMP for the Scotland RBD in accordance with the SEA Regulations. It will seek to use the publicity and consultation requirements of SEA to undertake some of the WEWS Act consultation requirements. SEPA will seek to integrate RBMP water quality objectives and measures within other plan objectives and policies through its role as a Consultation Authority for SEA.

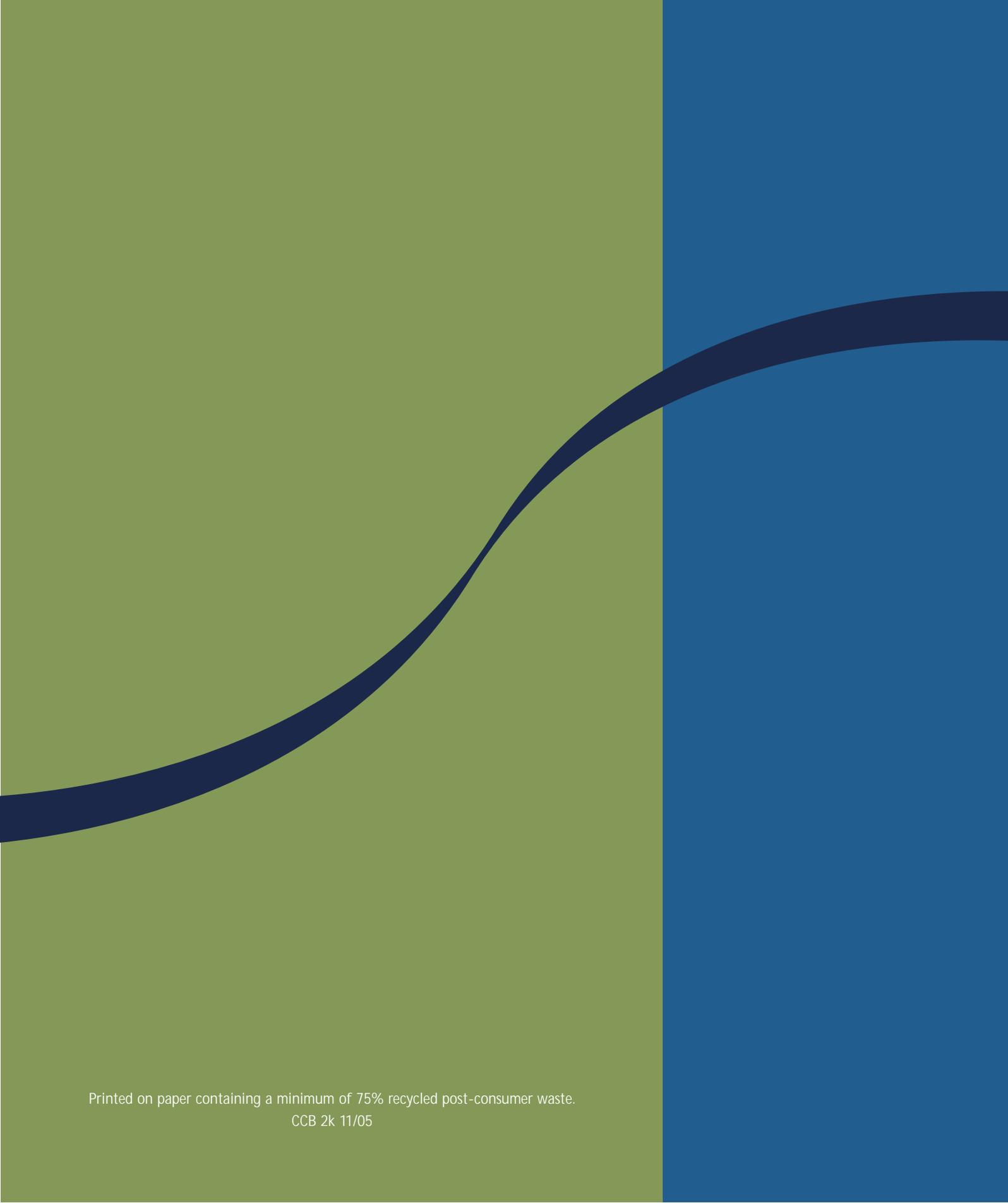
In addition to these actions, we will need to develop further monitoring systems to assess the effectiveness of the river basin planning process. This will help to ensure that the system is able to develop, improve and learn from both its successes and failures.

We therefore intend to develop a suite of indicators to help inform the management of the National Advisory Group and the network of Area Advisory Groups. The monitoring systems should include measurement of:

- Achievement of objectives;
- Delivery and effectiveness of RBMP actions (Programme of Measures);
- Awareness of water issues and potential for involvement;
- Level of active involvement in RBMP process;
- Level of integration and coordination with other plans and planning; and
- Level of consensus achieved by the National and Area Advisory Groups.

6. List of Acronyms

ASFB	Association of Salmon Fishery Boards
BMP	Best Management Practice
CAP	Common Agricultural Policy
CMP	Catchment Management Plan
DSFB	District Salmon Fishery Board
FIAC	Flood Issues Advisory Committee
FLAG	Flood Liaison and Appraisal Group
GFP	Good Farming Practice
LBAP	Local Biodiversity Action Plan
NPA	National Park Authority
NPF	National Planning Framework
RAFTS	River and Fisheries Trusts Scotland
RBD	River Basin District
RBMP	River Basin Management Plan
SAC	Special Area of Conservation
SCF	Scottish Coastal Forum
SEA	Strategic Environmental Assessment
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SPP	Scottish Planning Policy
SRDP	Scottish Rural Development Programme
WEWS Act	Water Environment and Water Services (Scotland) Act 2003
WFD	Water Framework Directive



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