The Draft River Basin Management Plan for Scotland 2021-2027

Digest of consultation responses

September 2021

Contents

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www.sepa.org.uk
Strathallan House, The Castle Business Park, Stirling, FK9 4TZ

SEPA
Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

1. Introduction

The Scottish Environment Protection Agency (SEPA) ran a consultation from 21 December 2020 to 22 June 2021 on the draft third river basin management plan (RBMP) for Scotland. This digest summarises the responses received.

The main proposals for the third RBMP, set out in the consultation, are:

- taking a whole systems approach to dealing with issues focussed on the themes of healthier and more resilient communities, water supply and wastewater infrastructure, sustainable and resilient rural land-use and removing man-made barriers to fish migration;
- setting revised objectives for the period from 2021 to the end of 2027 and providing a programme of actions for achieving the objectives;
- outlining how RBMP can help deliver Scotland's environment strategy, contributing to a net-zero circular economy with a renewed focus on tackling overuse of natural resources, the climate emergency and biodiversity crisis.

The consultation was open to the public and provided an opportunity to comment or contribute to the development of the third RBMP. A consultation for the Solway Tweed district ran alongside this consultation. The summary of responses has been published and is available on the SEPA and Environment Agency websites.

2. Summary of responses

We would like to thank everyone who took the time to respond to the consultation and worked with us to inform the development of the third RBMP.

We received 40 responses to the consultation from a wide variety of stakeholders and responsible authorities. A full list of respondents can be found in Appendix 1.

The responses were supportive of the proposals set out. Respondents were well informed about the RBMP process and clear that we need to continue to work in partnership to deliver RBMP objectives. The respondents' comments ranged from high level strategic policy issues to waterbody specific queries. All focused on the delivery of objectives and how we achieve this.

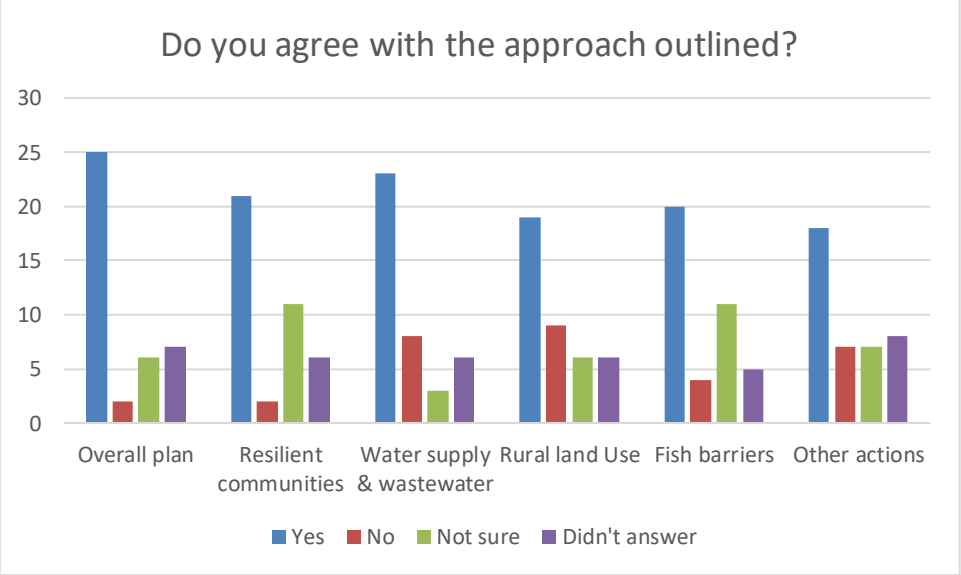

Figure 1. Responses to the proposed approach.

Respondents reiterated the importance of strong collaborative partnerships to create clear priorities and coordinate delivery of objectives. Working in this way, with

established partnerships between public bodies, stakeholders, NGOs, businesses and communities was overwhelmingly supported. Using combined funding and resources, clearly defined targets, and roles and responsibilities, will deliver best value projects that benefit society and wildlife. It was acknowledged that working with industry and stakeholders, providing education and advice, is a highly effective tool to deliver change.

Engagement, particularly early engagement in projects and strategies, was also a strong theme that came under partnership working. Setting up a clear process of engagement, awareness raising, advice and education is required to ensure successful projects. It is acknowledged that this style of working requires a lot of staff time and resource but the benefits and added value to projects in the longer term outweigh the costs. Linking with planning processes and opportunity mapping during early engagement was highlighted as a good way to identify projects to deliver aims.

Almost all the respondents raised concerns about climate change and the biodiversity crisis and were pleased that the topics were at the forefront of the aims of the plan. Respondents agreed that climate change and the biodiversity crisis go hand in hand and efforts to mitigate and adapt to the impacts should be considered holistically. There was some criticism that the actions set out in the plan lacked the ambition needed to tackle these issues. More detail on the actions required were requested for the final plan.

For each topic we asked if respondents agreed with the approach outlined. What issues they foresaw with adopting the approach and what suggested changes to the approach would help us reach our goals. The responses are summarised below.

3. Analysis per topic

3.1 Action to deliver healthier and more resilient communities

Overall respondents were supportive of the outlined approach. The importance of strong partnerships in complex urban restoration was highlighted, working to common goals and not cross purposes. Respondents liked the integration of different aspects to improve life for people and nature in areas of multiple deprivation that lack quality amenity, facilities and blue green networks, and were disproportionately impacted by COVID-19.

Supporting recovery from the pandemic was cited by many respondents. The lockdowns imposed during the COVID-19 pandemic highlighted a clear need for access to green space as crucial for health and wellbeing and the ambitions of the plan to facilitate this for communities was welcomed. Support for effective partnership working will be needed to bring about community benefits, support economic regeneration, provide access to good quality greenspace and active-travel, and help adapt and build resilience to climate change.

The strategy to work mostly in urban waterbodies was criticised by a few respondents. Frustrations were highlighted at the complexity and cost of working in small scale urban settings and the lack of ecological benefit versus the potential large-scale, light touch, low cost, natural-recovery projects that could be undertaken in the rural catchments. Respondents argued that rural projects would go further to mitigate climate change and the biodiversity crisis. Fisheries groups suggested that headwaters should be targeted for restoration where there is less intensive agriculture and space required to restore natural processes in rivers while also delivering other benefits such as riparian planting,

natural flood management, water retention and peatland restoration. A catchment scale approach was supported by respondents to address all factors impacting the waterbodies and fully restore a functioning ecosystem, with Ecosystem Services at the heart of the projects.

The issues that respondents highlighted that might inhibit progress were mostly associated with the complexities of working predominantly in urban settings. Lack of experience, staff resources, funding, expertise and conflicting priorities were also raised as areas of concern that might impede progress for these targets. Community buy-in was highlighted as an important first step to ensure projects were well received, adopted and maintained in future.

Respondents suggested changes to help reach our goals included broadening the potential delivery partners so more projects can be rolled out. There was also a call to streamline the processes and bureaucracy involved in delivering these projects. Aligning with other projects, funds, plans and policies is seen as a sensible approach to maximise opportunities to achieve multiple benefits and make the best use of the resources available.

Respondents provided suggestions and cited examples of successful projects that might inform or improve delivery including:

- Form links with City Region Deals - overlaps with housing, tourism and heritage.
- Linking with National Planning Framework 4, NPF4, and Land Use Strategy.
- Using Regional Land Use Partnerships with a focus on opportunity mapping and delivering Nature-based solutions.

- Link to planning so that work on vacant and derelict land with the Scottish Land Commission and green river corridors can be embedded into the nature network.
- Promote and support the use of sustainable construction techniques and innovative solutions e.g. 'Building with Nature Benchmark'.
- Link with the Scottish Biodiversity Strategy, currently in draft.
- Explore the possibilities of carbon sequestration.
- Aberdeen City Council are conducting a pilot project in partnership with SEPA and Scottish Water under the Sustainable Growth Agreement called “City’s Blueprint” looking at new ways of managing surface water in the city.
- Work with Nature Scot on transformative initiatives such as catchment and land restoration partnerships, demonstrating the benefits of implementing “blue-green solutions” (including habitat creation/restoration).

3.2 Water supply and wastewater

Respondents were supportive of the proposals to improve water supply and wastewater across Scotland. The aim for creating a circular economy for water supply and wastewater by improving the raw water quality was well supported, as was the intention to recover valuable resources from waste, heat recovery, energy production. There was a desire to see this approach being shared with industry to achieve more. There was also support for a nature-based solutions approach with the promotion of blue-green infrastructure in cities and towns for attenuation of rainwater. This included the use of rain gardens, re-use of grey water and rainwater harvesting across the housing sector to help meet the challenges of a changing climate. Some respondents sought reassurance that the current financial and regulatory frameworks will meet the aspirations set out.

Issues with historic infrastructure were flagged by several respondents. There was a call for Scottish Water to improve their operations in existing outdated infrastructure to increase efficiency, reduce abstraction and reduce wastewater pollution. Climate change will lead to increased frequency of severe flood and localised intense rainfall events. Both scenarios will lead to increased frequency of combined sewage overflow (CSOs) and sewer flooding from existing infrastructure with inadequate capacity.

Climate change factored significantly in responses about the sustainable use of water. There were concerns that the low flow conditions will not go far enough to mitigate the risks, of drought and sustained high temperatures, and protect river ecology and functionality. It was highlighted that a catchment approach would be beneficial as different geographical areas have different pressures and challenges that will be impacted by climate change in different ways. Land management targeted at improving the quality and continuity of raw water supply, and the additional benefits of water retention, carbon sequestration, habitat enhancement and associated ecological gains was encouraged by most respondents.

Respondents highlighted the following issues:

- Difficulty in changing behaviours of businesses and the general public to reduce consumption.
- Associated costs for businesses to add water saving technology.
- Land ownership issues, including multi council boundary challenges.
- Funding issues, phased capital investment will be required.
- Conflicting priorities and lack of resource: staff time, expertise and experience.
- Long term cost, maintenance and adoption of new infrastructure.

Suggestions to help us reach our goals included:

- Provide detailed guidance about how we can reduce, recycle, and reuse water throughout the supply chain and lifecycle of homes.
- Guidance needs to be widely publicised, coupled with raising public awareness and education campaigns, e.g., starting in schools.
- Installation of water meters across communities and businesses can help to conserve water usage.
- Link with SEPAs Water Resources Management.
- Investigate the potential to use the canal network to manage surface water run-off.
- Provide more resources to Scottish Water for the substantial capital expenditure needed to modernise wastewater treatment processes.
- Planning conditions should ensure new developments include sustainable water systems.
- Financial incentive for industry to invest in future technologies and resources to reduce abstraction and reduce waste.
- Reform legislation to be more robust and enforcement carried out where necessary to drive improvements.
- Support Scottish Water, local authorities, local community groups and members of the public with incentive programmes for residents to install water butts and/or rain gardens to capture and attenuate rainwater on a local-scale to avoid overwhelming the existing sewerage network. See historic ‘Downspout Disconnection’ and ‘Soak it Up’ adoption programme.

3.3 Sustainable and resilient rural land use and management

Respondents were broadly in agreement to the proposals. Again, respondents called for a joined up multi organisational approach with strong and effective partnerships and coordination between different stakeholders. The significant benefits of reducing diffuse pollution and soil loss from agricultural and forestry practice was highlighted.

A clear process of engagement, awareness raising, advice and education was supported to ensure best practice becomes the norm and ensure specific and practical actions are developed where necessary. There was support from the agricultural sector and others for the commitment to continue the priority catchment approach. The need for “on the ground” comprehensive engagement to understand the nuances of a local area and identify effective, workable solutions was highlighted as more effective than heavy-handed regulation.

Spatial mapping, to identify priority areas where multiple benefits can be addressed, was supported by all. Having this visual tool, supported with more detailed opportunity mapping, will be helpful for rural land managers and other organisations to identify areas and inform workplans. Again, a high level of communication regarding the mapping exercises would be beneficial to all.

Some respondents raised concern about the decision to reclassify a number of rural waterbodies as heavily modified water bodies (HMWBs). For these waterbodies the extent of morphological pressures means that to achieve ‘Good’ status there would be significant impacts on the use of high value agricultural land. This has altered our approach to screening of water bodies with morphological downgrades, where the majority of the pressures are within high value land, as HMWBs. In the rural environment, 'high value land' is defined as land capability for agriculture (LCA) classes

1-5.3. The respondents felt this removed the motive to undertake improvement works on waterbodies that have both great restoration potential and willing partners.

A small number of respondents called for more robust enforcement and the new enforcement tools were welcomed to address persistent breaches in legislation. These concerns were mostly about diffuse pollution, but dredging was also raised. Further concerns were raised about increasingly intensive farming practices and climate change related extreme weather events exacerbating diffuse pollution issues.

Issues that were highlighted by respondents that might inhibit progress included:

- Lack of funding or incentives for farmers and land managers to make changes.
- Long term requirement to have the priority catchment approach to maintain high standards and prevent slipping back into old bad practice.
- Greater consideration given to biodiversity, land use is a key driver of biodiversity and habitat loss.
- Governance across multiple organisations to deliver change could be a challenge.
- Concern about contamination from historic mine waters and wind farm construction was flagged.
- Concerns about the lack of environmental monitoring to provide a science led approach that is evidence based.

Suggestions to help achieve our aims included:

- work with partners to develop incentives and new funding mechanisms;
- link land use strategies and management plans together to tackle our carbon emissions and to link-up our carbon storage targets;

- use of Regional Land Use Partnerships could aid delivery;
- Aberdeenshire Council, as a Land Use Strategy Pilot Authority, would benefit from working closely with SEPA and others to ensure minimal duplication of messaging to the various rural land use sectors;
- influence through Planning Authorities, Integrated Land Management Plans and NPF4;
- coordination with Scotland's International Environment Centre could add value;
- extra tools and regulations could include wider buffer strips and improved planting in the riparian zone, flood retention areas, a presumption against new drainage and encourage blocking old field drains and ditches.

3.4 Removing man-made barriers to fish migration

There was broad support for the proposals to address man-made barriers to fish migration with a recognition of the long-term benefits including restoring sediment flow, connectivity, and functionality of systems. These respondents reiterated that removal should be favoured to fish pass options that require maintenance. The need for thorough initial assessments to assess cost benefit, ensuring quality upstream habitat and assess any conflicts, such as flood risk and invasive non-native species (INNS) was highlighted. Some felt the number of barrier projects being proposed was not realistic, due to the complexity of these schemes, lead in times, resources and funding required to deliver.

A small number of respondents raised concern about the principle of setting less stringent objectives on barriers due to disproportionate costs or technical infeasibility. These respondents requested further clarity on the process.

Respondents highlighted the following potential issues:

- funding availability and the costs for improvements can be inhibitive;
- lack of staff time, specialist technical expertise and resources;
- regulatory approach implementation of existing legislation has been light touch to date;
- multi species have not been accounted for, nor different age classes of fish;
- reluctance from industry to implement improvements.

Suggestions to help meet our goals included:

- use more delivery partners to help achieve the targets;
- phasing work to reduce the burden on industry;
- fish counters and post works monitoring to demonstrate success would build the evidence of the value of these projects.

3.5 Summary of actions to protect and improve the water environment

Respondents were supportive of the actions set out in the plan and highlighted the numerous benefits that a high-quality water environment brings to Scotland's long-term prosperity.

The responses for the proposals to address hydropower pressures requested further information about how the regulatory approach might be strengthened to accelerate

improvements. There was a call for monitoring, evidence and assessment of issues such as fish passage, screening of intakes, and the effects of cross catchment transfers of water at a catchment scale, not on a license or site-based approach.

The hydropower sector highlighted the omission that they are a significant contributor to the net zero targets set by the Scottish Government and highlighted that mitigation and loss of energy production capacity must be carefully balanced.

There was broad support for the proposals for distilling pressures. There was a call to look at the cumulative impacts of multiple sites across a catchment, both for abstractions and discharges.

There were numerous responses to the approach set out for finfish aquaculture. Respondents raised concern that the downgrades associated with the industry were limited to freshwater environments and, they felt, did not reflect the extent of the environmental impact of the industry.

There was support for a strengthened regulatory approach and a call to improve partnership working to provide technical support and address the multiple issues surrounding the regulation of sea lice and wild fish interactions. Innovation and new production technology, such as closed containment systems, were suggested as a more sustainable approach both for the industry and wild fish populations impacted.

Respondents were supportive of the aims to improve designated bathing waters and supportive of the significant progress made to date through the priority catchment approach and work with Scottish Water. A few respondents suggested that, to achieve bathing water improvements there would have to be a significant reduction in combined sewage outflows.

The challenge of meeting Food Standards Scotland 'A' classification was highlighted, it was acknowledged that this may not be achievable for all shellfish water protected areas.

Further information about the measures that will deliver improvements to downgraded protected areas was sought. The need for collaboration and partnership working to address complex, multi-faceted challenges for these sites was sought. There was a call for the levelling up of efforts in Scotland with other areas of the UK who are implementing higher standards for pearl mussels and riverine habitat Special Areas of Conservation.

Increased pressures from climate change on protected species were highlighted, particularly with low flow condition and high temperatures. It is hoped that the rural land use and management work, particularly through spatial planning exercises would identify and prioritise protected areas most at risk.

Respondents agreed with the serious issues INNS pose to our biodiversity in Scotland and the significant economic impacts they can have. Some respondents were concerned with the small number of downgrades associated with INNS and highlighted that their potential impacts should be factored along with the increased threat posed by climate change. They called for pro-active inter-agency coordination to ensure a coordinated approach is taken to encompass enforcement of relevant legislation, coordinated work at a catchment scale and provision of appropriate support and investment to facilitate the use of species control agreements and orders.

Respondents cited biosecurity plans as an effective tool, including marine biosecurity plans, with a focus on preventative measures, 'horizon scanning', early warning and effective rapid response. Co-ordinated control programmes involving a wide range of

partners and stakeholders have been successful, for example the Tweed Invasives Project, which could provide a blueprint for others to follow.

3.6 Summary of objectives

Overall respondents supported the level of ambition of the plan. Some respondents felt that the plan was aspirational given the rate of progress to date, others felt the level of ambition should be increased given the scale of the challenges faced. Respondents highlighted the significant challenges and opportunities as we recognise the impacts of the climate and biodiversity crises and the covid pandemic. Synergistic partnerships to deliver multiple benefits for the water environment, economy, and society were overwhelmingly supported as the best way to progress.

Many respondents felt that the draft plan presents a more joined-up approach and praised the linkages being made to Scotland wide plans and strategies that look at the use of natural resources and the circular economy. The use of effective partnership working and voluntary initiatives was commended but the balance with a robust regulatory approach to ensure compliance was sought.

There was a call to build the evidence-base to demonstrate the need for and benefits of objectives and support industry to move beyond compliance, working with sectors to achieve net benefits for biodiversity.

4. Next steps

We will consider the comments and suggestions in the development of the third plans. Waterbody specific queries have been highlighted and cross checked. The plans will be submitted to Scottish ministers for approval later in 2021 and the final plans, if approved,

published in December 2021. In the interim we continue to work with partners to deliver the objectives.

Appendix 1 – List of respondents

Esks Fishery Trust
AECOM
Glen Grant Distillery
Tomatin Distillery
Argyll and Bute Council
Researcher at Dundee University
Wester Ross Fishery Trust
Highlands and Islands Airports
The Metropolitan Glasgow Strategic Drainage Partnership
Forth District Salmond Fishery Board
Scottish Anglers National Association
Aberdeenshire council
Scottish Water
Scottish and Southern Energy
Scottish Marine Group
Scottish Angling National Association
Cne Siar Council
Deveron, Bogie and Isla Rivers Trust
Chartered Institute of Ecology and Environmental Management

Scottish Land and Estates
River Tweed Commission
Spey District Salmon Fishery Board
Scottish Canals
Ayrshire Rivers Trust
River Almond Action Group
City of Edinburgh Council
Tay District Salmon Fishery Board
Fisheries Management Scotland
Doon District Salmon Fisheries Board
Nature Scot
Kyle of Sutherland District Salmon Fishery Board
Aberdeen City Council
Spey Catchment Initiative
National Farmers Union Scotland
Scottish Wildlife Trust