

# **Scottish River Basin Management Planning Strategy Consultation Digest**



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# I Introduction

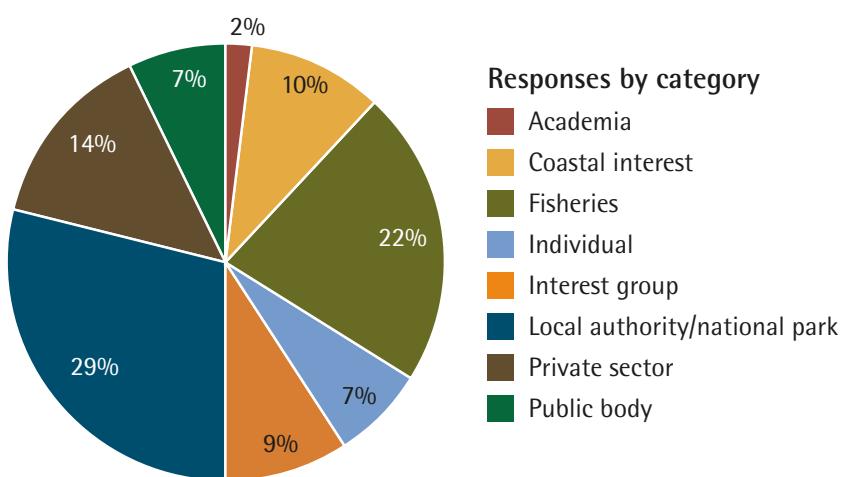
In April 2004, SEPA issued a consultation document on the Scottish river basin management planning strategy as part of the public participation process supporting river basin management plan (RBMP) production. The consultation considered proposals on three key aspects of river basin planning:

- Developing administrative arrangements and principles to support RBMP production;
- Delivering effective participative and consultative opportunities; and
- Effectively integrating the RBMP with other plans and planning.

In addition, wider issues such as RBMP format and arrangements in the cross-border river basin districts (RBD) were considered.

SEPA received 81 responses to the consultation consisting of approximately 340 pages of comment from a variety of organisations and individuals. One respondent requested that their comments remain confidential. A full list of respondents organised into eight sector categories is provided in Annex I, and a summary of the number of responses received from each sector is provided in Figure 1. There was a good distribution of responses across sectors with particularly strong sectoral responses from local authorities and fishery groups.

**Figure 1: Responses to the consultation on the Scottish river basin management planning strategy by sector categories (percentage of 81 responses)**



This digest considers each of the consultation proposals made and provides a breakdown of the responses received, along with summaries of the main issues and questions raised. At the end of each proposal section a response in the form of clarification or further guidance is provided along with a summary of SEPA's current position on the proposal. A summary of how the final Scottish river basin management planning strategy will address the key issues raised is provided in the conclusion.

## 2 Developing proposals for advisory groups

### 2.1 Proposal 1: National advisory group

#### Proposal 1

We propose that a RBMP National Advisory Group be formed to provide strategic guidance and input to RBMP production. This group should evolve from the existing Scottish Executive National Stakeholder Forum (NSF).

A remit for this group will be developed. Generic tasks for the group have been suggested.

We have suggested a possible membership for the National Advisory Group.

Do you agree with these suggestions or do you have suggestions for additional roles and/or members?

There was strong support from all sectors for the establishment of a RBMP National Advisory Group (NAG) evolving from the existing Scottish Executive National Stakeholder Forum (NSF). Local authorities, national park authorities and public bodies in particular were keen to express their support.

Representation on the NAG was the focus of most comment. Organisations such as British Waterways Scotland and the Scottish Coastal Forum, both of which are currently represented on the NSF, expressed their wish to continue this involvement through representation on the NAG. Loch Lomond and Trossachs National Park Authority and the National Farmers' Union (NFU) Scotland welcomed their proposed representation. Historic Scotland, The British Ports Association, The British Hydropower Association, The Federation of Scottish Aquaculture Producers, United Utilities and The Royal Yachting Association felt strongly that they should be represented on the NAG. Respondents from all sectors made suggestions for additional members to be represented on the group. These suggestions are listed in Table 1.

**Table 1: Suggestions for additional members of the National Advisory Group**

Academics (catchment and coastal zone management)	Regional park representatives
Aquaculture representatives	Renewable energy representatives
Association of Local Government Archaeological Officers	Royal Town Planning Institute
BASC	Royal Yachting Association
Biodiversity partnerships	SCOTS Flooding Group
British Hydropower Association	Scottish Coastal Forum
British Ports Association	Scottish Countryside Rangers Association
Charitable trusts	Development funding bodies
Climate change representative	Scottish Enterprise
Development agencies	SE National Technical Advisory Group
District salmon fisheries boards	Scottish landowner representatives
Environment Agency	Scottish tourist industry
Federation of Scottish Aquaculture Producers	Small business representatives
Fisheries trusts	The Crown Estate
Historic Scotland	Tourism and recreation representatives
Institute of Civil Engineers	Transport authorities
LA representation in addition to COSLA	United Utilities
National Access Forum	Visit Scotland
National Community Council Forum	Water Industry Commission for Scotland
National SUDS Working Group	Water UK

General comments were made by all sectors regarding membership of the NAG. Scottish Natural Heritage (SNH) felt that having each Area Advisory Group represented on the NAG would increase the group's size and suggested holding periodic meetings with Area Advisory Groups as an alternative option. Glasgow City Council sought clarification on the procedures for appointing representatives from a very broad 'constituency'. The Scottish Borders Council felt that membership should be flexible enough to ensure that new members could join and existing members leave as issues and priorities evolved during the planning process.

From the private sector, BMT Cordah felt strongly that the membership of the NAG must reflect its roles and responsibilities and not become overburdened with the need to satisfy political pressure to have representation on the group. The organisation suggested that only those parties with a national remit should be involved. The Malt Distillers Association of Scotland felt that SEPA should not be represented on the NAG although attendance would be useful in an advisory capacity and did not believe that the Water Environment and Water Services (Scotland) Act 2003 (WEWS Act) provided for SEPA to lead the group.

In the fisheries sector, the Beauly District Salmon Fishery Board (DSFB) felt there was no justification for including national park authorities as NAG members as they did not have a Scotland wide remit. River Bladnoch DSFB felt that the remit and responsibilities of the NAG should be developed before formation.

Interest groups, coastal interests, academia and individuals also raised concerns regarding membership. RSPB Scotland felt that the current NSF was dominated by industry and business groups and agricultural and environmental groups were under-represented. The Tweed Forum urged SEPA to incorporate representation from the Solway-Tweed RBD on the group and to ensure that there is flexibility in membership. The Tay Estuary Forum requested additional details of the environment and conservation groups referred to in the proposed membership list. The Macaulay Institute raised concerns regarding representative membership and how members would be appointed. WWF Scotland stated that it would like to see the NAG remain an effective size but offer more representation. One respondent felt that the NAG need not include a representative from each Area Advisory Group and that local authorities and national park authorities should be considered at the Area Advisory Group level.

Other general comments were also made. SNH felt that to ensure that the identification of 'responsible authorities' by the Scottish Executive led to successful river basin planning, further guidance would be required from ministers and that new statutory duties (supported by funding) may also be needed. The National Trust for Scotland raised concerns regarding the availability of sufficient resources that would allow the group to function effectively. Clackmannanshire Council were concerned about the accessibility of the NAG and whether membership details and papers prepared for their consideration would be available on the internet. The Macaulay Institute raised questions about the administration of the group including the frequency of meetings, internal decision making, the use of working or sub-groups and planning for succession. They also queried the mechanism for remit review and the availability of resources. The Open University requested clarity on the group's advisory role and felt that more emphasis should be placed on ensuring that the NAG acts to communicate the concerns of the Area Advisory Groups upwards to ministers. It called for clear reporting structures that are in the public domain. Concerns were raised about recourse if ministers chose to ignore the group's advice.

#### SEPA response

We will work with the Scottish Executive and stakeholders to agree the membership, remit and roles of the National Advisory Group. We envisage that the group will comprise representatives from national stakeholders and organisations working at a strategic level and that membership will reflect the responsibilities of the group. The NAG will operate in a transparent and open manner using agreed guidelines.

It is likely that membership will be flexible, allowing new members to join and existing members to leave as the nature of the work changes through time. It is acknowledged that in order for the NAG to function effectively it will not be possible to have all the additional bodies listed in Table 1 as full members and that we will require effective communication channels to keep those groups who are not full members of the NAG informed.

## 2.2 Proposal 2: Area advisory groups

### Proposal 2

We propose that a network of Area Advisory Groups be formed to support RBMP production, provide a link to local stakeholders and access appropriate expertise and knowledge of local priorities and required actions.

Of the options presented, SEPA's preferred option is Option 3B. This forms a network of eight Advisory Groups derived from groups of entire surface water catchments and which directly consider local and planning authority boundaries and coastal processes.

Do you agree with SEPA's preferred option? If not, please tell us which of the options presented you prefer and why. Alternatively, describe another alternative and tell us why you propose this.

There was generally strong support from all sectors for Option 3B. Public bodies, the private sector, interest groups and individuals in particular were in full agreement with the proposal. The majority of local authorities/national park authorities, fisheries groups and academics that responded were in general agreement but raised concerns with the proposals. However, a number of respondents in these sectors disagreed with Option 3B.

The support for Option 3B was mainly for the reasons given in the consultation document: that is, it introduces a scale of planning which encourages participation of stakeholders, it considers principles of managing whole catchments and appropriate coastal waters and recognises the importance of aligning with local authority boundaries.

Other reasons for support included the following:

- The option had the benefit of being meaningful to the public (Clackmannanshire Council) and offered the best link to stakeholders (Scottish Water).
- The option proposes a suitable number of Area Advisory Groups (AAGs) for dialogue on local issues (Glasgow and the Clyde Valley Structure Plan).
- The approach aided input by local and planning authorities (The National Trust for Scotland, Macaulay Institute).
- The option balanced consideration of catchments, coastal zones and terrestrial requirements (North Ayrshire Council, Scottish Coastal Forum).
- It was considered to be a practical and workable option (West Lothian Council, Scottish Borders Council) and offered the right balance between capacity and local involvement (The Scottish Rural Property and Business Association).

In addition many organisations such as NFU Scotland were happy with the preferred option as it fitted well with their own regional structure.

The main areas of concern related to the Area Advisory Group boundaries proposed in Option 3B and were raised principally by individual local authorities, national park authorities and from representatives of the fishery sector.

A number of local authorities did not agree with Option 3B because it would sub-divide council areas between multiple advisory groups and increase costs (Fife Council, Orkney Council, Stirling Council, South Lanarkshire Council, Highland Council). The Highland Council asked for the River Spey catchment to be included in the Highland AAG; this would reduce council representation from four to three AAGs. The Loch Lomond and Trossachs National Park Authority noted that four groups would overlap with the National Park boundary although did not express this concern as an objection to the preferred option. East Ayrshire Council was concerned that the option did not recognise that part of East Ayrshire falls within the River Nith catchment which in turn falls within the Solway-Tweed RBD.

The Association of West Coast Fisheries Trust asked for the north-west boundary to be moved towards the east to follow the District Salmon Fishery Board boundary, facilitating the input of fisheries trusts. They also raised concern about including the North West Highlands and the Western Isles, which may have different issues, in one AAG. The Association of Salmon Fishery Boards, the Awe DSFB and Isle of Arran DSFB felt very strongly that Arran should be included in the Argyll area and not in Clyde because salmon and trout rivers on Arran face westward, there is very little contact between Arran and Ayrshire river fishery organisations, and there is the proposal for Arran DSFB to join with the new Argyll board.

A number of fishery boards were concerned about the boundaries relating to the Moray Firth and felt that the boundary of the Highland AAG should be changed so that all the rivers running into the Moray Firth were included (Beauly DSFB, Conon DSFB, Spey DSFB). This was further supported by the Moray Firth Partnership (MFP), which noted that in Option 3B the Moray Firth area is split into two. The Partnership considered this to be unfortunate given the ecological integrity of the area: for example, the management of dolphins, salmon and seals needs to be integrated across the entire catchment. The MFP would prefer the Moray Firth catchment to be considered as a discrete unit.

A number of respondents felt that island groups should be separated from their mainland links and that Orkney and Shetland should also be separate (Council for Scottish Archaeology, one individual, Orkney Council). Orkney Council particularly questioned the merit of linking Orkney and Shetland in this process given the uniqueness of Orkney's aquatic environment.

With regard to the Solway-Tweed RBD, the River Tweed Commissioners, Tweed Forum and Solway Firth Partnership felt it was important for separate Area Advisory Groups to be set up for the Tweed and the Solway.

Other concerns were raised about the size of the area covered by AAGs. Renfrewshire Council felt that the number of stakeholders that could be engaged in the Clyde AAG could be unmanageable and suggested sub-division. The Macaulay Institute felt that the goals of the Water Framework Directive (WFD) are likely to be achieved on a catchment basis and that the preferred option could result in communication problems and poor implementation. River Bladnoch DSFB suggested that the present areas are too large and that the AAGs should cover the same areas covered by fisheries trusts.

Clarity was called for on the role, powers and responsibilities of AAGs (Dee Salmon Fishery Trust), the ability of AAGs to be fully responsible for developing their own criteria, membership, practices and local solutions (The Open University, SRPBA). Concerns were also raised about resource implications (The Scottish Council for Development and Industry, Ythan Project) and the potential to burden smaller self-funding organisations with additional responsibilities (Caithness DSFB, Nith DSFB, River Ugie DSFB). Also, The Macaulay Institute felt that the strategy should mention existing stakeholder and local initiatives under Proposal 2.

A number of organisations requested representation on AAGs including British Waterways Scotland, Central Scotland Forest Trust, NFU Scotland and SNH. East Dunbartonshire Council recommended that representatives from the Biodiversity Partnerships should be involved in the process at the Area Advisory Group level.

#### SEPA response

We have thoroughly reviewed Option 3B in light of the consultation responses. The review found that some of the changes proposed by respondents compromised confirmed water body boundaries, some would have required the amalgamation of Advisory Groups to form larger areas which would not be locally relevant, other suggestions would have reduced the Advisory Group areas to a size which would become difficult for many partners to support, and some further compromised the already difficult balance between administrative and catchment boundaries. Without significant additional resources available we consider that the boundaries proposed in Option 3B provide the best opportunity for achieving the goals of river basin planning.

We will acknowledge concerns about resources in the Scottish river basin management planning strategy and seek solutions to any remaining concerns with our partners as we further develop the AAG network and the working practices and procedures within it.

### 2.3 **Proposal 3: A bottom-up and top-down process**

#### Proposal 3

We propose that the Area Advisory Group network should act as the link with more detailed and local planning initiatives in their area and that the group itself should identify the necessity to plan on a more detailed scale.

Do you agree with this proposal and the summary of the bottom-up and top-down process?

Proposal 3 was generally well supported by all respondents and in particular by local authorities and interest groups. Local authorities considered that the approach was sensible, allowed for decisions to be made at the

appropriate level (Ayrshire Joint Structure Plan and Transportation Committee, North Ayrshire Council) and would help inform the process at the national level (Clackmannanshire Council). Clackmannanshire Council, Renfrewshire Council and Scottish Borders Council felt that the proposal would enable the identification of local issues and priorities and develop responses at a scale appropriate to local problems. WWF Scotland and RSPB Scotland felt that this approach would make implementation more effective.

The main concerns and questions raised were in relation to resources for the proposed Area Advisory Groups. This was of particular concern for the fisheries sector which was conscious of extra pressures that would be put on the current, under-resourced, rural organisations, many of which were voluntary (The Atlantic Salmon Trust, Galloway Fisheries Trust). A number of fisheries organisations felt strongly that those involved in the AAGs should be remunerated for their work (Association of Salmon Fishery Boards, Caithness DSFB, Clyde River Foundation, Nith DSFB) and that the AAGs must be sufficiently resourced to allow the development of local solutions within overall strategy aims (The Aberdeen & District Angling Association). The Association of West Coast Fisheries Trusts felt that effective, timely and focused methods must be employed.

Respondents from other sectors also raised concerns about resources (Aberdeenshire Council, The Loch Lomond and Trossachs National Park Authority, The Open University, Tweed Commissioners, RSPB Scotland, Scottish Rural Property and Business Association, WWF Scotland). Aberdeenshire Council questioned whether there was enough qualified staff to support management arrangements set out in the strategy and The Open University questioned how SEPA would support the AAGs to fulfil these demanding roles. It felt that AAGs might need a dedicated staff or team to ensure that links to local groups and sub-basin stakeholders are maintained.

There was discussion on the remit of AAGs and the potential for duplication of effort. Scottish Borders Council and Scottish Water emphasised that AAGs should have a clear remit and that stakeholders should be told about this as soon as possible. The Aberdeen & District Angling Association felt that the AAGs' remit must be broad enough to allow the development of local solutions within overall strategy aims. Loch Lomond and Trossachs National Park Authority, Scottish Borders Council, Scottish Water and Tweed Forum emphasised the need to minimise overlap and duplication with other strategy setting mechanisms and considered that the AAGs should build upon and strengthen existing effective structures. The Ythan Project raised concerns that if local planning initiatives were forgotten, or brought to the group too late, a lot of local knowledge would be lost and work may be duplicated unnecessarily. They also suggested that there should be a method to allow AAGs to use existing consultation work to avoid duplication.

Questions were raised about the proposed bottom-up and top-down approach. Aberdeenshire Council questioned whether the figure presented in the consultation document did actually show a bottom-up and top-down response. The council felt that the remit of ministers and NAG to 'resolve conflict and arbitrate' implied that ultimately the process would be top-down whenever consensus could not be achieved. The Macaulay Institute had concerns about the lack of detail on communication between the groups and felt that the figure presented in the consultation document showed that the hierarchical relationship was dominant; information flowed both ways, but authority did not.

There were contrasting opinions about the scale of sub-basin planning and whether this should be at the catchment or regional level. A number of organisations felt that more emphasis should be put on planning at a catchment and local management scale (The Association of Salmon Fishery Boards, Dee Salmon Fishery Trust, an individual, River Tweed Commissioners, and Scottish Rural Property and Business Association). The Beauly DSFB felt the AAGs could not be relied upon to have a detailed understanding of local catchment problems. The National Trust for Scotland, while in agreement with the proposal, felt that AAGs should be *obliged* to undertake more detailed plans and programmes. WWF Scotland felt it was important to consider Western Isles, Orkney and Shetland as separate sub-basins, and also to give consideration to 'sector' sub-plans.

In contrast, Galloway Fisheries Trust felt that detailed catchment plans may not be the most effective manner to highlight and address problems as in their experience they had seen very few initiatives/improvements taken forward from catchment plans. The River Bladnoch DSFB felt that planning by AAGs on a more detailed scale would create just another forum for putting forward further plans. It felt that the AAG network should have more powers to act.

A number of organisations discussed the membership of AAG. The Council for Scottish Archaeology felt it was important that the historic environment and landscape concerns were adequately represented within each Area Advisory Group. This was further supported by Historic Scotland. East Renfrewshire Council agreed that the AAGs must be made up of representatives appropriate to the area. Glasgow and the Clyde Valley Structure Plan Joint

Committee suggested that it would be helpful if the NAG gave a strong steer to the membership of the AAGs. One individual felt that AAGs should be free to identify suitable people to represent others and the membership of a steering group. NFU Scotland felt that officers of public bodies should participate in AAGs in a professional advisory role and not as members. The Nith DSFB had grave doubts about the efficiency of the group given the numerous organisations that would have an interest in representation on the AAG. The Scottish Coastal Forum felt that the experience of integrated coastal zone management (ICZM) partnerships in promoting and working towards the integration of plans in the coastal zone should be built upon and that the AAGs should incorporate the skills within the local coastal partnerships. Tweed Forum felt that the AAG should be monitored to allow for the composition of the group to change over time as issues change and the process develops. United Utilities emphasised that the Solway-Tweed RBD AAGs would need to link to England's approach and that the number of stakeholders should be proportionate to the geographical area.

More information was requested about sub-groups within the AAGs. The Beauly DSFB agreed with Proposal 3 but wanted more detail on what sub-groups should be formed, how they would be financed and what duties devolved to them. BMT Cordah concurred with the proposal but felt it was not apparent where technical/topic groups might sit and who they would report to.

#### SEPA response

We acknowledge the support for the proposal and will take this forward in the Scottish river basin management planning strategy. We will work with others to produce the remit and guidance for AAGs, with a clear and transparent working group protocol.

We recognise the concerns about the resources needed to support river basin planning and will try to help those who want to be involved by making the system efficient and focused, and by providing financial assistance whenever possible. However, we do not envisage that this will extend to the payment of group members for attendance at meetings or events.

## 2.4 Proposal 4: Timescale for formation of advisory groups

#### Proposal 4

We propose that the National and Area Advisory Groups be formed during year 2005/06 to allow development of basin planning capacity across Scotland and provide a suitable period in which to deliver required RBMP reports from 2006 to 2009.

Do you agree with these timescales?

There was almost universal support from all respondents in all sectors for the proposed timeframe for formation of advisory groups. It was considered that the timescale was reasonable and realistic given the potential complexity of the process, the targets that must be met and the requirement for stakeholder participation and partnership working (Ayrshire Joint Structure Plan and Transportation Committee, Clackmannanshire Council, The Council for Scottish Archaeology, The Loch Lomond and Trossachs National Park Authority, The Moray Firth Partnership, Renfrewshire Council, SNH, Tweed Forum, WWF Scotland, The Ythan Project).

A number of organisations called for the formation of the NAG and AAGs earlier than the proposed timeframe (BMT Cordah, RSPB Scotland, Glasgow City Council, Perth and Kinross Council). RSPB Scotland felt that the RBMP process would be more complicated than Area Waste Plans and therefore likely to take a longer time to develop. North Ayrshire Council felt it would be advantageous if the NAG was set up in 2005 to set the context for the area groups.

Other organisations raised concerns about establishing NAG and AAGs before guidance, function and remits were developed. Aberdeenshire Council considered that damage could be done if groups were established without clarity of function or purpose. The National Trust for Scotland and RSPB Scotland felt that groups should be identified, agreed and made aware of their remit before 2006.

Concerns were raised again about resources for advisory groups. Fife Council was concerned that, to meet the proposed timescale, local authorities would have to assess the resource implication of contributing to AAGs in planning the budget for the next financial year 2005/06. The council felt this would present difficulties, as it was

not possible at this stage to predict with accuracy the true extent and nature of local authority inputs. The Scottish Coastal Forum agreed with the timescale for the AAGs, but was concerned that many local partnerships were struggling for funding because of their voluntary nature and may not have enough funding to allow them to survive for long enough to undertake roles with RBMP. Scottish Water was concerned that the proposed timescale would not allow organisations enough time to allocate resources to the RBMP groups and that much work is required to identify group remit to ensure focus and minimise duplication of effort between groups.

As a final comment, the Open University was concerned that much of the preparatory work (science and economics) for the WFD will be completed by the time the NAG and AAGs are formed, leaving them with a reduced scope for shaping approaches to the programme of measures.

#### SEPA response

We acknowledge the support for this proposal. We will be developing the membership and remit of the National and Area Advisory Groups in 2005/06 with the aim of making these groups functional in early 2006/07. We will seek to do this in an open and transparent manner.

We will acknowledge concerns about resources in the Scottish river basin management planning strategy and seek solutions to any remaining concerns with our partners as we develop the AAG network further.

It is essential that we complete the preparatory work to meet the timetable requirements of the WFD and to get the process started. We will present this information to the NAG and AAGs once formed, to assist them in the process of developing river basin management plans.

## 2.5 Proposal 5: Leading the process

### Proposal 5

We propose that SEPA chair the RBMP National and Area Advisory Groups in the first instance. We acknowledge that, as the system matures, alternative chairs may come forward and be considered by the individual groups.

Do you agree with this proposal? If not, what alternative arrangements would you suggest?

Proposal 5 was very strongly supported. The consultees considered that it would ensure consistency, strong and enthusiastic leadership and efficient delivery of actions. Most respondents welcomed SEPA's approach and the willingness to rotate the chair of the NAG and AAGs.

Aberdeenshire Council agreed with the proposal as they felt that SEPA was the only organisation with sufficient enthusiasm for river basin planning to drive the process forward at this time. Clackmannanshire Council considered that, as the WFD identifies SEPA as the agency to produce the RBMP, it appeared to be reasonable that it leads the process. The NFU Scotland felt that as SEPA will provide executive and technical support for the Advisory Groups it would be appropriate that SEPA provide the chair and that this should ensure that the required actions are achieved efficiently. RSPB Scotland considered that, as the final responsible authority for river basin planning, SEPA would need to maintain a central role to ensure the process remains 'on track'. The Scottish Coastal Forum felt that SEPA would obviously need to take the lead in the early stages of implementation, but recommended that SEPA consider the role of secretariat and implementation along with the chair in the future. The Ythan Project agreed with the proposal but felt that care was needed to ensure that stakeholders felt fully included and not there simply to 'rubber stamp' decisions already made by SEPA.

A number of respondents felt that an appropriate time for a change in chair would be when the first RBMP was completed in 2009. This would ensure consistency in getting the river basin planning process off to a good start, avoid disruption during the important first RBMP preparation cycle and ensure that the process goes in the right direction from the outset (Glasgow City Council, West Lothian Council, an individual). West Lothian Council strongly recommended that after the first RBMP is published in 2009 the role of chair should become independent of SEPA. SNH felt that alternative chairs chosen after 2009 would need to be 'honest brokers', independent of sector interests and capable of taking the appropriate national/regional geographical perspective.

Perth and Kinross Council felt SEPA was best placed to chair the groups although there was concern that its dual role would cause conflict. The council presumed that Scottish Ministers would be able to ensure that there is no conflict.

Alternatively, some organisations felt that the chair should move from SEPA in the early stages of the process to avoid the charge of SEPA becoming both 'judge and jury' and to make the group more accountable (Galloway Fisheries Trust, Association of West Coast Fisheries Trusts, Ayrshire Joint Structure Plan and Transportation Committee, an individual, Tweed Commissioners). The Forestry and Timber Association felt that alternative chairpersons for regional AAGs should be considered from the start with backing from two-thirds of the other members. However, the organisation also felt that SEPA should always provide the resources (administrative and secretarial).

A few organisations were against the proposal. The Beauly DSFB felt there was a clear conflict of interest if a SEPA nominee chaired an AAG, even (or perhaps more so) in the early stages. They had a fundamental difficulty with this proposal and urged a review. BMT Cordah questioned whether it would be more appropriate for the Scottish Executive to chair the NAG. The Federation of Scottish Aquaculture Producers felt that SEPA could not be a regulator and 'champion' at the same time. They felt that the Scottish Executive should provide the strategic chair for these groups at the outset. The Macaulay Institute and United Utilities suggested that an independent chair may be in a better position to bring the participants to agreement. The Malt Distillers Association of Scotland and the Nith DSFB felt that the chair should be elected from among the individual groups attending. The River Bladnoch DSFB suggested that SEPA and a member of the DSFB in the area should share the chair.

The Open University felt strongly that SEPA should set out in more detail the kind of leadership it expects to undertake in fulfilling the role of chair and whether it has the in-house capabilities to provide this leadership.

#### SEPA response

As the river basin planning process is new to Scotland we think that clear and effective leadership will be required, particularly in the early stages when we are all developing an understanding of the system. Therefore, in agreement with many respondents, we consider it important that SEPA chairs the National Advisory Group and the AAGs in the first instance.

The AAGs themselves should agree any changes in chair; however, we believe that an appropriate time to change this position would be when the first RBMP has been finalised in 2009. We recognise and support the opinions expressed by respondents on the benefits of sharing lead roles in the process. This will help participants to feel that they all have a part to play and a commitment to the plan and its implementation and the wide-ranging challenges and skills involved in this role.

## 2.6 **Proposal 6: Providing supporting resources**

#### Proposal 6

We propose that a RBD coordinator post be formed to take forward actions within each of the Area Advisory Groups and that SEPA would provide these resources, subject to these being secured in the next Comprehensive Spending Review.

We also propose that a national coordinating role, bringing together Area Advisory Group work to form the national RBMP, will be required and that SEPA would provide this, subject to resources being secured in the next Comprehensive Spending Review.

Do you agree that such coordinators would be required to support the activities of the Area Advisory Group? If not, what alternative means would you suggest?

There was strong support in principle for the proposal. There was particular support from local authorities and national park authorities. Clackmannanshire Council considered it vital that AAGs have a coordinator to take forward and focus the work of a diverse group of bodies and that SEPA should provide this support. The Council felt that a national group will also need support through SEPA to ensure that the process works in an efficient and practical manner. Edinburgh City Council and Glasgow City Council agreed that additional posts would be required and that SEPA is best placed to provide the necessary coordination. Glasgow and the Clyde Valley Structure Plan Joint Committee agreed with the proposal as they felt it would be difficult otherwise to identify officers in existing bodies with the spare time to take on this role. The Loch Lomond and Trossachs National Park Authority and West Lothian Council considered that the coordinating posts and related support by SEPA were essential. Other sectors

also offered their strong support and felt the proposal was crucial to the success of river basin planning (BMT Cordah, RSPB Scotland, The Macaulay Institute, one individual).

A number of organisations and individuals agreed overall with the proposal but raised concerns about resources. In the local authority sector, Aberdeenshire Council felt that a single coordinator within an AAG was unlikely to be enough to produce RBMPs. The council felt that an active set of group members with the time and enthusiasm to work through the process was required. Fife Council considered that, from the local authority perspective, it is important that AAGs are properly resourced. The North Ayrshire Council and Perth and Kinross Council considered that the Scottish Executive would have to make similar provisions in order for local authorities to meet their part. Renfrewshire Council felt that SEPA should find out more precisely how many more staff at local authority level will be needed for river basin planning. East Renfrewshire Council also raised these concerns.

Many respondents in the fisheries sector were concerned that no mention was made of resources for organisations/individuals who will be taking on responsibilities to assist SEPA (Association of Salmon Fishery Boards, Association of West Coast Fisheries Trusts, Caithness DSFB, Dee Salmon Fishery Trust, Galloway Fisheries Trust, Nith DSFB). A number of fisheries bodies urged SEPA to make a representation to the Scottish Executive under the current Comprehensive Spending Review (CSR) to fund this activity.

Other sectors also raised concerns about provision of resources and emphasised that the coordinator post must be well resourced in the long term and that administration support must be provided (WWF Scotland, Moray Firth Partnership, National Trust for Scotland). RSPB Scotland felt that if river basin planning failed because of tight budgeting from the Scottish Executive it would be a huge waste of effort, commitment and years of Scottish Executive leadership. A number of organisations believed that more staff and resources would be required as well as AAG coordinators (RSPB Scotland, Scottish Coastal Forum, Ythan Project). Scottish Water was concerned that a large volume of the work would fall to other members of the AAG and that SEPA would simply coordinate. One individual wanted to know whether one post would be created or whether each AAG would have a dedicated post attached to it.

A number of organisations questioned whether there were enough staff with the skills required to coordinate advisory groups. The Macaulay Institute emphasised the importance of getting the right people and planning for their replacement in the long term. The Scottish Council for Development and Industry emphasised that SEPA must ensure they have sufficient staff with appropriate skills. The Open University felt that a dedicated staff member acting as facilitator was often essential to allow participants to work together at catchment level. They were aware, however, that there are few people with the skills required to do this work particularly in the area of collective learning.

Some organisations questioned whether the coordinators should work for SEPA. The Beauly DSFB agreed with the proposal but felt this strengthened their objection to a SEPA nominee chairing an AAG. The Federation of Scottish Aquaculture Producers suggested that it may be better to follow the constitution of, for example, the Scottish Aquaculture Research Forum where coordinators work for a combined corporate body which is comprised of all Forum members. The River Bladnoch DSFB felt it would be better if the coordinator was independent but recognised that this would be difficult if the coordinator was funded by SEPA. Scottish Water felt that it was not essential that SEPA employ the coordinator and that someone could be seconded from other organisations. SNH felt that SEPA should consider placing AAG coordinators in the offices of a range of partners as a means of spreading awareness.

Other respondents emphasised the need for a clear remit for coordinators and that this should clearly be to support the group and not drive some SEPA agenda (an individual). The Royal Yachting Association hoped that the role of the coordinator would be to actively seek opinions from those groups who may not be regularly involved in AAGs and to ensure wide consultation. The Loch Lomond and Trossachs National Park Authority felt that the coordinators must familiarise themselves fully with the role of other public bodies and agencies in integrated strategy development and implementation. Aberdeenshire Council felt that consideration was needed as to how the coordinator will be managed and British Hydropower wanted to know more about the coordination arrangements for cross-border catchments. Glasgow City Council felt that there should be a procedure to ensure that AAG member concerns were reflected at a national level.

A number of organisations emphasised the need to use existing structures to secure local involvement and avoid duplication (River Tweed Commissioners, Scottish Borders Council, Tweed Forum).

### **SEPA response**

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We will seek to provide coordinator posts to support the work of the National and Area Advisory Groups from 2006/07. We intend to allocate a coordinator to each AAG but this will not always be a one-to-one relationship as the scale of the river basin planning task will not be equal across advisory group areas. We envisage that these post-holders will receive full training on river basin planning tasks and information, in preparation for coordinating the AAG activities. We are now carrying out an analysis of the prospective roles and skills required of these staff.

### 3 Delivering participation and consultation

#### 3.1 Proposal 7: Guiding principles

##### Proposal 7

We propose to use the guiding principles for effective participation in river basin planning and to develop procedures and guidance and welcome your views on the principles presented.

Do you agree that these could be used to develop an effective participation process? Do you wish to propose alternative or additional principles?

We propose that local delivery should be provided through the Area Advisory Group Network.

Do you agree?

In general the respondents accepted the guiding principles for effective participation in river basin planning. They considered that the principles proposed were a sensible starting point for the process (The Ayrshire Joint Structure Plan and Transportation Committee), that they provided an adequate framework (Glasgow City Council) and should help promote effective participation (an individual). The Loch Lomond and Trossachs National Park Authority applauded SEPA's proposal.

Other organisations endorsed the guiding principles but felt that more detail was required on how participation would work particularly at a local scale. There were suggestions for additional and alternative principles and tools including:

- The provision of communication tools for all (Edinburgh City Council, one individual, RSPB Scotland, The Open University);
- Public meetings (one individual);
- Branding RBMP consultation material to distinguish from other work SEPA will be publishing (The Macaulay Institute);
- Utilising a range of events and processes (The Moray Firth Partnership);
- Open, transparent access to information (United Utilities, RSPB Scotland);
- A partnership approach (Fife Council, RSPB Scotland, The Open University);
- Establishing processes for conflict resolution (Renfrewshire Council);
- Mechanisms for recording the success of specific consultation methods and obtaining feedback from stakeholders (National Trust for Scotland, Scottish Water);
- Inclusion of the 'polluter pays principle' (Ness DSFB);
- Reference to listening and collective learning (The Macaulay Institute, Open University).

There was also general agreement that local delivery should be provided by the AAGs and many organisations welcomed the provision for a wide and inclusive AAG membership.

Again, there were concerns expressed about the size of the AAGs. The Dee Salmon Fishery Trust and the Nith DSFB felt that the wish to have as much participation as possible was admirable but that it may not work because of the numbers of groups whose interests must be taken into account. The River Tweed Commissioners felt that the principle of inclusiveness should not be taken to extremes and that groups need to be small, well resourced and efficient. Other respondents emphasised the need to ensure that the AAGs did not become unwieldy (one individual, The Association of West Coast Fisheries Trusts, Galloway Fisheries Trust). The Caithness DSFB felt that careful consideration must be given to the size and structure of the AAGs to allow free discussion and not restrict the participation of the smaller boards. Other organisations emphasised that SEPA must guard against 'vested interests' attempting to take over advisory groups (WWF Scotland, The Council for Scottish Archaeology).

Other organisations expressed concern about how to achieve good representation on the AAGs (The Open University). They considered that this would require close working between SEPA and stakeholders (The Scottish Rural Property Business Association) but that the groups would also need to organise themselves to ensure proper representation (Association of Salmon Fishery Boards). Perth and Kinross Council and Renfrewshire Council asked how the public would be engaged.

Issues were also raised about resources. Aberdeenshire Council felt that the proposed process sounded good in theory but questioned whether organisations would have the resources to contribute. The River Bladnoch DSFB also raised this issue. The Firth of Clyde Forum felt that participation would require financial support and commitment from both SEPA and the Scottish Executive.

Many organisations emphasised the need to use existing structures and groups to avoid duplication, ensure consistency and avoid consultation fatigue (Association of West Coast Fisheries Trusts, Galloway Fisheries Trust, Loch Lomond and Trossachs National Park Authority, Macaulay Institute, River Tweed Commissioners, Scottish Rural Property Business Association, Scottish Coastal Forum, Tay Forum, Tweed Forum).

Confusion was expressed over the reference to a Steering Group in Principle 2 and how this would differ from the role of the NAG (Scottish Council for Development and Industry). BMT Cordah queried the need for a specific Steering Group as it felt that guiding the AAGs was part of the NAG remit. The Macaulay Institute and the National Trust for Scotland were unclear about who the Steering Group was referring to and requested clarification.

There was also confusion over the reference to proposed project officers in Principle 1. Fife Council and Perth and Kinross Council wished to know how the proposed project officer (and administrative support) in Principle 1 related to the coordinator post proposed in Proposal 6 and whether the posts were the same. The Moray Firth Partnership raised concerns over the independence of the proposed project officer. NFU Scotland agreed that project officers should be appointed as a single contact point for each AAG but felt that they should not act as spokespersons. The Open University felt that the role of the project officer should be expanded so that they could encourage and promote action. RSPB Scotland emphasised that the project officer should be appointed before the Advisory Groups are set up to ensure proper training and contact with stakeholders.

#### SEPA response

In order to provide a network of AAGs that meets the guiding principles presented in the proposal we think that the groups will work with a number of layers of membership and involvement. We will explore this structure in more depth in the final version of the Scottish river basin management planning strategy. We will do more work to develop the guiding principles for participation and communication in the river basin management planning process in the next 12 months.

For clarification the project officers we referred to in this proposal are the AAG coordinators identified in previous proposals and the steering groups referred to are the AAGs. We will ensure that the published strategy uses the same terms throughout.

### 3.2 Proposal 8: Delivering participation in Scotland

#### Proposal 8

SEPA should publish a Participation and Communication Plan by December 2006. This should set out uses, techniques, delivery arrangements and capacity requirements to support the development of a RBMP and how these will be provided.

The proposed contents of this plan have been set out in the consultation document. Do you agree with the proposed contents? Do you have suggestions for alternative or additional contents or tasks?

There was almost universal support for the proposal to publish a Participation and Communication Plan (P&C Plan). Respondents felt that it would make clear to the AAGs, and the public, the stages in the process, what the process hoped to achieve and their level of involvement.

There were contrasting opinions on the timing of the P&C Plan delivery. Some organisations felt the timeframe was too short and it would be better to delay the plan until AAGs were established so they could contribute

(Aberdeenshire Council, Perth and Kinross Council, West Lothian Council). In contrast others felt the plan should be completed in a shorter timescale to avoid delay to the development of RBMPs and to ensure that AAGs operate consistently (BMT Cordah, Renfrewshire Council, The Crown Estate, WWF Scotland).

Comments were made on the proposed content of the plan. The Macaulay Institute requested more detail. A number of organisations felt that there should be more emphasis on communication (Ythan Project) including the devolved arrangements for communication by the NAG and AAGs (NFU Scotland). The Open University felt a section was needed on why participation is important, and saw this as an opportunity to develop the concept of participation as part of a learning process. Other proposed additions to the contents of the plan included the following:

- SEPA's relationship with other members of the groups (Perth and Kinross Council);
- The integration of this aspect of the WEWS Act with existing consultation exercises (West Lothian Council).

Some organisations felt that the plan should refer to resource requirements (Aberdeenshire Council, Fife Council, Moray Firth Partnership). East Dunbartonshire Council was concerned that considerable work would be required to make sure that groups were brought into the process effectively. Fife Council considered that public consultation exercises should be linked to avoid consultation 'overkill': for example by linking to the community planning consultation process.

Respondents emphasised the need for flexibility within the P&C Plan in order to meet local needs, to ensure that it is compatible with existing local participation and consultation mechanisms and so that it can develop with the process (The Loch Lomond and Trossachs National Park Authority, The Open University, Tweed Forum, Ythan Project).

United Utilities felt the plan should be available both electronically and as a hard copy to all stakeholders and the public. The River Bladnoch DSFB emphasised the importance of using clear English. RSPB Scotland felt the plan should be subject to public consultation and approval by the NAG and AAGs.

#### SEPA response

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We will develop the Participation and Communication Plan in 2006 and will set out in detail how effective participation will be achieved together with timescales development of the RBMP. There will be flexibility within the plan for the NAG and AAGs to use its contents and guidance to suit the circumstances in each area.

## 4 Coordination and cooperation between river basin management planning and other planning processes

### 4.1 Proposal 9: Planning working group

#### Proposal 9

To bring all sides of the RBMP and development plan processes together we consider that a working group should be convened from 2005 with representatives from the key organisations including the Scottish Executive, SEPA, planning authorities and other planning interests. This group should aim to identify significant issues, inform coordination processes and advise on the need for guidance in advance of the first RBMP in 2009.

Do you agree with the proposal to form such a group? If not, please state why and/or suggest alternative proposals.

There was almost universal support for the proposal from all sectors. Many organisations such as Aberdeenshire Council, Central Scotland Trust, Clackmannanshire Council, Fife Council, National Trust for Scotland, Tweed Forum, Ythan Project and WWF Scotland considered that, for the WFD to be implemented successfully, coordination and cooperation between river basin management and development planning was very important. Many urged the early formation of the proposed planning working group. A number of respondents expressed support for the development of guidance and a Scottish planning policy (Glasgow City Council, National Trust Scotland, Orkney Council, RSPB Scotland, SNH and West Lothian Council).

There were queries about the level the proposed group would work at. NFU Scotland counselled that working group coordination would be important at both the national and the local level. The Macaulay Institute wanted to know more about how the proposed planning working group would interact with the NAG and AAGs, its remit and how long it would remain active. East Renfrewshire Council questioned whether the group should be separate from or part of the Area Advisory Group. At the AAG level the Open University considered that the group would need to take account of different scales and issues.

A number of organisations discussed the possible remit of the proposed planning working group. Central Scotland Forest Trust felt the group should identify significant issues, inform the coordination process and advise on the need for guidance. East Dunbartonshire Council wanted to know more about the best means of working with planning authorities, both officers and elected members. Glasgow City Council felt the working group should provide the necessary link between development planning and the RBMP, assist in raising awareness and promote common approaches to the requirements of strategic environmental assessment (SEA). Renfrewshire Council felt that the group's remit should not just extend to the plan making process but should ensure efficient and joint working between development control and the water regulatory processes.

Some respondents asked for clarification of who are "planning interests" and suggested possible membership of the proposed working group. For example the Council for Scottish Archaeology hoped that membership would include historic environment and landscape interests and both East Renfrewshire Council and United Utilities felt that the group should include Scottish Water. North Ayrshire Council suggested that more explicit reference to planning authority representation is required and that the nature and status of the group should be firmed up.

Conflict resolution was raised. Glasgow and the Clyde Valley Structure Plan Joint Committee felt more clarity was required about the expected relationships between the river basin planning and development planning systems, as there was real risk of conflict between the two separate statutory processes. One individual felt that the proposed group was unlikely to resolve areas of conflict between development planning and RBMPs but may help to clarify differences. They felt there was a role for arbitration by the Scottish Executive in this area. The Malt Distillers Association of Scotland could not see any system for dealing with conflicts between RBMPs and planning bodies other than dialogue, and suggested public inquiries or consideration by ministers as alternatives for conflict resolution. SNH raised a concern about the potential for developers to 'play the system' using one consent (e.g. SEPA permission) as a lever against another (e.g. planning permission).

East Ayrshire Council provided detailed comment on how river basin management planning might integrate with the development planning system. Stirling Council identified broad principles that will need to be considered, such

as whether a RBMP may take precedence over a development plan or vice versa, and the stage at which a RBMP in preparation becomes a 'material consideration' in planning decisions. The council felt that it would be appropriate for the Scottish Executive to discuss these matters.

The Scottish Coastal Forum focused on the importance of the proposal for coastal management. The organisation felt it was possibly the first statutory attempt in Scotland to create integrated coastal zone management and emphasised that issues across the land/sea divide should be taken seriously, including future prospects of marine planning and management.

Scottish Water questioned the need for a separate group and suggested that this would fall under the remit of the National Policy Advisory Group. It felt there was a danger that too many different groups could lead to confusion.

The Malt Distillers Association of Scotland disagreed with the establishment of a separate sub-group with little or no responsibility in the process and would prefer representation on Area or National Groups.

#### SEPA response

We acknowledge stakeholder requests for guidance for planning authorities about the interactions with RBMPs and how these should be reflected in development plans. We will set up a Planning Working Group with representatives from the Scottish Executive, SEPA, planning authorities and other planning interests to consider this need further. The group might later consider wider planning and WFD interactions as well as those of river basin planning.

The work of this group will contribute to the coordination of the river basin and development planning processes in advance of the first RBMP in 2009. During this period it will be important that, as river basin planning and WFD processes evolve and become clear, the appropriate information and contributions between the two systems are provided by all parties.

## 4.2 **Proposal 10: Planning authority involvement in RBMP preparation**

#### Proposal 10

We propose that Advisory Groups should include representatives from local authorities and consider that these should coordinate input from across authority functions. Should more specific input be required from planning authorities then the necessity for this should be considered by the Advisory Group and the authorities involved.

Do you consider that specific input from planning authorities is likely to be required to support RBMP production, in addition to that provided by local authority representation? If so, can you suggest how this might be achieved?

There was strong support for the proposal that Advisory Groups should include representatives from local authorities and that they should consider the need for more specific input and representation. Many organisations considered that local authorities should be involved at an early stage.

Respondents felt that planning authorities would probably have to provide more specific input to increase awareness (The Association of West Coast Fisheries Trusts) and because planning is involved in virtually every part of WFD implementation (Dee Salmon Fishery Trust). Glasgow and the Clyde Valley Structure Plan Joint Committee felt that it was vital to have a strong development planning presence on the group and Aberdeenshire Council considered that planning services would probably have to bear the burden of this extra work.

The respondents made a number of suggestions for achieving additional specific input from planning authorities. There was strong support for the formation of a Planning Working Group from all sectors (see 4.1); however many organisations suggested the formation of a planning sub-group on each AAG in addition to a national level working group. This was considered essential to give insight into detailed relationships between planning and WFD objectives and to take a catchment view of development issues (Clackmannanshire Council). The Council for Scottish Archaeology suggested that studies carried out before the AAGs were formed could establish the need for such planning sub-groups. North Ayrshire Council was concerned about resource issues and availability of personnel to sit on sub-groups. Renfrewshire Council emphasised the need to ensure that planning responses from the sub-groups were coordinated with other local authority responses.

Other suggestions for achieving specific input from planning authorities included:

- Representation by nominated directors or heads of planning currently serving on structure plan joint committees or steering groups for the relevant area (Glasgow City Council);
- Contribution from structure plan committees (South Lanarkshire Council);
- Corporate local authority response (Renfrewshire Council);
- Discussion between the National Advisory Group, the Convention of Scottish Local Authorities (CoSLA) and the Scottish Executive (Scottish Borders Council and West Lothian Council);
- The involvement of planning authorities outside of the AAG membership (NFU Scotland);
- National park representation (Loch Lomond and Trossachs National Park Authority).

Ayrshire Joint Structure Plan and Transportation Committee felt that it was essential to have specific input from planning authorities but that different arrangements should be made within each Advisory Group area. This was also the view of the Open University. In contrast, Perth and Kinross Council and Stirling Council felt that individual local authorities would be best placed to decide on their most appropriate representation.

A number of organisations (Aberdeenshire Council, East Renfrewshire Council, Edinburgh City Council, Highland Council, North Ayrshire, Scottish Borders Council, SNH and WWF Scotland) felt that, although planning would be the principal local authority input, other local authority functions should be represented on the AAGs. These included flood prevention, environmental health, engineering, land use, technical services, environmental services, economic development, roads and transportation, waste management, shoreline management/coastal defence, Local Biodiversity Action Plans (LBAPs) and legal issues. Fife Council and the Ythan Project considered it unlikely that a single council representative could possess the breadth of knowledge to cover the wide range of interests likely to be addressed by AAGs. The issue of resources to support the many contributions by local authorities to AAGs was raised.

Aberdeenshire Council and Stirling Council commented on the synchronisation of Development Plans and RBMPs and the need for more sophisticated integration of plan preparation processes.

#### SEPA response

We agree that it is important for planning authorities to take part in the RBMP preparation process in order to achieve coordination, and propose that local authorities are represented on AAGs. It may, in some circumstances, be appropriate to set up a 'planning issues group' within an AAG. The specific arrangements put in place to secure planning authority representation are likely to be different in different Advisory Group areas reflecting the size of the areas and the number of authorities involved. We will develop arrangements appropriate to each area.

### 4.3 **Proposal 11: Plan provisions**

#### **Proposal 11**

We propose to use the mechanisms outlined (see below) to avoid and resolve potential differences between the RBMP and Development Plans.

Do you agree that these proposals are sufficient or are there alternatives?

Mechanisms:

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

Respondents expressed a wide range of views about the effective interaction of RBMPs and Development Plans and whether the proposed mechanisms were enough to avoid or resolve potential differences. There was general

recognition that this should be addressed early in the river basin planning process and it was felt that this should be a key role for the proposed National Planning Working Group (see 4.1). The development of guidance in this area was considered essential.

Some local and national park authorities considered that the role of RBMP as a material consideration and SEPA as a consultee in the Development Plan process should ensure the coordination and compatibility of policy. It was also considered that SEPA's role as statutory consultee in the SEA process should ensure that the RBMP and Development Plans do not contain significant differences (East Renfrewshire Council, South Lanarkshire Council).

In contrast Aberdeenshire Council did not think the proposals were sufficient and felt that there should not be the implicit threat of Scottish Minister intervention. The Council felt that the appropriate forum for conflict resolution was a public local inquiry. Other organisations also considered that an independent or public inquiry process following the development plan model should be used (North Ayrshire Council, Stirling Council, NFU Scotland).

Many respondents raised concerns about the resource implications of the proposal, particularly those associated with SEPA's future input to development plan preparation and possible involvement in public inquiries (Fife Council). SNH felt that SEPA, Scottish Executive, CoSLA and local authorities would have to put in significant effort to ensure that planning departments could tackle the increasingly long list of issues that have to be treated as 'material considerations'. WWF Scotland agreed with the proposals as long as resources were made available to SEPA to recover legal costs if issues were unresolved.

Reference was made to the importance of working with partners to ensure that matters could generally be resolved without the need for arbitration (Ayrshire Joint Structure Plan and Transportation Committee, Clackmannanshire Council, West Lothian Council). This may be particularly important in the Solway-Tweed RBD where cross-border coordination will be required (United Utilities).

Other proposals to avoid and resolve potential differences between RBMPs and Development Plans included the following:

- Awareness raising prior to the preparation of local plans through workshops and seminars (Edinburgh City Council);
- Arbitration by the Scottish Executive (one individual);
- The identification of key RBMP objectives that must be adopted by the Development Plan (The National Trust for Scotland);
- A formal requirement for the NAG and AAGs to check for consistency between local planning documents and RBMPs (The Open University);
- The extension of SEPA's duty to include active involvement in the production of Development Plans (RSPB Scotland, one individual).

Concerns were raised over issues of priority. Glasgow City Council considered that where different timetables for the preparation of Development Plans and RBMPs resulted in potential policy conflict, the Development Plan (if up to date) should have priority. Renfrewshire Council felt that the instruction that 'responsible authorities must exercise their designated functions so as to secure compliance with the requirements of the WFD' raised wider issues related to primacy between planning legislation approved nationally and river basin planning which gets its authority from Europe. The Council requested guidance on this matter.

East Ayrshire Council emphasised that future development must not be determined solely by environmental matters but should be properly balanced with socio-economic considerations. This was further supported by The Macaulay Institute which was concerned that the reference to 'the environmentally driven RBMP' seemed to ignore the requirement to manage the water environment for 'sustainable use'. They wondered if this was an intentional use of overtly 'green' language.

#### SEPA response

We will seek to use the mechanisms identified in the proposal to minimise conflict and increase coordination between river basin and development planning systems. We acknowledge that in some instances this may not be sufficient and that additional approaches may be considered and proposed by the Planning Working Group.

#### 4.4 Proposal 12: National parks

##### Proposal 12

SEPA recognises the significance and value of Scotland's two national parks and their relevant authorities. We propose that national park authorities be members of relevant Area Advisory Groups and that they may also be represented on the National Advisory Group.

We also intend to clarify further integration mechanisms between Development and RBM Plans (see Proposal 9) and propose that planning within national parks be considered with this.

Do you agree with this proposal or can you suggest alternative or additional actions?

There was strong support for this proposal from all sectors that responded. The Loch Lomond and Trossachs National Park Authority welcomed the recognition given in the proposal and offered to work with SEPA to consider in depth the relationship between the National Park Plan and the RBMP.

All respondents agreed that national park authorities (NPAs) should sit on the relevant AAGs. Some organisations felt there was no justification for including NPAs on the NAG given that NPAs do not have a Scotland wide remit (Beauly DSFB, BMT Cordah, one individual, NFU Scotland). Edinburgh City Council felt that regional parks should also be represented on Advisory Groups and United Utilities hoped that English national parks would be welcomed at the cross-border AAGs.

The majority of respondents agreed that NPAs should be included on the Planning Working Group (see Proposal 9) and RSPB Scotland considered that the planning processes within national parks could be used as examples of best practice. However, Glasgow City Council felt that the proposed 'integration mechanisms' must be agreed by planning authorities.

##### SEPA response

We recognise the strong support for the proposal and will work with NPAs to decide how best they can be represented on the NAG and relevant AAGs.

The proposed Planning Working Group will further clarify and develop integration and coordination between Development Plans and RBMPs and we propose that planning considerations within national parks are included in this process.

#### 4.5 Proposal 13: Community planning

##### Proposal 13

SEPA will seek to use Community Planning to assist in engagement, participation and consultation activities during RBMP production. The nature of this relationship and interaction will be explored within RBMP Advisory Groups to ensure effective and appropriate use of this developing network.

Do you agree that this is an appropriate means to develop the relationship or can you suggest alternative and additional actions?

The proposal was generally well supported by all sectors and it was considered that there were many benefits in developing a relationship between river basin and community planning. Many respondents considered that the wider community could be involved in river basin planning issues through the community planning process and that effective coordination with community planning could provide a way for all local plans and programmes to be managed and achieved, and prevent community involvement fatigue (Renfrewshire Council, Scottish Borders Council, The Loch Lomond and Trossachs National Park Authority, Tweed Forum).

It was also considered that the proposal could provide two-way benefits: assisting participation activities during RBMP production and adding an environmental/ecological component to community planning (WWF Scotland, RSPB Scotland, SNH). It was also seen as an opportunity to involve conservation bodies in the planning process (RSPB Scotland).

SNH suggested that establishing a Community Forum for each AAG would be a method to involve community planning and would provide an opportunity for community council representatives to consider some of the more detailed aspects of achieving the WFD objectives. The National Trust for Scotland suggested that to ensure integration, community planning should develop alongside any communications strategy that is created for river basin planning and the Open University considered that in some cases it may be more appropriate to give priority to the community plan process rather than the RBMP to make it more meaningful to local participants. The Open University and Ythan Project also felt that it may be appropriate for the NAG to provide guidance to AAGs on this important initiative.

The main concern raised was the lack of consistency in the community planning approach throughout Scotland. Both Aberdeenshire Council and West Lothian Council emphasised that not all councils use the same methods to carry out their statutory duties under the Local Government in Scotland Act 2003. Perth and Kinross Council also raised concerns over the ability of the AAGs to take in differing views from a number of community planning areas.

West Lothian Council felt discussions would be required between SEPA and individual local authorities on how best to link processes. In contrast a number of organisations considered that it should be left to the AAGs to make appropriate contacts and to explore how community planning might assist the river basin planning process (The Ayrshire Joint Structure Plan and Transportation Committee, North Ayrshire Council, Scottish Rural Property and Business Association). Aberdeenshire Council felt it was unfortunate that community planning partnerships were not consulted directly on the proposal. The Ythan Project further emphasised the need for SEPA to talk to community planning partnerships to see how objectives could be achieved collectively.

Other specific comments were as follows:

- The Dee Salmon Fishery Trust felt that community planning would come into play at the local catchment level and that at AAG level they would not have the same impact.
- East Renfrewshire Council considered that community planning partnerships should be extended to include bodies such as the Forestry Authority, SNH, the Scottish Executive Environment and Rural Affairs Department (SEERAD) and also SEPA itself.
- The Firth of Clyde Forum and Tay Estuary Forum felt they may be able to play a role in community planning in coastal areas. Firth of Clyde Forum acknowledged that this would require development and agreement with the appropriate local authorities.
- The Macaulay Institute asked if community planning representation would come to mean the same thing as local authority planning representation.
- The NFU Scotland doubted the relevance of community planning to RBMPs and felt it would be more appropriate to extend the statutory consultee role of community councils.
- The River Tweed Commissioners urged caution with local pressure groups that may try to establish influence beyond their importance to the community.

#### SEPA response

We agree that it would be useful to coordinate river basin planning with the community planning process and that this may help to achieve more participation and consultation. Individual AAGs should explore the nature of this relationship to ensure effective and appropriate use of this developing network.

We want to see different levels of involvement in river basin planning via the AAG network. Our revised proposals in this area will clarify our intention to have a wide 'outer ring' of involvement whereby all interested parties can be informed about river basin planning and WFD implementation. This will allow more involvement with community planning, communities and the public.

## 4.6 Proposal 14: Coastal planning

### Proposal 14

SEPA proposes that the Scottish Coastal Forum should become a member of a future RBMP National Advisory Group and that individual coastal partnerships become members of appropriate Area Advisory Groups.

In considering coastal issues RBMP Advisory Groups should be able to convene a 'Coastal Issues Group' if appropriate to their area. If convened existing coastal partnerships may have important roles in communicating with relevant stakeholders.

Are these proposals appropriate or can you suggest alternative or additional actions?

This proposal was widely supported and it was considered that there were many benefits including:

- The wealth of experience and expertise within the existing coastal management initiatives that would be essential to the success of river basin planning (Glasgow City Council, RSPB Scotland);
- The opportunity to take forward coastal zone management/spatial plans for coastal areas (The Highland Council) and cement the activities of the Scottish Coastal Forum (SCF) and planners (River Tweed Commissioners);
- The potential for local partnerships and fora to use their prime position to distribute information and bring together interested groups (The Crown Estate).

The Scottish Coastal Forum considered that membership of NAG would allow them to continue to provide advice on ICZM implementation in Scotland through the river basin planning process. SNH recommended that SCF be encouraged to act as a national source of advice for SEPA on WFD coastal issues.

The Solway Firth Partnership welcomed the opportunity to become a member of the appropriate AAG and felt that this would ensure that local marine and coastal issues were considered. They would like the opportunity to explore their role further.

The Scottish Local Coastal Fora were encouraged by the public recognition given by the proposal but felt that given their existing networks and long experience in communicating and consulting on spatial management issues, they were in the position to fulfil a more substantive, proactive and effective role than simply being members of the group. This view was supported individually by the Firth of Clyde Forum and the Moray Firth Partnership.

A number of organisations raised concerns over representation of local coastal partnerships due to their distribution. Aberdeenshire Council emphasised that the partnerships are confined to a number of key estuaries on the Scottish coast which leaves the residual coastline relatively exposed in terms of coordination of the various interests. They also noted that coastal partnerships do not necessarily coincide with coastal cells as defined by coastal sediment movement processes and felt it was therefore advisable to include adjacent coastal partnerships where appropriate. The Association of Salmon Fishery Boards felt there was a need for more organised coastal zone planning initiatives and felt that over-reliance on SCF and its various satellite forums may be misguided given that the organisation did not cover significant parts of the Scottish Coast. This latter point was also supported by the Association of West Coast Fisheries Trusts who felt that local authorities and local interest groups/stakeholders would provide better representation. One individual also raised the concern that SCF seemed to have little involvement in other coastal areas, which then risk being unrepresented.

Other organisations felt coastal partnerships may well be a useful means of consulting widely but noted that they may not be seen as representative of all their members' interests or to include all relevant groups (Royal Yachting Association, United Utilities). RSPB Scotland emphasised that the current approach to coastal zone management is very inconsistent, but that this could be improved by giving the groups a clear remit and specifying roles and responsibilities.

There were contrasting opinions on the need for a coastal issues group. Many organisations welcomed the approach. However, BMT Cordah was not certain that establishing a coastal issues group was the most effective way of integrating the management planning process of 'coastal issues'. It suggested that AAGs should try not to become subdivided and that issues groups should only be set up if required to deal with specific issues. Scottish Water also considered that coastal issues groups should focus on specific issues: for example offshore energy generation, harbour and heavily modified water bodies, or aquaculture. North Ayrshire Council further emphasised the danger

of having too many groups. The Nith DSFB raised concerns about communication implications and resources needed to create yet another organisation that will be expected to contribute to AAGs and RBMP production.

Other organisations referred to the extra resources needed for bodies acting as members on AAGs and attending a Coastal Issues Group (North Ayrshire Council, Perth and Kinross Council, Fife Council). Fife Council felt that efficiency and the avoidance of duplication in respective roles and inputs needed attention. WWF Scotland felt that the proposal would need to be well resourced to work. SNH urged SEPA to give attention to the support for coastal initiatives in the short term if they are to be able to fulfil the medium and longer-term WFD roles envisaged by SEPA. The organisation felt that coastal initiatives could be given added impetus and status by giving them clear WFD roles. The Crown Estate was concerned about the consistency of opinion and approach through the river basin planning process due to the employment of staff on short-term contracts.

There were recommendations that the proposal be extended in its scope. SNH recommended that the RBMP strategy reflected other developments in marine spatial planning and participation debates which extend beyond the coastal 'firths' initiatives: for example the Scottish Executive's proposed strategic framework for the marine environment. RSPB Scotland felt that the integration with coastal planning also provided an opportunity to integrate and improve the regulatory regime for inshore fish farming and was concerned that there was no mention of inshore fish farming in the document. It felt that the Strategic Framework for Scottish Aquaculture should also feed into the RBMP.

Other specific comments were as follows:

- The Ayrshire Joint Structure Plan and Transportation Committee felt that as there were a number of different initiatives emerging for the coast and marine environment it was too early to suggest the most appropriate method of engagement.
- The Loch Lomond and Trossachs National Park Authority asked SEPA to note that it had a coastal frontage.
- The Open University welcomed the proposal on condition that all groups invited to join NAG and AAGs are able to freely criticise SEPA and the advisory groups where necessary.

#### SEPA response

We wish to make the best use of existing coastal zone management arrangements and therefore consider that the SCF and the local coastal partnerships should be part of the National and appropriate AAGs. The extent of coastal management issues is likely to vary between AAGs and diverse approaches and roles of coastal partnership organisations may therefore emerge.

We will develop methods to consider coastal management issues for each AAG during 2005/06. We will consider the roles of existing coastal partnerships and how these might best be harnessed and developed to support river basin planning.

#### 4.7 Proposal 15: Natura 2000 sites

##### Proposal 15

SEPA will seek to use statutory Schemes of Management and River Conservation Strategies to provide the objectives of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) for the RBMP, particularly where these provide more stringent objectives to support the conservation designation. We will work with other competent authorities, particularly SNH, to ensure that this takes place.

Do you agree with these proposals?

There was almost universal support for the proposal and it was considered that there were potential mutual benefits for both the Natura 2000 and the river basin management processes. There was a call for full integration of Natura 2000 site management schemes within the RBMP to rationalise initiatives (The Association of Salmon Fishery Boards). SNH felt that SEPA and other WFD regulators should operate the new WFD control regimes in full accordance with the Habitats Regulations (as revised).

Some organisations felt that consideration should also be given to non-statutory site designations, designed landscapes and Conservation Areas (The Council for Scottish Archaeology) as well as the guidelines and key strategic aim outlined in the existing SNH's Strategic Landscape Character Assessments (Edinburgh City Council). The National Trust for Scotland emphasised the need work closely with the relevant authorities on designated areas.

A number of organisations highlighted that a significant amount of work and planning had already been undertaken on many SAC river sites and felt that this should be incorporated into the river basin planning process (The Association of West Coast Fisheries Trusts, Galloway Fisheries Trust and the River Bladnoch DSFB). The Moray Firth Partnership drew attention to their work to develop a management scheme for a bottlenose dolphins SAC in the Moray Firth.

Integration with other planning processes was also discussed. The Open University felt some assessment would be needed to find out whether the statutory designation of Natura 2000 is in conflict with other statutory or non-statutory instruments. RSPB Scotland believed that developments near Natura 2000 Protected Areas must take into consideration environmental objectives for that site. Furthermore, conservation/environmental objectives for Protected Areas must override the need for development unless it is permitted under the relevant Directive. They also felt that similar provision must be applied to the conservation objectives for aquatic and wetland Sites of Special Scientific Interest (SSSIs). Stirling Council felt that if additional conservation policies were introduced through the river basin planning process there had to be investment to ensure that necessary developments could continue without compromising the nature conservation and water quality objectives.

Other specific comments were as follows:

- West Lothian Council considered river conservation strategies an interesting concept and one that may develop from the publication of the Scottish Biodiversity Strategy.
- Clackmannanshire Council felt that the approach could also be used as a blueprint for individual catchments that do not include designated conservation sites.
- Tweed Forum and United Utilities both emphasised the need to coordinate effectively in the Solway-Tweed RBD as the current approaches are different in Scotland and England. In this district there will be a need to work with the Environment Agency and English Nature.
- WWF Scotland agreed with the proposal if well resourced.

#### SEPA response

We recognise the significant work that has already been undertaken in managing SPAs and SACs, including the development of catchment-based initiatives. Therefore, 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 the objectives of SPAs and SACs within the river basin planning process.

As the Natura 2000 sites are designated by European legislation there is a requirement to include these in the Register of Protected areas in the RBMP. We must also use the objectives that apply to such protected areas where these are more stringent than standard WFD objectives. If the objectives for a Protected Area are less stringent than the standard WFD objective then the more stringent objectives will apply. This requirement will help to ensure that the objectives and activities already in place to achieve these objectives, in each SPA and SAC will be part of the coordinated river basin planning process.

## 4.8 **Proposal 16: Biodiversity planning**

### Proposal 16

SEPA will work with the Scottish Biodiversity Forum to develop procedures for biodiversity priorities to contribute to RBMP production.

SEPA will work with Local Biodiversity Action Plan (LBAP) initiatives to agree means by which LBAPs can support RBMP production and implementation within Area Advisory Groups.

Do you agree with these proposals or are there others you wish to suggest?

There was almost universal support for this proposal. Clackmannanshire Council felt that it was fundamental that procedures were in place at national and local levels to ensure that LBAPs can contribute to the RBMP. East Dunbartonshire Council agreed that close links with the LBAP process were essential and considered that policies and actions from LBAP should form part of the programme of measures for the RBMP. The Council also thought that river basin planning should be incorporated into future revisions of individual LBAPs. East Renfrewshire Council felt there was considerable scope for 'joined up thinking' in pursuing both improved water quality and biodiversity targets. Stirling Council felt that the references to the role of biodiversity and LBAPs in the process were somewhat tentative; they felt that basic principles should be set out nationally and that SEPA and biodiversity officers should work jointly to try to ensure implementation. The Highland Council felt that LBAP officers should be involved in the process perhaps through Advisory Group sub-groups. RSPB Scotland further emphasised the need to focus at a national level and to work with lead partners of the UK Biodiversity Action Plan (UKBAP) in the development of procedures for UK priority habitats. West Lothian Council illustrated the important input the LBAP process can provide by referring to the success of the White Burn and Dedridge Burn initiatives

In contrast, the Open University was concerned that LBAP partnerships could become a substitute for other wider participation and emphasised that biodiversity was just one indicator of ecosystem health and functioning.

Scottish Borders Council highlighted that the proposal will be assisted by the obligations placed on public bodies by the Nature Conservation (Scotland) Act 2004. SNH stated that it would be happy to work with SEPA to identify the implications of the Act and the Scottish Biodiversity Strategy and appropriate biodiversity guidance.

One individual questioned the link to SSSIs and WWF Scotland suggested that SSSIs should be included in the process.

A number of organisations emphasised the need for resources for LBAPs if additional actions were to be taken forward (Aberdeenshire Council, East Renfrewshire Council, Glasgow City Council, Fife Council and Ythan Project).

Other individual comments included the following:

- The Council for Scottish Archaeology agreed with the proposals so long as they were not at the expense of the historic environment.
- A suggestion was made by Edinburgh City Council that recent work developed through 'Green Space Scotland' could be of assistance.
- The National Trust for Scotland highlighted that not all LBAPs will be able to supply information on functional wetlands.

#### SEPA response

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We recognise the support for this proposal and will take this forward in the Scottish river basin management planning strategy.

We will consider further how to make this coordination effective with the Scottish Biodiversity Forum but presently we do not consider that LBAP officers need to be individual members of AAGs. The key public authorities involved in biodiversity planning will be represented on the AAGs and these authorities are also charged with considering biodiversity requirements by Nature Conservation (Scotland) Act 2004. This does not mean that LBAPs cannot be specifically represented on AAGs where this is agreed by the AAGs themselves.

## 4.9 Proposal 17: Agriculture

### Proposal 17

SEPA will seek to secure agriculture sector representation within the National and Area Advisory Groups to support, and allow effective contribution to, the development of environmental objectives and required programmes of measures.

SEPA will work with the Scottish Executive and other relevant stakeholders to seek to identify opportunities within the implementation of the Common Agricultural Policy (CAP) reform package and the review of the Scottish Rural Development Programme (SRDP) to integrate WFD requirements and priorities to assist in WFD delivery.

Are these proposals appropriate to encourage engagement with the agricultural sector? If not, can you suggest alternative or further actions?

This proposal was strongly supported and it was considered highly important that the agricultural sector was involved at both a national and a local level at an early stage in the process (Clackmannanshire Council, Ayrshire Joint Structure Plan and Transportation Committee). The importance of involvement was related to issues of diffuse pollution impacts, drainage and water extraction (Federation of Scottish Aquaculture Producers, Perth and Kinross Council, River Tweed Commissioners, The Crown Estates) and also to ensure an understanding of the demands placed on the sector and the implications of CAP reform (The Loch Lomond and Trossachs National Park Authority, The Crown Estates). The Crown Estates also considered that the involvement of farming would give the industry a voice to defend its interests and contribute to the river basin planning process. In addition, Clackmannanshire Council felt that the process offered the opportunity to advance initiatives such as agri-environment schemes.

Aberdeenshire Council wanted to know how the agricultural sector could be involved in the river basin planning process to achieve environmental objectives and a number of organisations called for guidance (The Open University, West Lothian Council, RSPB Scotland). Suggestions for involvement included the use of existing networks within the rural communities such as the Farming and Wildlife Advisory Group (Edinburgh City Council), the working group for SRDP, the Land Management Contracts group or by establishing a new working group (RSPB Scotland). United Utilities also supported the concept of an agricultural issues group. The Open University felt that the AAGs should have a specific duty to work with groups such as the agricultural sector to encourage changes in understanding and practices. Scottish Water emphasised the need to encompass WFD objectives within other guidelines or codes of practice to avoid 'rules and regulations fatigue' within the farming sector.

There was also discussion on who should represent the agricultural sector on advisory groups. The Macaulay Institute felt it was important that representation was not dominated by one single organisation and that the focus on agriculture did not exclude other extensive land uses such as sporting estates. The Open University felt that there should be acknowledgement of the diversity of agriculture, farming and farm interests and that several strategies should be developed for their inclusion at different points in the process. For example it felt that several agricultural representatives may be needed on each AAG. The Tweed Forum considered that representation should be extended to include landowner representation and gave the example of the Scottish Borders where 50% of land is owned by approximately 150 people. SNH recommended that SEPA involve local SEERAD Agricultural Officers in the AAGs and there may be the case for seeking wider rural land use representation on advisory groups. Many respondents felt that individual farmers must be made aware of RBMP issues and that they must feel adequately represented (one individual, Scottish Water, The Macaulay Institute, WWF Scotland, Ythan Project). In addition The Macaulay Institute felt that some representation was required from bodies undertaking research into agriculture and the environment.

The Macaulay Institute strongly emphasised the importance of providing resources for the agricultural sector in which most people were self-employed. The Ythan Project considered that farmers would not come on board unless suitable funding was available. Aberdeenshire Council strongly recommended the review of existing funding schemes in the agricultural sector.

The NFU Scotland considered that discussions will be needed in the upcoming consultations on Land Management Contracts and the SRDP about directing particular measures of the CAP to WFD purposes. It also noted that future SRDP content will be limited by the terms of the new EU Rural Development Regulation. The Scottish Rural Property and Business Association felt that SEPA should work with the Scottish Executive and other groups to identify

opportunities with the implementation of CAP reform and to integrate WFD requirements into mainstream agricultural and rural development policy particularly through the development of Land Management Contracts (LMCs). This view was supported by the Tweed Forum and West Lothian Council.

As a final point, North Ayrshire Council emphasised that the consultation document did not specify how conflicts with the agricultural and other sectors would be resolved.

#### SEPA response

We recognise the strong support for this proposal and will take this forward in the Scottish river basin management planning strategy. We also acknowledge the importance of an integrated approach to the economic, social and environmental support of agriculture and believe that this will be achieved within the devolved context and direction afforded by Scottish Ministers.

We note that changes to CAP, the opportunities provided by land use contracts and the required regulatory controls over diffuse source pollution are all relevant to agricultural activities. However, in our view, the need for agricultural sector representation on the AAGs is essential if we are to use these processes to achieve environmental benefits.

### 4.10 Proposal 18: Forestry

#### Proposal 18

SEPA will work with Forestry Commission Scotland to ensure that forestry planning procedures are considered during, and integrated within, RBMP production. This may require the development of specific sector guidance.

SEPA will seek to have forestry sector representation within the National and Area Advisory Groups structures in order to support integration activities.

Do you consider that these proposals are appropriate to consider and represent forestry issues in the RBM Planning process? If not, can you suggest alternative or further actions?

There was almost universal support for the proposal due to the significance of forestry land use, the effects of large-scale forestation on water quality (acidification, runoff and reductions in base flow) and the fact that some forestry land straddles individual river basins and the Scottish border (The Association of West Coast Fisheries Trusts, Scottish Water, The Crown Estate). In addition, West Lothian Council felt that integration with forestry was important to build on existing good practice, incorporate changes in techniques (e.g. applying sewage sludge to improve site fertility) and to address possible new threats of pollution. The Forestry Commission Scotland (FCS) welcomed the proposal and requested further discussions on the possible implications and need for sector guidance.

Respondents considered that early discussion with the forestry sector is needed to establish the relative contribution by the Forestry Commission and private forestry interests and that SEPA should become a member of the Forestry Commission National Committee for Scotland to ensure full integration (SNH, RSPB Scotland). Suggested forestry representatives in addition to the Forestry Commission Scotland included the Forestry and Timber Association (F&TA), Scottish Rural Property and Business Association, Central Scotland Forest Trust (for the Clyde and Forth AAGs) and Forestry Regional Advisory Forums.

There was discussion on the Forests and Water Guidelines. RSPB Scotland felt the RBMP should stipulate that all woodland planning and operations meet the Forests and Water Guidelines. A number of organisations felt it would be beneficial if the Guidelines could be strengthened and made legally binding. In contrast, the F&TA felt that the adjustment of the Guidelines to accommodate WFD would be acceptable but they would strongly object to any further burden of regulation. They also felt that any requirements of the WFD must be integrated with forestry's existing consultation and compliance process. The River Bladnoch DSFB did not feel the Forests and Water Guidelines were necessarily addressing issues such as acidification and felt that the future of forestry had to be addressed by the river basin planning process.

There was also reference to integration with other strategies at the national and regional level. RSPB Scotland felt that the RBMP must connect with national and regional forestry strategies and that the 2005 review of the Scottish Forestry Strategy provided an opportunity to do this. The Scottish Rural Property and Business Association felt that

the influence of the Scottish Forestry Strategy through the Scottish Forestry Grants Scheme must be integrated with Advisory Group consideration of how the WFD is to be implemented. Both Fife Council and Perth and Kinross Council recommended coordination between Indicative Forestry Strategies and RBMPs.

SNH focused on regulation and questioned whether FCS may in some circumstances act as regulator: for example by providing permissions for activities relevant to diffuse pollution and habitat restoration.

Other comments included the following:

- The NFU Scotland drew attention to the fact that most new tree planting in Scotland is now undertaken on farmland, by farmers.
- The Macaulay Institute was unclear about why agriculture and forestry were considered separately and felt they could be included in an overarching statement of the involvement of a range of land use management.

#### SEPA response

Along with the majority of respondents, we consider it would be beneficial for the forestry sector to be represented within the National and AAG structures, particularly in areas where forestry is a major land use. In addition we note the role the Forests and Water Guidelines may have in achieving standards required by the WFD and the RBMP in some waters. We recognise the contribution on both these issues by Forestry Commission Scotland and will consider these with them.

In addition we will incorporate WFD and river basin planning priorities within our contribution to forestry planning activities at both strategic and local scales.

### 4.11 Proposal 19: Freshwater fishery plans

#### Proposal 19

SEPA will seek to have fishery interests represented within the National and Area Advisory Groups structures in order to support integration activities and present fishery management priorities.

Do you agree with the proposals to have fisheries represented? If so, are you able to suggest how this might be achieved or who might best represent fishery interests on these groups?

There was almost universal support for the proposal to have fisheries represented within the National and Area Advisory Groups structure. The Association of Salmon Fishery Boards considered that this was essential given the national presence, economic importance and statutory responsibility of fisheries management organisations as well as their level of organisation, staffing and access to high quality information and data. The Scottish Rural Property and Business Association felt the proposal would support integration of present fisheries management priorities with the development of RBMPs. SNH considered that fisheries were key partners for SEPA due to their reliance on high water quality, and the immediate, practical and day-to-day involvement in the use and management of resources.

BMT Cordah was in partial disagreement with the proposal. The organisation was not certain that fisheries interests needed representation at the national level as it felt that fisheries were likely to be the primary beneficiaries of the RBMP rather than representing a sector that can actively contribute to water quality improvements.

Suggested fishery representatives on the National Advisory Group included the Association of District Salmon Fishery Boards, Fisheries Research Services and individual District Salmon Fishery Boards and Fishery Trusts.

There were differences of opinion on who should represent fisheries interests on the AAGs. Some organisations considered that this should be by DSFBs (Caithness DSFB, Nith DSFB, Scottish Water), others by fishery trusts (Galloway Fisheries Trusts, WWF Scotland) and others considered that DSFBs and fishery trusts should have one place each or chose a representative for both (The Association of West Coast Fishery Trusts, Clyde River Foundation, Dee Salmon Fishery Trust, Ness DSFB, River Bladnoch DSFB, Scottish Rural Property and Business Association, Spey Fishery Board).

A number of organisations felt that the best way to achieve representation was for the fishery trusts and boards within each AAG area to meet, discuss and elect an organisation that would effectively represent fisheries interests (Association of Salmon Fishery Boards, Awe DSFB, Tweed Forum).

It was emphasised that DSFBs and fishery trusts do not represent the overall picture and that other interests need to be represented (Ness DSFB). These included commercial interests, aquaculture, academic institutions, recreational fishery interests, inshore fisheries, marine fishery interests and the Scottish Fisheries Coordination Centre (SFCC). The River Tweed Commissioners (RTC) and Tweed Forum drew attention to the fact that the RTC has statutory powers over all fishery interests on the Tweed. Clyde River Foundation felt that it was best placed to provide scientific advice and data on all fish species for the Clyde system. The Macaulay Institute felt the Fisheries Research Services agency would be well placed to bring a wealth of experience, data and information to the process.

In contrast, Stirling Council felt that there was no single group that represented the spectrum of potentially interested parties and that only a catchment management plan could tackle all local fishery management issues.

SNH and the Awe DSFB drew attention to the proposed introduction of the Fisheries Bill by the Scottish Executive in 2006-07, whereby a single body in each area may be tasked with managing all fish species.

SNH also pointed out that non-WFD policy objectives (for example those set by the Scottish Executive for the management of inshore fisheries) should be aligned with WFD statutory objectives (for example ecological objectives for transitional and coastal water bodies).

Other specific comments included the following:

- The Association of Salmon Fishery Boards felt there was the opportunity for SEPA to give financial support to SFCC/boards/trusts to make use of and develop the SFCC fisheries management plan framework and that this may be a cost effective way to achieve the fishery sections of catchment management plans.
- The Open University called for sector guidance.

Many organisations emphasised the wealth of data held by trusts and DSFBs that could support the river basin planning process (Association of Salmon Fishery Boards, Association of West Coast Fishery Trusts, Awe DSFB, Caithness DSFB, Galloway Fisheries Trust).

#### SEPA response

In 2005/06 we will consider with fishery groups, particularly the Association of Salmon Fishery Boards (ASFB) and River and Fisheries Trusts Scotland (RAFTS), how best to represent fishery management issues on each AAG. It is likely that membership will be different in each AAG depending on the existence of DSFBs and/or fishery trusts in each area. It will be important that representatives accept the responsibility to communicate effectively to other bodies they represent as it will not be possible to accommodate all fishery groups as members of AAGs. Similarly we will ensure fishery representation on the NAG.

We also note that the Scottish Executive Freshwater Fisheries Forum (FFF) is considering future fishery management structures in Scotland but that significant change in the existing arrangements is not likely to take place in the short to medium term.

#### 4.12 Proposal 20: Catchment plans

##### Proposal 20

SEPA recognises the value of existing Catchment Management Plans (CMPs) and initiatives in prioritising and delivering local action. We propose that Area Advisory Groups should:

- Consider and incorporate existing CMP actions as appropriate within the development of a cost effective programme of measures;
- Be able to form new CMP initiatives where necessary; and
- Allow representation of significant CMP activities on the Advisory Group itself.

Do you consider these proposals appropriate?

There was strong support for the proposal. Many organisations felt that this was a fundamental and important part of achieving the goals of the WFD and was an ideal opportunity to help local communities relate to the broader and more strategic objectives of the RBMP (Aberdeenshire Council, Clackmannanshire Council, Conon DSFB, Dee Salmon Fishery Trust, Nith DSFB, Scottish Borders Council, Ythan Project). Glasgow City Council considered that such an integration of local knowledge ran in accord with the top-down/bottom-up approach to consultation and participation advocated in the consultation document. Other respondents emphasised that the proposal would maximise benefits of existing networks and minimise duplication (one individual, The Scottish Council for Development and Industry). The Tweed Forum felt that CMP initiatives were valuable in prioritising and accomplishing local action and that in many instances provided an existing, effective networked structure at the local level. The National Trust for Scotland and RSPB Scotland considered that individual catchment planning should be a statutory requirement.

There were some concerns and additional comments about the proposal. The Association of West Coast Fisheries Trusts and the Galloway Fisheries Trust felt it was necessary to look at the strength and weaknesses of existing CMPs. Scottish Water felt that care would be needed when considering existing CMPs which may have been developed for a variety of different purposes all of which may not be appropriate for RBMP. West Lothian Council and Spey Fishery Board emphasised that existing catchment management initiatives and stakeholder commitments must not be frustrated by the new process but strengthened to maximise the benefits. Scottish Rural Property and Business Association and the Ythan Project considered it essential the NAG and AAGs incorporate existing CMP action in the development of a cost-effective programme of measures and to ensure that detailed local knowledge is not lost.

Some organisations asked for additional emphasis on catchment or sub-catchment plans in the river basin planning strategy with the CMP considered as the most fundamental unit of freshwater management (Caithness DSFB, Clyde River Foundation, Scottish Rural Property and Business Association).

Questions were raised about who would be responsible for reviewing current and older CMPs, deciding what is an appropriate existing CMP action and for carrying out the required works (Perth and Kinross Council, River Bladnoch DSFB, Ythan Project). There was also discussion on the role and responsibilities of existing catchment initiatives. RSPB Scotland felt these should be reviewed to avoid duplication of effort and WWF Scotland considered that catchment management groups should recognise that the aims and objectives of the AAGs have superseded their role. The Macaulay Institute asked who would represent existing CMPs. The Open University felt that any CMPs initiated by an AAG should not be restricted or owned by the AAGs and that the process should not be limited to addressing the objectives of the WFD.

Concerns were raised that there was no statement on resources being made available for supporting existing CMPs or initiating new ones (The Macaulay Institute). Many respondents saw this as a crucial area for funding and felt that the AAGs should be adequately resourced to carry out the catchment plan effectively (the Association of Salmon Fishery Boards, Clackmannanshire Council, Conon DSFB and The Open University).

There were some other specific comments by respondents:

- BMT Cordah felt that the proposal was equally applicable to ICZM initiatives.
- Historic Scotland felt the existing CMPs did not appear to have considered historic environmental issues and that there should be a way to ensure that this issue is included in the process.
- The Loch Lomond and Trossachs National Park Authority drew attention to the Loch Lomond Catchment Plan and the valuable experience that has been gained in its preparatory process.

## SEPA response

We agree that it is important to use existing initiatives such as CMPs in producing RBMPs and consider that the appropriate use and development of CMP activities could harness local stakeholder enthusiasm and expertise in the RBMP process. We therefore propose that existing relevant knowledge and activities of CMPs should be considered and utilised as appropriate by AAGs.

For this to take place existing CMP groups should be made aware of the river basin planning priorities to find out whether existing pressures and impacts are already being considered or whether additional action by the CMP group can provide the required protection and/or improvement. To ensure that this takes place it may be helpful in some instances to include representatives from CMPs on AAGs.

AAGs should be able to form new CMP initiatives as required on the understanding that they will not be required in all situations, and also taking into consideration resource limitations. It will not be possible to undertake detailed catchment management planning in all situations with the resources likely to be available to the river basin planning process.

### 4.13 Proposal 21: Flooding

#### Proposal 21

SEPA will work with the Scottish Executive National Technical Advisory Group to develop guidance informing delivery of sustainable flood management duties. The guidance produced may be used in the RBM Planning process through National and Area RBMP Advisory Groups.

We consider that Flood Liaison and Appraisal Groups (FLAGs) represent a means by which flood management priorities can be both considered and made known to RBMP Area Advisory Groups for inclusion in appropriate strategies and action and will, therefore, seek to develop this relationship.

Do you agree with these proposals as a means of considering sustainable flood management and local priorities within RBMP planning? If not, can you suggest alternative or additional proposals?

There was strong support for the proposal from all sectors. It was considered essential that flood prevention measures were considered and implemented on a whole river system basis (The Dee Salmon Fishery Trust) particularly in the context of climate change (The Crown Estate). It was also considered that the proposal made efficient use of existing structures (The Macaulay Institute).

RSPB Scotland identified several obstacles to achieving sustainable flood management in Scotland which river basin planning will need to address including: lack of awareness among planning authorities, landowners and general public; a lack of strategic/catchment based approach; and fragmented and makeshift arrangement of responsibilities for flood management. They felt that to achieve sustainable flood management a new, soft-engineering approach to river and coastal defence is required. The Tweed Forum also saw the proposal as an opportunity to consider alternative soft-engineering riverbank enhancement techniques along with more traditional methods of flood defence.

One individual felt the proposal should be more strongly worded and that the proposed measures must be adopted in the RBMP process.

A range of opinions were expressed on the role of FLAGs. It was considered that representation of FLAGs on the AAG and vice versa was essential to ensure a two-way flow of information (Aberdeenshire Council) and that FLAGs would be fundamental to achieving sustainable flood management as required by the WEWS Act (Clackmannanshire Council). RSPB Scotland considered that FLAGs and AAGs must be given the responsibility to raise public awareness of and promote sustainable flood management at a local level.

In contrast, some respondents were concerned about the informal nature of FLAGs, their advisory role and lack of decision-making functions and independence (Perth and Kinross Council, Renfrewshire Council). West Lothian Council also noted that the groups were not based on catchment areas and felt that this could create too many groups for individual local authorities to be represented on. It was felt that FLAGs would benefit from more structure (Perth and Kinross Council) and that the groups should be given a statutory advisory role (RSPB Scotland). Renfrewshire Council did not favour the direct involvement of FLAGs in AAGs, but considered FLAGs had a role in distributing information related to the RBMP and general awareness raising.

There were suggestions for additional or alternative approaches. The Firth of Clyde Forum emphasised its experience in sustainable flood management and felt it had the capability to work with Forum members to develop a network that would consider flood management priorities and contribute to the Clyde AAG. The Highland Council suggested that the Highland FLAG would be of some assistance in relevant AAG areas. SNH emphasised that many local authorities are involved in promoting and operating shoreline management plans and these need to be linked to WFD planning processes.

Some respondents considered that SEPA's role in sustainable flood management should increase through direct involvement with the Scottish Executive's National Technical Advisory Group (NTAG) on flooding (The Scottish Rural Property and Business Association) and by taking on the role of coordinator for all (coastal and river) flood defence work (RSPB Scotland).

East Dunbartonshire Council wanted to know how flooding would be addressed through the RBMP and WFD legislation and Glasgow City Council wanted information about the relationship between FLAGs, AAGs and the wider RBMP process. RSPB Scotland asked for sector guidance in this area.

Other specific comments were as follows:

- SNH emphasised that a clear distinction will be required between SEPA's role as a WEWS Act regulator and as a consultee on flood prevention schemes and planning issues.
- The Council for Scottish Archaeology hoped that historic environment issues would be properly considered in flood management proposals.
- Stirling Council felt it was time that someone defined what 'sustainable flood management' was.
- Fife Council indicated that the proposal would have potential impact on staff resources and costs notably in servicing more than one AAG.

#### SEPA response

The Scottish Executive National Technical Advisory Group has evolved and is now called the Flood Issues Advisory Committee (FIAC). Guidance produced by FIAC will be appropriate for use by the National and Area Advisory Groups. In particular we consider that guidance for public bodies on how to interpret and comply with the sustainable flood management duty contained in the WEWS Act would be of particular value. SEPA is part of the FIAC and we will contribute to its work.

Although FLAGs do not consider all aspects of flood management and may not involve all interested parties, we believe that they provide effective and positive links with local and planning authorities and represent a developing network that could consider flood management priorities and contribute to appropriate AAGs.

In some AAG areas there are a number of local authorities and FLAGs in place and in such situations a more strategic approach to flood management might be developed. We note that there is a Strategic FLAG in place in Glasgow and Clyde Valley, which brings together a number of individual FLAGs.

#### 4.14 Proposal 22: Strategic environmental assessment

##### Proposal 22

SEPA will undertake a Strategic Environmental Assessment (SEA) of the Scottish RBMP in accordance with the proposed SEA Regulations and will seek to use the publicity and consultation requirements of SEA to undertake some of the WEWS Act consultation requirements.

SEPA will work with the Environment Agency to clarify and agree an approach to SEA in the production of the cross-border RBMP.

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

Do you agree with these proposals for SEA? In particular do you consider that SEA should be used as a platform to support some of the RBMP consultative and participative requirements?

There was a wide range of views expressed for this proposal. A number of organisations fully supported the proposals for SEA and considered that the two processes could be carried out together for the benefit of both. Other respondents supported the proposal as they felt it would minimise duplication, make effective use of resources and avoid consultation fatigue (Glasgow City Council, Loch Lomond and Trossachs National Park Authority, one individual, Scottish Coastal Forum, The Scottish Council for Development and Industry). West Lothian Council considered that the proposal would demonstrate to others how SEA should become an integral part of policy assessment and development rather than a stand-alone procedure.

There were many respondents who welcomed and supported the proposal but had additional concerns. North Ayrshire Council sought clarification on the level at which SEA would be used: would it focus on the national RBMP or would outputs from local and specialist topic groups also be assessed? The council also asked whether it would be necessary to undertake the SEA on sections of the development plan that link to the RBMP. Issues were raised about the potential conflict of interest between SEPA's responsible authority role and its statutory consultee role. To overcome this, Perth and Kinross Council felt it was important to keep the SEA separate from the river basin planning process. The Open University suggested it might be appropriate for different teams in SEPA to conduct the SEA.

Many respondents were concerned that the public could get confused and would not be able to differentiate between consultation for SEA and that for the river basin planning process and the RBMP (The Crown Estate, The Open University, Tweed Forum). The Open University felt clear delineation between the two would be required.

One individual considered that the SEA proposals fitted well with the RBMP strategy but emphasised that cross-border differences in interpretation need to be resolved as soon as possible. This was also the view of The Macaulay Institute and the Scottish Council for Development and Industry.

SNH emphasised that as a statutory SEA consultee on river basin and sub-basin plans they will be commenting on issues which go beyond WFD considerations, as will Historic Scotland. United Utilities emphasised that the proposal was not a substitute for active involvement.

Aberdeenshire Council disagreed with the proposal. It considered that the use of SEA as a platform for some of the RBMP consultative and participative requirements ran the risk of over-emphasising environmental aspects at the expense of economic or social aspects. The National Trust for Scotland emphasised that SEA should only be used '*as a platform to support some of the RBMP consultative and participative requirements*' and not as the only basis for encouraging participation.

#### SEPA response

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We acknowledge support for this proposal and the main issues that have been raised during this consultation. We hope that the Participation and Communication Plan will address some of these issues and we aim to take this forward in the Scottish river basin management planning strategy.

SEA is presently a new and developing process in Scotland; however when an SEA is required for the RBMP a greater body of experience will exist to contribute to the assessment process. We will continue to prepare for SEA of the RBMP and develop policy for how this might best take place.

## 5 Format of river basin management plan

### 5.1 Proposal 23: Format of river basin management plan

#### Proposal 23

We propose to consider and use the guiding principles (see below) in presenting the RBMP and the information contained within it and developing formats for doing this.

Guiding principles for RBMP format:

1. It should be largely map based and extensively use geographical information systems (GIS)
2. It should be web based
3. It should develop a central database and information store
4. It should be available in other formats
5. It should use plain English

Do you agree with these or are there important considerations that have been omitted and which you feel should be added?

The proposal was generally well supported by all sectors with the overall view that GIS was key to public involvement and understanding. BMT Cordah applauded SEPA's acknowledgement that the RBMP must be kept as concise and graphical as possible and felt that interactive websites/CDs are the best available means of achieving this. The NFU Scotland welcomed the direction on the use of plain English. Scottish Borders Council considered that the proposal should encourage partners to allocate enough resources to their systems so that they can use the system effectively. Clackmannanshire Council felt that a GIS and web-based plan will ensure that planners and others in the development process have a readily available data and policy base to inform them about issues relevant to the WFD. In addition, Tweed Forum felt the proposal would help to produce an effective and efficient environmental decision support system.

Aberdeenshire Council disagreed with the proposal. The council felt that the specification for a GIS based RBMP is misplaced as it considered GIS to be a tool not a means of presenting conclusions from information. The council felt that completion of the plans should be the priority and development of a web-based database and information store should be secondary. The Ythan Project did not think the use of a GIS was a sensible way to present all the information particularly as many stakeholders would be unable to use or inexperienced in handling GIS and would therefore not be able to take part fully in the consultation process. The Project also felt that SEPA should not expect stakeholders to download vast amounts of information, as this would also limit people's involvement.

Respondents identified a number of other considerations that they felt were important and needed to be addressed in the strategy. These included the following:

- Data ownership, copyright and freedom of information;
- Compatibility with different computer programs;
- The use of interactive CD-ROMS;
- Provision of information for non-web users including alternative presentation methods for maps;
- Ensuring the web-based version of the RBMP was as user-friendly as possible;
- The incorporation of an interactive facility for interrogation purposes within the web-based version of the RBMP;
- Availability of data and information to interested groups including local authorities and the general public. Would this be free of charge?
- Maintenance and updates of the central database to avoid the development of multiple versions of the same database;
- Provision of non-technical summaries;
- Procedures for establishing quality and availability of data;
- How local level plans would feed into river basin plans.

Other considerations were as follows:

- The Macaulay Institute considered that if PCs with GIS software were available to the public at local agency offices this would help to support their involvement.
- The Open University felt that the plan would need clear commentary to explain what each map in the GIS is showing and implications for policy decisions and the programme of measures. It invited SEPA to consider using these formats for stakeholders to collectively explore, learn and 'update' GIS maps and images with their own understanding and knowledge of the catchment. They were concerned that 'other formats' will be second best and result in two-tier stakeholders.
- Scottish Coastal Forum emphasised the restriction of the two-dimensional nature of GIS maps which could limit the amount of information available to decision makers unless careful thought is given to the incorporation of adequate information on hydrography and bathymetry.
- National Trust for Scotland felt that the distribution and availability of the RBMP should be closely linked with the communication strategy.
- The Crown Estate suggested that it might be worthwhile involving organisations that monitor the use of plain English such as the Plain English Campaign.
- The Moray Firth Partnership offered to share their experience in developing databases in the Cromarty Firth database project.
- The Ayrshire Joint Structure Plan and Transportation Committee suggested that the results of pilot studies on specific river systems should be fed into the RBMP as soon as possible and proposed a pilot exercise on the upper River Irvine. The committee hoped that SEPA would assist in this process.

Concerns were raised about replication. Fife Council considered that the RBMP content should be coordinated with equivalent content in other documents such as development plans, to avoid duplication or possible conflict. The Macaulay Institute considered it important that the database did not replicate information published or held elsewhere.

As an alternative proposal Dunbartonshire Council highlighted that the Local Biological Records Centres (LBRCs) are already well equipped to collate and store biological data which can be linked to GIS and that a small outlay of funds by SEPA would allow LBRCs to obtain match funding for posts and data entry.

Other specific comments included the following:

- The Dee Salmon Fishery Trust considered that insufficient importance and attention was being given to individual catchment management and requested that SEPA change the emphasis.
- The Council for Scottish Archaeology anticipated that the database and GIS systems would include archaeological and historic environment data.

#### SEPA response

We acknowledge the views expressed by respondents to this proposal and will take these into consideration in the development of the format of RBMPs.

At this stage we envisage that an 'easy access' web-based GIS will be required in order to present and make information available to a wide river basin planning audience. This is particularly the case when an individual or organisation seeks information regarding a specific water body. A GIS of this sort will, we feel, assist in making river basin planning information more widely available, but will not be a substitute for providing such information and summaries in other formats.

Such GIS systems would support and complement written river basin planning documents. We envisage that the RBMPs themselves would present summaries (per RBD and per AAG area) of the range of objectives and the range of measures included in the total programme of measures as well as information on monitoring programmes and participating organisations.

We acknowledge that there are a number of issues to be resolved in respect of data ownership, access, management and manipulation and will seek to resolve these before RBMPs are completed.

## 6 Conclusion

We welcome the level and range of responses received to the Consultation on the *Scottish River Basin Management Planning Strategy* and the detailed feedback they have provided.

In particular we were pleased with the significant level of support expressed for the establishment of a National Advisory Group and a network of Area Advisory Groups to be formed in 2005/06 and note the range of thoughtful, constructive and considered advice as to how we should best take this process forward. The Advisory Groups will operate in a transparent and open manner using clear and agreed guidelines and have a balanced membership appropriate to the significant water issues present nationally and in the advisory group areas; as well as reflecting the range of public bodies we hope will contribute to the process across Scotland. There will be flexibility in membership allowing new members to join and existing members to leave as the nature of the work changes. A number of coordinators will be appointed to facilitate the work of the National and Area Advisory Groups. We also acknowledge the support for working groups such as a National Planning Group; these groups will also be provided with a clear and focused remit and timeframe.

The principle of a bottom-up and top-down approach to river basin planning was widely supported and it is considered that the proposed administrative arrangements will provide a framework for this approach to develop and grow as the river basin planning cycle begins to function.

We will ensure that the guiding principles for participation and communication will be utilised in the river basin management planning process, and that links are provided with other planning processes. Existing partnerships, networks and structures will be used when appropriate to ensure the requirements of the WFD are met efficiently and effectively.

We will use the responses to the consultation to further develop the Scottish river basin management planning strategy. This consultation digest will also help to support the process of developing the roles, remits and membership of the National and Area Advisory Groups, the preparation of the Participation and Communication Plan in 2006 and in the development of a format for RBMPs.

We note and acknowledge the concerns about resource requirements raised by many organisations in responding to a range of the proposals. We will not be able to resolve all of these concerns but we are committed to making the developing river basin planning system effective, efficient and prioritised. This means that we will try to involve the right people in considering the right issues at the right time so that best use is made of the scarce resources. That is why we intend to provide regular opportunities for interested parties to be updated on river basin planning progress via Advisory Group Forum events rather than through the necessity of Area Advisory Group membership and why we intend to make use of focused and, often, time limited working or topic groups to make the best use of specific expertise.

However, we acknowledge that additional support will be needed. SEPA will provide and employ a coordinator to facilitate the work of each Area Advisory Group. In addition we will endeavour to support the contribution of non-public bodies in particular, by covering subsistence or expenses incurred.

Finally, there must be an acknowledgement that river basin planning in Scotland is new and that there are many challenges ahead in order to produce RBMPs and develop an effective river basin planning system. We must all be prepared to learn and reflect throughout the process in order to improve it on an ongoing basis. If we can do this, river basin planning will be a system that continually improves and develops as our capacity and experience grows. On that basis we are committed to developing and supporting the river basin planning system now and in the future.

## Annex I

This table provides a list of all organisations and individuals that responded to the *Consultation on the Scottish River Basin Planning Strategy* assigned to eight categories of type of respondent.

Organisation	Category	Approximate length of response (pages)
1 Aberdeen & District Angling Association	Fisheries	1
2 Aberdeenshire Council	Local authority	12
3 Association of Salmon Fishery Boards	Fisheries	6
4 Atlantic Salmon Trust	Fisheries	1
5 Awe DSFB	Fisheries	2
6 Ayrshire Joint Structure Plan	Local authority	5
7 Badenoch, Chris	Individual	13
8 Beauly DSFB	Fisheries	2
9 BMT Cordah	Private sector	3
10 British HydroPower Association	Private sector	2
11 British Ports Association	Private sector	1
12 British Waterways Scotland	Public body	1
13 Caithness DSFB	Fisheries	2
14 Central Scotland Forest Trust	Interest group	2
15 Clackmannanshire Council	Local authority	4
16 Clyde River Foundation	Interest group	2
17 Confidential response	Local authority	3
18 Conon DSFB	Fisheries	2
19 Council for Scottish Archaeology	Interest group	3
20 Crawford, Frank	Individual	2
21 Davies, Caroline	Individual	2
22 Dee Salmon Fishery Trust	Fisheries	4
23 East Ayrshire Council	Local authority	7
24 East Dunbartonshire Council	Local authority	2
25 East Renfrewshire Council	Local authority	3
26 Fife Council	Local authority	6
27 Firth of Clyde Forum	Coastal interest	4
28 Forestry & Timber Association	Private sector	2
29 Forestry Commission Scotland	Public body	2
30 Forth Estuary Forum	Coastal interest	1
31 Galloway Fisheries Trust	Fisheries	3
32 Glasgow & the Clyde Valley Structure Plan	Local authority	2
33 Glasgow City Council	Local authority	9
34 Hendry, Sarah	Individual	2
35 Highland Council	Local authority	2
36 Historic Scotland	Public body	2
37 Isle of Arran DSFB	Fisheries	1
38 Loch Lomond & The Trossachs NP	National park authority	12

39	Moray Firth Partnership	Coastal interest	3
40	Murray, Pete	Individual	3
41	Ness DSFB	Fisheries	2
42	NFU Scotland	Private sector	4
43	Nith DFB	Fisheries	4
44	North Ayrshire Council	Local authority	3
45	North Lanarkshire Council	Local authority	1
46	Northumberland County Council	Local authority	2
47	Orkney Islands Council	Local authority	2
48	Perth and Kinross Council	Local authority	8
49	Renfrewshire Council	Local authority	4
50	River Ugie DSFB	Fisheries	1
51	River Bladnoch DSFB	Fisheries	3
52	River Tweed Commissioners	Fisheries	2
53	Royal Yachting Association	Private sector	2
54	RSPB Scotland	Interest group	36
55	Scottish Borders Council	Local authority	3
56	Scottish Coastal Forum	Coastal interest	4
57	Scottish Local Coastal Fora	Coastal interest	2
58	Scottish Natural Heritage	Public body	12
59	Scottish Rural Property & Business Assoc	Private sector	4
60	Scottish Water	Public body	4
61	Solway Firth Partnership	Coastal interest	3
62	South Lanarkshire Council	Local authority	2
63	Spey Fishery Board	Fisheries	1
64	Stirling Council	Local authority	3
65	Tay DSFB	Fisheries	1
66	Tay Estuary Forum	Coastal interest	1
67	The Association of West Coast Fisheries Trusts	Fisheries	4
68	The City of Edinburgh Council	Local authority	6
69	The Crown Estate	Public body	4
70	The Federation of Scottish Aquaculture Producers	Private sector	1
71	The Macaulay Institute	Academia	8
72	The Malt Distillers Association of Scotland	Private sector	2
73	The National Trust for Scotland	Interest group	8
74	The Open University, SLIM Project	Academia	8
75	The Scottish Council for Development and Industry	Private sector	6
76	Tweed Forum	Coastal interest	7
77	United Utilities	Private sector	2
78	Watson, RD	Individual	6
79	West Lothian Council	Local authority	9
80	WWF Scotland	Interest group	4
81	Ythan Project	Interest group	9