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Consultation on the Scottish and the Solway Tweed River Basin Management Plans

A response by the Freshwater Taskforce of Scottish Environment LINK

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The following organisations support this submission

RSPB Scotland, WWF Scotland, Scottish Wildlife Trust (SWT), Buglife and the Mountaineering Council of Scotland.

Summary

The Freshwater Taskforce of the Scottish Environment LINK welcomes the consultation on the River Basin Management Plans (RBMPs) for Scotland and Solway Tweed River Basin Districts. We have always seen this as an opportunity to move towards a more holistic approach to the management of our freshwater and coastal resources which could have benefits not only for the water environment but also people, the economy, biodiversity and the wider environment. However, we are concerned that the draft RBMPs, though providing an impressive amount of detailed information about individual water bodies, lack in the consideration of a full range of measures that can help deliver objectives. The Plan has the appearance of an audit of water bodies rather than a plan to improve the status of Scotland's water environment. The lack of detail relating to the implementation of measures gives an impression that SEPA has put too much effort into data collation and not enough into

encouraging implementation on the ground. Though in terms of assessment, dividing lochs and rivers into smaller “water bodies” makes sense, by focusing purely on these, SEPA overlooks the inextricable links with wider catchment issues. As a result the plan, though some general targets have been set, still has the appearance of being more informative than aspirational.

We are also concerned that the plan is too technical to allow the general public to become engaged in the consultation process. The web based GIS tools available on the SEPA website are potentially useful but are very slow and difficult to use. It is likely that this might discourage many people from participating. Public engagement in water management is crucial if the river basin management planning is to succeed. It is also a legal requirement of WFD, and reasonable efforts to achieve effective public engagement need to be demonstrated.

We believe that SEPA needs to address the following key areas in these River Basin Management Plans:

- **Provision of a joined-up, holistic approach to the management of whole river catchments.**

A new approach to water management should be adopted, which identifies problems and solutions to water management issues at the catchment scale. RBMP should be about integrated catchment management, and not just the management of water bodies as separate units.

- **The use of a wider range, innovative measures and delivery mechanisms to deliver improvements in ecological status.**

The programme of measures should aim to use new, innovative approaches that deliver towards WFD and provide multiple environmental and societal benefits. The plans should not be restricted to those measures already in existence, such the Controlled Activities Regulations (CARs), but introduce new measures, such as active habitat restoration for example.

- **Establish closer links with other planning processes.**

These include Town and Country Planning, Forestry Planning and forthcoming Marine and Coastal Planning, as well as non-statutory processes including Deer Management Planning and Integrated Coastal Zone Management and Inshore Fisheries Plans.

- **Greater emphasis on the management of coastal and marine issues.**

Very little detail is provided in the draft plans as to the targets and the management of coastal and marine areas. We are concerned that these elements have not been covered adequately in this consultation.

- **RBMPs should seek active engagement with farmers and land managers through existing and new delivery mechanisms.**

Certain initiative, such as the Scottish Rural Development Programme (SRDP), and Deer Management Plans provide opportunities to educate and convince landowners of the benefits of sympathetic land and water management. New initiatives, such as one to one advice to landowners on the management of diffuse pollution may be needed to address more complex water quality issues.

- **A more detailed, map based planning process/tool is needed** that clearly locates individual water bodies within the context of a relevant catchment, so providing the necessary information for the delivery of measures at the catchment scale.



Introduction

The production of a draft River Basin Management Plan for consultation is one of the key requirements of the Water Framework Directive (WFD), which will see similar plans being put in place right across Europe. Publication of the draft plan by the Scottish Environment Protection Agency (SEPA) is greatly welcomed, as it represents an important step in the delivery of statutory obligations under the WFD. The aim of the Plan should be to provide Scotland with a comprehensive framework for coordinating and integrating the management of our inland, coastal and ground waters with the aim of achieving good ecological status. Whilst Annex 3 of the draft Plan in conjunction with the main consultation document provides a good overview of the current situation, we are concerned that it does not provide for an integrated catchment management. The Plans fail to link water bodies to their location within a catchment, and so disconnect processes that depend on each other, making it difficult to coordinate action at a catchment scale. We are concerned that as it stands **the draft Plan appears to be a comprehensive audit of the status of the water environments, but is not a Plan of action.**

The Freshwater Taskforce of the Scottish Environment LINK strongly believes that such a plan must take a **holistic, joined-up approach** to the management of our water resources by focusing on the management of **whole river catchments**. This would mean that issues such as flooding, water quality, and water quantity could be addressed simultaneously; with spinoff benefits for biodiversity, carbon sequestration and other associated benefits. Such planning could be achieved via a map based spatial planning tool (aided by GIS) covering whole river catchments with the relevant water bodies and their surroundings.



I. Answers to specific questions – the Scottish River Basin District

Consultation question 1:

Do you agree with our assessment of the ecological status/potential of individual water bodies (available on the interactive GIS map31) in the Scotland river basin district?

We do not have the detailed knowledge of individual water bodies to answer this question. However, a number of members of the Freshwater Taskforce have pointed out that whilst the maps provided by SEPA are helpful in highlighting where water quality problems occur and the general nature of such problems, they give little indication of what actions will be taken to address those issues. The maps also seem to lack a spatial element, such as links with other relevant features at the catchment scale.

Consultation question 2:

This plan and Annex 3 sets out the objectives for the water environment for the next six years and beyond. To what extent do you agree with:

- a) the level of improvements proposed by 2015?**
- b) the level of improvements proposed by 2027?**

Whilst we appreciate the effort that has been put into drafting of the national and area river basin management plans, we are extremely disappointed by the low level of ambition set out in the plans. Because of this there is a danger that the Scottish Government may be facing a breach in compliance with the WFD. We are aware that the Scottish Government is proposing further actions as set out in its consultation on Scotland's Water, Future Directions, and that new measures that will potentially come out of this process may improve the compliance rate. Scottish Environment LINK fully supports the proposed new measures. However, we are concerned that the consultation on the draft Plan proposes no new measures, which makes it difficult for us to comment on the level of improvement that will be achieved for the second and the third river basin cycle.

We are also concerned about the slow progress towards improving the status of Protected Areas, and in particular, water dependant Natura sites. According to the WFD, the favourable status of all water dependant Natura sites should be achieved within 15 years after entry into force of the WFD. It is clear from the draft RBMP that favourable condition will not be achieved by the given deadline, and this represents a breach of WFD. Time derogations can only be applied for after all reasonable attempts to achieve favourable condition have failed. In such a case it would be up to SEPA to demonstrate that the attempt had been genuine and realistic and had only failed through some significant extenuating circumstances. No such information is provided in the draft Plan.

In addition to this, there appear to be a number of sites which have not been assessed and/or remain unmonitored. Again, no explanation is given in the draft Plan as to why that is the case.

Consultation question 3:

Are there water bodies where you think that the objective for the future should be different? If so, please provide details.

Unknown.

Consultation question 4:

Have we identified the important existing measures that could be taken to address these pressures (Sections 7–11)? Please identify any important existing measures we have missed, including measures for individual water bodies (as detailed on the web-based interactive map).

Again, as already stated, there seems to be a lack of proposals for co-ordinated action at the catchment scale. There is an overemphasis on specific water bodies themselves without looking at whole river basin/catchment. Not only riparian habitats but also others such as bogs, wetlands and woodlands are crucial to the ecological status of water bodies. Other activities, such as flooding, drainage of land for agricultural production impact on the status of the water environment and should be fully considered. The draft Plan does not provide enough information to deal with such wider issues.

Consultation question 5:

Could you or your organisation, potentially working in partnership with others, help deliver existing measures or develop new measures?

The individual member organisations that comprise Scottish Environment LINK are committed to improving Scotland's environment at a range of levels from advocacy to practical land management. Individual LINK member organisations, such as the RSPB deliver restoration projects on the ground, and so can directly contribute to achieving WFD objectives.

Consultation question 6:

We will need to work together to deliver the river basin management plan. Do you have suggestions on how we could work better together?

River Basin Management Planning needs to be fully integrated into the planning process. To be effective this would need to provide data at the catchment scale, through a GIS map based approach, using layers that would cross-reference data from other government bodies (for example Forestry Commission (FC) Forest Design Plans, National Park management plans, and data for designated sites). Such data could also be used for the targeting of Scottish Rural Development Programme (SRDP) funding. However, it appears that there exists a data sharing issue between government agencies that currently prevents this from happening. We would welcome clarification from SEPA whether this issue has now been addressed. We suggest that a better way of working together could be ensured by:

- a GIS map based approach utilising layers of information from other government agencies and elsewhere
- streamlining of data sharing between government agencies
- careful liaison between SEPA, FC, the future Marine Scotland, and any other government bodies responsible for land management
- integration of RBMP goals into Regional Development Plans and Local Plans by working with Local Authorities, particularly at the catchment scale through map based spatial planning.

Consultation question 7:

To be effective this plan has to influence other planning process. Have you suggestions on how to improve the way this plan links to other planning processes?



See answer to question 6 above.

In addition, LINK would like to see more focus on the coastal and marine elements of the River Basin Management Planning process, as the RBMP covers the coastal area to 3 nautical miles. It is very important that the RBMP cross-references and where possible, integrates with, forthcoming statutory Marine Planning, as well as non-statutory marine planning processes, for example Integrated Coastal Zone Management, Aquaculture Planning and Inshore Fisheries Planning.

Comments on specific sections of the consultation document

- 7.3 - LINK understands that hydroelectric schemes can make a valuable contribution to meeting renewable energy targets. However, we are concerned over the extensive quotation of the FREDS report on the potential for further hydropower development, particularly as no assessment has been made of impacts beyond designated sites. Impacts on sites of national importance, such as SSSIs, should be fully considered before approving applications for further hydropower development. Due to known damaging effects on hydropower development on ecological status, thorough environment assessments are needed.
- 7.4 – We believe that water efficiency and reducing leakage rates should be the first line of response to over-abstraction. Development of new water storage reservoirs should be carried out as a last option, as it is very expensive and potentially unnecessary. Scottish Water and SEPA should encourage business and household water efficiency, as such initiative have proven very successful in other European countries. Water resource planning and local development planning need close integration, and any new developments should be avoided where the provision of drinking water may be problematic.
- 8.3 - We welcome the current initiatives to address diffuse pollution from agriculture. However, we feel that these current measures are not adequate to address this widespread problem. Other measures, including more targeted regulations, provisions of free advice to farmers, and active encouragement of farmers to undertake sympathetic land management must be part of a package of measures. Management and reinstatement of riparian habitats can reduce pollution of water bodies and should be actively promoted.
- 8.4 - River basin management planning needs to be closely linked with local planning as well as local flood risk management planning by local authorities and Scottish Water. For example, the policy of building higher density housing goes against the principle of “reducing the area of impermeable surfaces to allow infiltration at source” as it does just the opposite. Retrofitting SUDS may be part of a response to a local flood risk, and may have knock-on benefits on water quality and amenity.
- 10.2 – We welcome the inclusion of non-native species within the river basin management planning process. We believe that non-native species can be very damaging to the ecological status of water bodies. We are, however, concerned over two aspects of the proposed approach:
 - the selection of species appears to be very limited
 - measures to address the problem do not appear to be very comprehensive

It has long been accepted that preventing the introduction of non-native species is the most cost-effective approach. However, should non-native species be introduced, early eradication programme should be considered, as these are often more cost-effective. We are concerned that the selection of species to be considered in the first planning cycle is very limited, and as a consequence could result in higher management costs in subsequent cycles, especially if species such as Japanese knotweed and Giant hogweed are left unmanaged.

The first RBMP only considers 3 species - Canadian pondweed (*Elodea canadensis*), Japanese weed (*Sargassum muticum*) and North American Signal Crayfish (*Pacifastacus leniusculus*). This approach seems very limiting, as there is a number of other species that can be very damaging.

- 11. - Though the likely impacts of climate change on water resources are very difficult to quantify, adaptation to climate change can provide many additional benefits. Ensuring better resilience of natural habitats to change through restoration can also deal with water management issues that may affect us in future. The impacts of climate change should therefore be considered in detail at early stages of RBMP. It is here too that recent research may be helpful (for example, FC's Biological and Environmental Evaluation Tools for Landscape Ecology (BEETLE)) in identifying essential habitat linkages.



II. Answers to specific questions – the Solway Tweed River Basin District

Classification

Q1. Are there water bodies where you think that we have incorrectly described their condition? If so, please provide details.

Unknown.

Objective setting

Q2. This plan sets out the objectives for the water environment for the next six years and beyond. To what extent do you agree with what we are planning to achieve?

The plan appears unambitious as it stands and needs to show a much greater commitment to improving the water environment in the short term. See response to questions relating to section 5, environmental objectives of the Scottish RBMP, above for more details.

- **The level of improvement proposed by 2015** - See answers to Scottish River basin District questions above.

- **The level of improvements proposed by 2027-** See answers to Scottish River basin District questions above.

Q3. Are there water bodies where you think that the objective for the future should be different? If so, please provide details.

Unknown.

Implementing the plan

Q4. We have identified the most important problems for our water environment and the measures that will help to improve them. How can you help deliver these actions?

The individual member organisations that comprise Scottish Environment LINK are committed to improving Scotland's environment at a range of levels from advocacy to practical land management. However, probably the most important way that LINK can help to ensure that actions are delivered across the entire country is to influence these draft River Basin Management Plans to ensure that their aims and approach are appropriate to the task at hand.

Q5. We need to work together to deliver the RBMP. Do you have suggestions on how we could work better together?

See response to Q5 for the Scotland River Basin District.

Making links

Q6. To be effective this plan has to influence other planning process. Have you any suggestions on how to improve the way this plan links to other planning processes?

See response to Q5 for the Scotland River Basin District.

Conclusions

The considerable amount of commendable work that has gone into the production of the River Basin Management Plans has clearly provided an extremely valuable basis for future actions. However, to be cost-effective and achievable, a new approach is required. Unless targets for individual water bodies are placed in the broader context of the river catchments in which they sit, the task of achieving such targets will be extremely difficult. It appears therefore that what has been produced is a detailed, very useful audit which now needs to be linked to spatial planning in a holistic way.

The following organisations support this submission:

Buglife

The Mountaineering Council of Scotland

The Royal Society for the Protection of Birds

The Scottish Wildlife Trust

WWF Scotland

Should you require further information about this submission, please do not hesitate to contact Scottish Environment LINK.

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