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Implementing the Water Environment and Water Services (Scotland) Act 2003

Scotland's Water: Future Directions

A response by the Freshwater Taskforce of the Scottish Environment
LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

1. Introduction

Thank you for the opportunity to comment on the above document. The Freshwater Taskforce of the Scottish Environment LINK welcomes this consultation, as it has become clear that without developing further measures, WFD objectives will not be achieved. We therefore consider the proposals for new measures of crucial importance to the success of the Directive's implementation.

We are disappointed that it has taken so long to develop proposals for new measures in particular on diffuse pollution and as a result, the draft river basin management plans only suggests a low level of improvement in ecological status by 2015. Diffuse source pollution has been known to be a significant water management issue for some years.

Despite this, we are very supportive of the contents of the consultation, and the proposed action to achieve better compliance with WFD requirements. Would like to see these measures introduced (at least partially) in time for the first river basin management plan cycle.

2. Maintaining progress towards 2027

2.1 What improvements might the RBMPs deliver?

We have already expressed our disappointment by the projected level of improvement in ecological status of 6% by 2015, which is amongst the lowest rates of improvement in Europe. As the draft Plan assumes no new measures, the projected number of water bodies at moderate or worse status by 2027 is extremely worrying, and would result in the breach of WFD requirements. It makes a clear case for the development of further measures.

3. Proposed additional measures

We welcome the Government proposals for additional measures. We agree that diffuse pollution, phosphorous containing detergents, morphological impacts and invasive non-native species are the major issues that cannot be addressed using existing measures.

3.1 Pollution – the case for source control

We support the Government's actions to reducing phosphates in detergents by providing direct support to Defra, and by initiating educational programme to reduce urban diffuse source pollution. We believe that such initiative should aim to promote wider range of measures, which can help reduce the effect of urban diffuse pollution, such as for example, promoting good practice in applying fertilisers and pesticides in private gardens, promoting grass surfaces rather than hard paving, which help control local flooding and filter pollution.

3.2 Proposed action to manage diffuse pollution

We strongly support the proposal to establish a diffuse pollution management advisory group, which will advise on and guide the implementation of further measures to address diffuse pollution. This initiative is particularly welcome, as the development of diffuse pollution measures has lagged behind the rest of WFD related activities. It has now become clear that without further measures, WFD objectives will not be achieved. We recognise that General Binding Rules (GBRs) have an important role to play in preventing further deterioration of the aquatic environments, but addressing diffuse pollution requires new and a more proactive approach. We strongly believe that a reduction in diffuse pollution will only be achieved through a combination of measures aiming to bring about behavioural change will address this complex problem. We believe that this must include:

- **Effective regulation**, such as the proposed GBRs as well as more targeted rules
- **Review of cross-compliance and GEAC** to ensure stronger management requirements to reduce the impacts of diffuse pollution
- **Better farm planning tools** - soil, manure and nutrient planning to form part of cross compliance regulations and the SFP and more support for land managers, including better and more targeted free advice, promotion of multi-functional measures on farms and targeted changes in land use, such as

- arable reversion and restoration of floodplain wetlands and natural environment.
- **Better integration with the existing schemes**, policies and initiatives. This means establishing clear links with river basin management plans and sub-basin plans, the SRDP, future flood risk management plans and area advisory groups.
 - There is the need to convince and **educate farmers** of diffuse pollution problems both generally and locally, of their responsibility to reduce it, and of potential economic benefits of reducing it.
 - There is a good case for putting in place **catchment officers** in high-risk catchments to advise farmers, prioritise, facilitate and coordinate catchment specific approaches
 - **Pilot and demonstration schemes** to test and monitor the effectiveness of diffuse pollution measures, including monitoring, advice and the role of a catchment officer.

Currently too much emphasis is placed on the delivery of diffuse pollution and other water management benefits through the Scottish Rural Development Programme (SRDP). This is of concern as the SRDP budget is limited and there is no guarantee that sufficient funding will be targeted towards meeting diffuse pollution or restoration targets or any other WFD related outcome. The current review of the SRPD is also limiting in scope, and future reviews (such as the mid term review in 2010) may provide a better opportunity to review the effectiveness, uptake and targeting of water related measures to ensure more efficient delivery in target areas.

3.3 Enhancing morphology: Restoration of habitats

Draft RBMP measures to address morphological impacts

WFD introduces new requirement to protect, enhance and restore morphological features of rivers, lochs and coastal areas. As these are new requirements, very few existing measures can address these issues effectively. Many existing measures rely on the voluntary uptake by farmers and land managers. In order to be successful, a voluntary approach requires an active promotion of restoration measures to land managers on the ground, such as via dedicated catchment officers, or through existing farm advisors, including the SAC and FWAG advisory services. Development planning can also be a useful delivery mechanism, but again, local authorities need to be aware of their role in encouraging restoration and play an active role in promoting WFD measures to developers. So far, we have not seen much change on the ground. We believe that SEPA and local authorities should take an active role in driving this approach forward in a more proactive way than is currently the case.

Agricultural activities impact on both the coastal and freshwater habitats – the drainage of agricultural land often results in the disconnection of rivers from their floodplains, with big ecological impacts on natural flooding processes and sediment transport. We are concerned that the agricultural drainage is not currently considered by SEPA as part of damaging activities, and is also not controlled through CARs or any other means. It is clear that agricultural drainage has impacts should be recognised and addressed as part of river basin management planning process.

Wetland restoration

We note with some concern that the list of morphological measures does not include the restoration of wetlands other than floodplains. This potentially excludes upland wetlands and bogs as well as groundwater fed wetlands, which form an important part of the water environment and can be directly affected by human activities. The restoration of a wide range of wetlands can provide benefits to achieving good ecological status.

The need for integrated catchment approach to water management

In order to ensure the success of restoration proposals, the River Basin Management Planning must move more towards an integrated catchment management, which considers all human developments and their impacts at the catchment scale. Despite our previous concerns, we have not yet been assured that catchment approach is the primary consideration in the draft River Basin Management Plan. We are still concerned that there is too much focus on specific water bodies, without due consideration of catchment processes. This could indicate that SEPA's structures are not geared up for the implementation of catchment specific restoration projects. Relying on other organisations to take restoration projects forward may help some way towards achieving good status, but will not, in itself, be enough to meet the requirements of the Directive. There is a need for SEPA to demonstrate that it is able to deliver restoration at catchment scale.

Data sharing

Data sharing between public bodies is extremely important in restoration. The GIS aspect of the draft River Basin Management Plan seems to lack integration with other spatial plans and data, such as SNH data on Protected Areas, and development planning from local authorities. Full integration and sharing of information between statutory agencies and other public bodies is of crucial importance to the success of integrated approach to river basin management planning and restoration. We would urge SEPA and the Scottish Government to resolve the issue of data sharing and licencing as soon as possible.

Restoration fund

We strongly support the establishment of a restoration fund that supports partnership projects and so encourages others to undertake projects to improve the status of the water environment. Such move is welcome, but will not in itself be enough to meet the requirements of the directive. Further action by SEPA will be needed to specifically address issues that cannot be resolved by others.

3.4 Prevention of introduction of invasive non-native species

We warmly welcome the recognition that invasive non-native species (NNS) are a significant threat to WFD delivery, and their inclusion in the current proposals for further measures. We support the proposals for additional actions that will aim to set up monitoring and surveillance as well as contingency planning and rapid response that aims to prevent the spread of the priority species.

In our previous responses, we expressed concerns over the development of the UK TAG priority list of non-native species. We are disappointed that the initial list of priority species has not been expanded to include other potentially damaging species, for example those that are native to one part of Britain, but not to all or part of Scotland. This is particularly important, considering that most of the

introduced non-native fish in Scottish lochs and rivers are natives of Southern Britain.

We still therefore believe that the current list of non-native species is too restricted. We recommend the following additions to the species list as a minimum interim measure:

- All non-native species of crayfish
- American *Cragonyx* (which caused complete eradication of native *Gammarus* in Loch Ness)
- Ruffe in Loch Lomond (which resulted in fundamental changes in the functioning and the ecology of the loch, altering the food web dynamics, endangering the native stock, and affecting the top predators, such as birds)
- Other translocated fish species including pike, perch, barbell, and grayling
- Highly aggressive amphipod *Dikegoramus*, and non-native parasitic fish louse *Argulus*, which are not yet widely established, but are considered to present considerable threats
- Additional plant species, including *Eichorina crassipes*, *Azolla caroliniana*

Should you have any questions about this submission please do not hesitate to contact me.

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