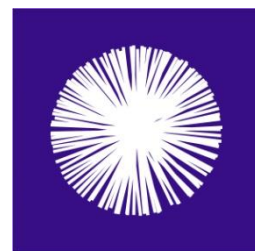


# Response to the Scottish Government Consultation on the Improvement of the Physical Condition of Scotland's Water Environment.

From the Scottish Environment LINK Freshwater Taskforce

May 2015



Scottish  
Environment

LINK

The LINK Freshwater Task Force welcomes and is grateful for this opportunity to respond to your current consultation on improving the physical condition of Scotland's water environment, as part of implementing EU Water Framework Directive River Basin Management Plans. The consultation document asks for comments on the proposals in the Government paper, and these are set out below after a short introduction.

## **Introduction.**

A healthy ecosystem requires natural physical as well as chemical environmental conditions. Historically, there has been more emphasis on chemical condition. Thus we have seen the elimination or reduction to 'harmless' levels of many inputs to watercourses which could be environmentally damaging, from both pipes and diffuse sources. The current consultation document correctly recognises that not least due to the absence of appropriate legal powers, progress to date with eliminating adverse physical changes to our environment has been much more limited. In practice, drainage and construction activities have resulted in a continuing deterioration in the physical attributes of many rivers, streams, lochs and coastlines. It is therefore encouraging that the Government is now proposing new initiatives and legislation to reverse this decline.

## **Comments.**

1. Estuaries and coastal waters are included in the 'purpose' of the consultation document, but thereafter receive scant attention (a criticism that was also levelled at the Scotland draft second RBMP). The consultation's 'overview' refers to a prioritised programme of river restoration projects. If this is to also include physically downgraded shorelines, then this should be clearly indicated.  
Given that regional marine planning is emerging, it is vital that there is strong integration between RBMP and Regional Marine Planning across the land/sea interface to help deliver environmentally-friendly solutions to improving coastal physical conditions, such as prioritising natural managed re-alignment projects over traditional hard engineering solutions.

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2. The Water Framework Directive also clearly states that action should enhance and protect terrestrial and wetland ecosystems that are dependent on connected waterbodies. Amphibian species are dependent on these areas. There is no regard for this wider remit of the WFD within the proposals made in this consultation.
3. Although we welcome mention of the Biodiversity Strategy at the end of the introduction it is notable that Natura sites, SSSI and protected species fail to register in the prioritisation proposals. We believe that the prioritisation process should recognise the importance of these sites within decision making.
4. A decade ago, SEPA was prioritising catchments for specific WFD improvement measures where their existing regulatory 'end of pipe' powers were failing to deal with ecological downgrading problems. The current consultation continues this theme with its proposals for a 'provisional prioritisation of waterbodies for investigation'. The need to apply limited resource to those areas where more benefit may be obtained is recognised, but it is disappointing that there is no clear timetable for any of the series of actions and procedures proposed. We seek clarity around when we might expect to see the actual delivery of environmental improvements resulting from the alleviation of physical pressures.  
It should be made clear what proportion of the improvements ought to be completed by 2021 and 2027. This information is needed to feed back into the final second RBMP which will be produced later this year.
5. The consultation's introduction identifies the need for RBMP physical improvements to also contribute to reducing flood risk and meeting biodiversity and forestry objectives, and this recognition is welcomed. It is agreed that through appropriate co-ordination of interests, synergies may be attained at a local project level. We believe it is important for effort to be made to recognise such potential local synergies when undertaking prioritisation at a national scale.
6. The need for inclusion of land managers and other organisations (such as RAFTS and SNH) in achieving physical improvements is correctly recognised. Particularly important for the likes of land managers will be ensuring that they understand all the positive ecological and other implications of the remedial measures proposed.
7. LINK recognises that over 10% of Scottish waterbodies are adversely affected by barriers to fish migration, and that in many cases this is the sole cause of downgrading. However in involving partners, particularly those with specific vested interests (such as RAFTS which is mentioned in the consultation), in designing and implementing remedial schemes for these waterbodies, care must be taken to ensure that the importance of all aspects of biodiversity are fully taken into account and protected or enhanced. This will assist towards achieving the overall aim of WFD to protect and enhance the status of connected terrestrial and wetland ecosystems as

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well as aquatic ecosystems as a whole, rather than focusing on a single area of improvement such as for migratory fish.

8. In responding to SEPA's RBMP consultation, LINK has already supported the use of the Water Framework Directive's 'Heavily Modified Waterbody' identification provisions, provided that they are appropriately and not excessively applied, and this support is reiterated here.
9. The new legislation proposals in the consultation are a key and welcome feature. New powers for SEPA to where necessary serve a 'Variation Notice' where a Controlled Activities Regulations (CAR) licence already exists, or a 'Remedial Measures Notice' in other situations, are strongly supported. The new powers will help fill a currently gaping regulatory hole. However, it is presumed that as with many other legal powers which SEPA has, the serving of a legal instrument will be regarded as a last resort, to be used only where reasonable agreement cannot be achieved through discussions with all parties involved in each particular situation.
10. For delivery of the plans, much will hinge on the availability of finance and other resources essential for carrying-out planned improvements. Continued support from Scottish Ministers (unfortunately unquantified) for the 'Water Environment Fund' is welcomed. The examples given in table 1 are generally agreed, but there is no mention there of the need for Scotland to ensure a resilient, productive agricultural system especially given a changing climate.

This response was compiled by members of the Scottish Environment LINK Freshwater Task Force and is specifically supported by the:

Amphibians and Reptiles Conservation Trust  
Badenoch and Strathspey Conservation Group  
Buglife: The Invertebrates Conservation Trust  
Froglife  
Marine Conservation Society  
National Trust for Scotland  
Royal Society for the Protection of Birds  
Scottish Wild Land Group  
Wildfowl and Wetlands Trust

For any inquiry, please contact: Tom Leatherland, Scottish Wild Land Group and Convenor of LINK Freshwater Task Force;  
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**ANNEX**

**IMPROVING THE PHYSICAL CONDITION OF SCOTLAND'S WATER ENVIRONMENT**

**RESPONDENT INFORMATION FORM**



**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

**1. Name/Organisation**

**Organisation Name**

Scottish Environment LINK Freshwater Task Force

**Title** Mr  Ms  Mrs  Miss  Dr  **Please tick as appropriate**

**Surname**

Leatherland

**Forename**

Tom

**2. Postal Address**

2 Grosvenor House		
Shore Road		
Perth		
<b>Postcode</b> PH2 8BD	<b>Phone</b>	<b>Email</b> tom@chway.plus.com

**3. Permissions - I am responding as...**

<b>Individual</b>	/	<b>Group/Organisation</b>
<input type="checkbox"/>	<b>Please tick as appropriate</b>	<input checked="" type="checkbox"/>

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- (a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

Yes

- (b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

- (c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick as appropriate**

Yes  No

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

Yes

No

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