

Transport and Environment Committee

10am, Tuesday, 19 March 2013

Scottish water environment consultations

Item number	7.15
Report number	
Wards	All

Links

Coalition pledges	
Council outcomes	CO18 , CO19
Single Outcome Agreement	SO4

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Executive summary

Scottish water environment consultations

Summary

This purpose of this report is to respond to two consultations by the Scottish Environmental Protection Agency (SEPA). These are:

- Working together to protect and improve Scotland's water environment: Getting involved in developing the second river basin plan; and
- Improving the physical condition of Scotland's water environment – A consultation on a supplementary plan for the River Basin Management Plans.

Recommendations

It is recommended that Committee approves Appendices 1 and 2 as the Council's responses to the consultations.

Measures of success

The Council's views are taken account of in the review of national policy.

Financial impact

This report is in direct response to SEPA consultation documents and there are no financial implications arising directly from it.

Equalities impact

SEPA will carryout an equalities assessment of the documents itself.

Sustainability impact

The proposals in this report will help achieve a sustainable Edinburgh because the overarching objective of river basin management planning is to ensure the long term sustainable management of Scotland's water environment.

Consultation and engagement

There is no requirement for public consultation or external engagement on the content of this report. Other organisations or individuals wishing to comment can do so direct to SEPA.

Background reading/external references

The SEPA website is the main source of background information for these consultations. A link to the consultation documents can be found here:

[Working together to protect and improve Scotland's water environment: Getting involved in developing the second river basin plan](#)

[Improving the physical condition of Scotland's water environment: A consultation on a supplementary plan for the River Basin Management Plans](#)

A link is also provided to the [Scottish Government's Land-Use Strategy for Scotland](#)

Executive summary

Scottish water environment consultations

1. Background

River Basin Management Planning

- 1.1 In 2000, European Legislation known as the Water Framework Directive (WFD) was introduced. The WFD aims to improve the condition and integrate the management of the water environment across Europe. The Water Environment and Water Services Act (Scotland) 2003 translated the WFD into Scottish legislation.
- 1.2 The key aim of the WFD is for all rivers, lochs, estuaries, coastal waters and ground waters to be of good ecological and chemical quality, by 2015. However, where this is disproportionately expensive, the WFD does allow the setting of a later deadline of 2021 or 2027.
- 1.3 To fulfil this aim, SEPA has implemented a river basin planning process which is supported by the production of a management plan for each river basin district. The City of Edinburgh Council area forms part of the Scotland River Basin Management Plan (SRBMP). In order to facilitate implementation of the SRBMP, a series of eight (regional) Area Management Plans (AMP) have been produced which expand on and contribute to the SRBMP. One of these AMPs covers the area of the Firth of Forth river basin.
- 1.4 The implementation of these plans is facilitated through two groups; the National Advisory group coordinates then delivers the National SRMBP objectives and the Area Advisory groups oversee the local catchment level objectives. The City of Edinburgh Council is represented on the Forth Area Advisory group.

Working together to protect and improve Scotland's water environment: Getting involved in developing the second river basin plan.

- 1.5 River basin planning is the process used to prioritise and coordinate efforts to protect and improve Scotland's water environment. Scotland's first plan was published in 2009. This plan is now at formal review stage and SEPA is in the process of developing and seeking views on a second river basin management plan (RBMP).
- 1.6 River basin planning involves:
 - assessing pressure and impacts to identify where improvements to the water environment, or actions to prevent its deterioration, may be required;

- reviewing and updating targets (objectives) to improve the condition and/or prevent deterioration of the water environment;
- identifying the most appropriate actions (measures) and determining the most appropriate organisation/individual to take action; and
- monitoring the condition to see if it has improved or been safeguarded from deterioration.

Improving the physical condition of Scotland's water environment: A consultation on a supplementary plan for River Basin Management Plans

- 1.7 The aim of the draft supplementary plan to the RBMP is to identify the work needed to deliver an improvement in the physical condition of Scotland's water environment as well as a wide range of environmental, social and economic benefits. Repairing the damage to the physical condition of the water environment will improve ecology and enhance the value of the resource for others, such as landowners and fishermen, as well as the general public. Such improvements also have significant benefits for the wider environment, especially climate change adaptation and flood risk management.
- 1.8 Four principles are used to help define this plan's approach to restoration:
- planning at the catchment scale;
 - allowing nature to do the work;
 - working in partnership; and
 - supporting sustainable development.
- 1.9 Where improvements are considered to be required, the following hierarchy of measures will be applied as appropriate:
- provide support and encouragement for voluntary initiatives;
 - use regulatory powers under Controlled Activities Regulations (CAR) to deliver improvements to licensed structures; and
 - develop potential notice provision to deliver improvements to non-licensed structures such as bridges, culvert and fords.
- 1.10 A combination of support, funding and regulatory actions are needed to deliver significant improvement in the following key areas:
- removal of barriers to fish migration;
 - improving rural rivers;
 - improving rivers in towns and cities;
 - improving our estuaries and coast; and
 - addressing flood risk in a way that delivers environmental benefits.
- 1.11 The responsibility for delivering these actions is provided by a number of organisations. Direction will be provided at a national level by the National

Advisory Group and at local level by the Area Advisory Groups. Partnership working is seen as the key to success.

2. Main report

Working together to protect and improve Scotland's water environment: Getting involved in developing the second river basin plan

- 2.1 This consultation is aimed at getting public bodies and stakeholders involved with the water environment to participate in the development of the second river basin management plan. The consultation:
- outlines the timetable and work programme for the development of a second river basin management plan 2015;
 - highlights the opportunities and structure/groups in place to influence the development of the second plan;
 - provides the Council with the opportunity to let SEPA know of any additional ways in which the Council would like to get involved in river basin planning; and
 - sets out how SEPA proposes to develop a second plan that enables more efficient and integrated management.
- 2.2 The consultation takes the form of a series of questions and the answers to these are given in the proposed Council response at Appendix 1. Key points are highlighted in this report.
- 2.3 Comments are invited by SEPA, to be returned by 28 January 2012. The Council has sent an interim response subject to approval by Committee.

Response

- 2.4 SEPA wishes to know how local authorities promote the objectives of RBMP and share information. This has been carried out through training delivered in partnership with SEPA. The training was provided for staff from services across the Council, to ensure a clear understanding of RBMP. Sharing of information has occurred through networking at partnership meetings such as the Water of Leith Action Group, Forth Estuary Forum and the Edinburgh Biodiversity Partnership.
- 2.5 For the second RBMP, SEPA wishes to ensure it is more widely understood beyond those currently involved in the formal processes. The Council has representatives on the Area Advisory groups and Flood groups. However, it is suggested that more connections and opportunities are sought with neighbourhood partnerships and local interest groups. Planning officers will work with SEPA to develop these connections.

- 2.6 SEPA requests that the Council advise it of key dates in full in its planning timetable. The response includes publication of the proposed LDP in 2013 with anticipated adoption in 2015 and the redraft of the Edinburgh Biodiversity Action Plan by 2015. The Edinburgh and Lothians Forestry and Woodland Strategy, which includes aims on using woodlands to improve the water environment, will be due for revision in 2017.
- 2.7 In summary, the Council intends to continue to engage with the RBMP process with representatives attending to the Forth Area Advisory Group. Actions for local authorities are determined by this group. Recent examples include: ensuring correct policies relating to the water environment are included in LDPs; training for staff; and, as part of the Edinburgh Biodiversity Action Plan, looking at small water bodies to identify and alleviate pressures, to improve quality and connectivity of habitat.

Improving the physical condition of Scotland's water environment: consultation on a supplementary plan for the River Basin Management Plans

- 2.8 This draft supplementary plan for river basin management plans underpins SEPA's vision of delivering wider management of Scotland's water environment. Through this SEPA aims to support people's health and enjoyment, sustainable economic growth and wildlife.
- 2.9 The draft supplementary plan focuses specifically on how Scotland can deliver improvements in the physical condition of the water environment. It highlights the work needed, and the bodies responsible, for delivery of a better water environment for Scotland. The plan has been developed using the principles of the Scottish Government's Land Use Strategy (A strategic framework bringing together proposals for getting the best from Scotland's land resources) and will contribute to sustainable development within rural and urban areas.
- 2.10 SEPA is now consulting those with an interest in the water environment and its condition, on this draft supplementary plan.
- 2.11 The consultation takes the form of a series of questions and the answers to these are given in the proposed Council response at Appendix 2. Key points are highlighted in this report.
- 2.12 Comments are invited by SEPA, to be returned by 27 January 2012. The Council has sent an interim response subject to approval by Committee.

Response

- 2.13 The consultation is looking at how policy can be used to improve the conditions of rivers and lochs in towns and cities. It has been drawn to SEPA's attention that the Edinburgh City Local Plan includes a policy which requires developers to remove existing culverts as part of new development schemes. In addition, guidance on sustainable urban drainage is being produced with SEPA and the other Lothian authorities.
- 2.14 Views are sought on how SEPA can work with local authorities and developers to support the delivery of improvements to urban rivers and lochs. In response,

it is requested that SEPA provides robust information, based on scientific research, for negotiation with developers concerning the width of buffer zones (an area of land designated for environmental protection). This could then be translated into policy in the local development plan.

- 2.15 SEPA wishes to obtain views on how the water environment in coastal areas can be improved. In response, it is suggested that improvement of water quality in coastal areas will rely heavily on partnership working between a wide range of groups including Marine Scotland, SEPA, local authorities and others.
- 2.16 River basin planning advisory groups can play an important role in taking a partnership approach to setting and addressing restoration priorities. Suggestions on this are welcomed. The Council is represented on the Forth Area Advisory Group and this working group has proved to be successful to date. However it is acknowledged that strategies and actions identified at the river basin level should be communicated and translated into effective opportunities at the local level. This may help land managers and communities to identify and deliver a wide range of smaller projects which collectively would help meet the river basin management plan objectives.

Next Steps

- 2.17 Comments provided will be used to shape both documents. Comments will be published on SEPA's website in June 2013 explaining how they have influenced the final documents.

3. Recommendations

- 3.1 It is recommended that Committee approves Appendices 1 and 2 as the Council's response to the consultations.

Mark Turley

Director of Services for Communities

Links

Coalition pledges

Council outcomes CO18 - Green– We reduce the local environmental impact of our consumption and production
CO19 - Attractive places and well maintained - Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards in the maintenance of infrastructure and public realm.

Single Outcome Agreement SO4 - Edinburgh’s communities are safer and have improved physical and social fabric.

- Appendices**
- 1 Proposed response to SEPA Consultation – Working to protect and improve Scotland’s water environment: Getting involved in developing the second river basin plan.
 - 2 Improving the physical conditions of Scotland’s water environment: Getting involved in developing the second river basin plan.

Appendix 1

Working together to protect and improve Scotland's water environment: Getting involved in developing the second river basin plan

List of consultation questions and responses

- 1 Will the consultation opportunities outlined above enable you to contribute to the river basin planning process? If not, can you suggest any additional methods? Please also let us know if you feel that any of the methods are not appropriate and should not be a priority?**

The proposed consultation opportunities appear to be comprehensive and will allow the Council to contribute fully to the river basin planning process.

- 2 As we move towards the second river basin planning cycle, are there any ways that the area advisory groups can work more efficiently and effectively so they work better for you and for river basin planning?**

In general the process works well, however there are occasions when it is important for Advisory Groups to identify matters of local significance at an early stage and engage directly with local groups. This more direct engagement with all stakeholders ensures the correct outcome at the local as well as the strategic level. Cases where this would be relevant include removal of obstacles to fish passage in a river, where the obstacle may be seen by others as having cultural and heritage value.

- 3 One of the key roles of individual advisory group members is to ensure that they share information and promote the objectives of river basin planning more widely within their respective organisations. How do you disseminate river basin planning information to other relevant Departments within your organisation? Are there any ways we could support you more effectively to promote river basin planning information and objectives to all relevant Departments within your organisation?**

The Council disseminates information in a number of ways:

Training – The Council has been working with local SEPA staff to provide training events for staff from services across the Council to ensure a clear understanding of the role the Council has to play in its successful delivery.

Networking – The Council regularly disseminates information at meetings such as the Water of Leith Action Group, Forth Estuary Forum and Edinburgh Biodiversity Partnership - Wetland Habitat Group.

Invasive Non Native Species (INNS) - There has also been collaboration with Rivers and Fisheries Trust Scotland (RAFTS) over the setting up of an Invasive Species Forum. This will deliver benefits to all rivers within the catchment area.

In terms of future support, the continued production of guidance notes and SEPA's availability to assist the Council as and when necessary, is the support that will be required as we move through the second cycle of RBMP.

4 Do you agree with the proposal to formally split the Orkney and Shetland area advisory group into two separate groups? If not, then please give your reasons.

As this does not affect the Forth Area Catchment area the Council has no comment to make.

5 Do you support the proposed changes to move AAG boundaries to enable better integration with flood risk management?

As this does not affect the Forth Area Catchment area the Council has no comment to make.

6 Do you think we should consider making changes to any other area advisory group boundaries at this time?

The Council is satisfied with the boundary of the Forth area advisory group.

7 Do you agree with the proposal to reduce the emphasis on delivering area advisory forum events and use the mechanisms outlined above instead? Please give your reasons why.

The Council agrees with the suggested mechanisms and see a link with what is proposed and our response to question 2. The Council will work with SEPA to identify local partnerships and groups to help disseminate and share information. For example, the Edinburgh Biodiversity Partnership provides contacts relevant to local partnership catchment projects. In addition the Council has twelve Neighbourhood Partnerships and the Council will work with SEPA to see how these partnerships can help to disseminate information and assist with local partnership working.

8 We have found focused workshops a really good way of working with you. What kind of workshop can you or your sector contribute to? We will consider all suggestions and the feasibility of resourcing them.

Working with SEPA on local planning issues has been helpful, particularly sharing examples of what has worked well elsewhere in terms of policy wording and development management approaches. In terms of future workshops, matters such as riparian management, trees and woodlands, invasive species, access and recreation management would help local managers deliver RBMP and local catchment management objectives.

The Council has a close working relationship with SEPA and piloted an in-house consultation exercise which involved a member of SEPA working with Planning staff one day a week over a period of some months.

9 Should we be considering other ways to involve you in river basin planning? Please provide suggestions as to how you would like to be involved.

The Council is satisfied with the current arrangements and the new approaches proposed through this consultation. The Council has no further suggestions to make.

10 Are there any barriers which you or your organisation faces which may curtail or prevent you from participating in river basin planning? How can these barriers be lessened?

The Council is able to work effectively with SEPA on RBMP matters and see no barriers to this continuing through the life of the second RBMP. It is important however that our participation uses resources effectively, and streamlined consultation processes are put in place. The Council would welcome improvements to SEPA website, particularly the mapping elements, as it has been acknowledged in the past that this has not always been effective.

11 Please tell us what river basin planning data would be most useful to you as we move into the second cycle?

The Catchment Profiles were very useful and should be featured clearly in second cycle eg point pollution pressures, diffuse pollution, water quality, flood risk, ecological quality. In addition to this, regular updates would be helpful. The Council would support planning and profiling at a river based catchment level. This has been useful for the Water of Leith and Almond. Invasive species data, as this is acquired through the INNS project, would also be very useful.

12 As we move towards the second river basin planning cycle, are there any ways that we can work more efficiently and effectively at the catchment-scale?

As in question 7, a focus on engaging with existing local partnerships and stakeholders, such as Local Biodiversity Partnerships, would help to increase effectiveness. This is particularly true for individual catchment projects. Also, wider dissemination of the information about pressures, to these existing partnerships, could improve effectiveness by directing local project delivery.

13 Are there geographic areas or issues we should treat as a priority for a catchment-scale approach, and why?

Catchment scale planning is already in place for the Water of Leith and the River Almond and a similar approach would be helpful for the Brunstane, Niddrie and Braid Burns. There is a need for generic planning policies to cover invasive non-native species and this should be looked at on a catchment scale. In order to keep in step with the development of green networks, the profile and establishment of blue networks within geographical areas should be developed.

14 How can we better integrate or co-ordinate more effectively with other plans and processes to ensure RBMP objectives are incorporated? Can you suggest how we could do this?

The integration of plans and process occurs through the Council's participation with the Area Advisory Group and Flood Group, in addition to partnership working such as the Edinburgh Biodiversity Steering Group and Water of Leith Action Group. The only addition we would suggest is the establishment of special project working groups to address local issues as they arise and working with the Neighbourhood Partnerships as detailed in our response to question 7.

15 Are there key dates in your planning timetable we need to be aware of so we can plan to integrate during review or consultation opportunities?

Key dates SEPA should be aware of include publication of the Proposed LDP in 2013 with anticipated adoption in 2015 and the redraft of the Edinburgh Local Biodiversity Action Plan by 2015.

The Edinburgh and Lothians Forestry and Woodlands Strategy, which includes aims on using woodlands to improve the water environment, will be due for revision in 2017.

16 Do you agree with the key areas that we have suggested above for making improvements to the second river basin plan and planning cycle?

The Council is in agreement with the key areas that have been suggested for making improvements to the second river basin plan and planning cycle. The Council will continue to work with SEPA in the ways described above to see it through to successful completion and implementation.

Appendix 2

Improving the physical condition of Scotland's water environment: A consultation on a supplementary plan for the River Basin Management Plan

List of consultation questions and responses

Section 2 – Vision

- 1 The draft plan emphasises that multiple benefits can be achieved through restoring the physical condition of the water environment. Can you identify ways in which we can deliver a wider range of benefits?**

The benefits described are comprehensive. Securing public engagement and affinity with their water environment will be as important as the practical measures taken by public bodies and partners. Recreational access, volunteering, local community involvement and outdoor learning are all ways in which people enjoy and appreciate inland water in particular. Linking this day to day enjoyment with an awareness of local, national and international context may help realise further benefits at a local level. Engaging and consulting with the widest range of stakeholder will be important to ensure the delivery of the widest range of benefits.

Section 3 – How should we take action?

- 2 The draft plan proposes a framework of actions to deliver improvements in high priority areas for restoration. Do you have any comments on the proposed framework of actions?**

The emphasis on support and encouragement for voluntary measures is welcome. Enforcement may still be needed in some cases but can be counterproductive where there are complex and sometimes competing demands at a local level.

- 3 How can we encourage the adoption of voluntary measures?**

In order to encourage the adoption of voluntary measures it would be beneficial to have best practice and technical advice, as well as SEPA advisory support. The provision of grants would encourage the adoption of voluntary measures and funding for restoration projects will be essential.

Section 5 – Barriers to fish migration

- 4 Do you agree with the approach we are proposing for prioritising barriers to migratory fish? If not, why?**

The approach proposed for prioritising barriers to migratory fish is welcomed. Public consultation in all cases will be essential.

5 Can you suggest any improvements to the actions and responsibilities suggested to tackle fish barriers on rivers?

Overall a flexible approach will be needed as to the most appropriate solution for improving fish passage. Some structures such as weirs have heritage value or other designations and can be highly valued features by local communities and visitors.

The Edinburgh City Local Plan includes a policy which requires developers to remove existing culverts. The Council will continue to work with SEPA to implement this policy. The removal of culverts can be expensive and they are often on private land. The provision of funding would encourage its take up, particularly in rural areas.

Section 6 – Improving the condition of rural rivers and lochs

6 Can you suggest ways of improving the approach we have proposed for restoring the water environment in rural areas? In particular, what are your views on the cost-benefit hierarchy proposed in Table 3?

The Council will take into account the objectives of the cost benefit hierarchy, when redrafting the Edinburgh Biodiversity Action Plan and the Edinburgh and Lothians Forestry and Woodlands Strategy. This will ensure the objectives for improvement to the water environment are included.

7 Do you agree with the actions and responsibilities suggested to improve the condition of rivers and lochs in rural areas? Can you add to these by identifying additional actions and/or responsibilities?

The Council agrees with the actions proposed for the restoration of rivers and lochs.

8 How can we encourage a voluntary approach by land managers to restore the water environment?

A voluntary approach may be encouraged by: promoting the economic benefits of restoration (eg fishery, amenity based income); encouraging non land owning interests to undertake restoration & habitat works (eg local friends groups, trusts, communities, volunteers); and clear, transparent and user friendly funding mechanisms for such projects.

Section 7 – Improving the condition of rivers and lochs in towns and cities

9 Can you suggest ways of improving the approach that we have proposed for restoring the water environment in urban areas?

There is often significant interest at local community level in seeing inland waters in an urban context improved. It may be effective to engage not only with the local authority at a corporate level but at a local community planning level where local community interest may be harnessed to promote improvement works.

10 Do you agree with the actions and responsibilities suggested to improve the condition of rivers and lochs in urban areas? Can you add to these by identifying additional actions and/or responsibilities?

The Council agrees with the actions and responsibilities to improve the water environment. The Council currently has guidance on Sustainable Urban Drainage Systems that has been produced with SEPA and other Lothian local authorities.

11 Are there other policy links which should be highlighted in this document?

Development plans will already have policies on these matters and flood prevention. The Council is involved with the Flood Risk Management Plans currently being developed.

In Edinburgh the Union Canal has become the focus for new development, particularly at Fountainbridge in the City Centre. In December 2011 the Council published 'The Edinburgh Union Canal Strategy' which includes policies and guidance for developing beside or on the canal. Reference could be made to canals, many of which run through former industrial areas and provide regeneration opportunities. As well as rivers, canals are also classed as water bodies.

12 How can we improve our links to key policies and strategies, both in this document and in practice?

It may be beneficial to have a document agreed between SEPA and every local authority covering the measures agreed in the RBMP. This could be actioned through the Area Advisory Groups.

13 Do you have views on how we can work with local authorities and developers to support the delivery of improvements to urban rivers and lochs?

It would be helpful if SEPA provided more robust information based on scientific research for negotiations with developers concerning width of buffer zones (an area of land designated for environmental protection). This should include advice on the width required to maintain habitat for otters and water vole populations and width of buffer zone, in general, to achieve amenity and wildlife value. This can then be translated into policies in the local development plan.

Also it would be helpful if SEPA could provide design advice based on collaborative work between landscape architects, engineers and geomorphologists on up to date techniques of riverside design with examples of setback and improvements that can be secured through altering the existing walls on streams and rivers in urban catchments by the use of bio-engineering techniques. Examples from urban riverside regeneration projects in Britain would be helpful, with photographs. These can then be used as negotiating tools in the planning process.

Section 8 – Improving the condition of estuaries and coasts

14 Can you suggest ways of improving the approach we have proposed for restoring the water environment in coastal areas?

The improvement of water quality in the coastal area will rely heavily on partnership working between a wide range of groups including Marine Scotland, SEPA, local authorities and others. The challenge will require the careful balancing of the various environmental aims in coastal location.

15 Do you agree with the actions and responsibilities suggested to improve the condition of coastal areas? Can you add to these by identifying additional actions and/or responsibilities?

The Council agrees with the actions and responsibilities suggested to improve the condition of coastal areas. However it should be clarified that managed retreat is an acceptable method of improving the physical condition of the coastal environment but it is not a flood prevention measure. It may be beneficial for SEPA to create a guidance note to cover this topic.

Section 9 – Restoration and flood risk management

16 Can you suggest ways of improving the approach we have proposed for reducing flood risks and delivering improvements in the condition of the water environment?

To avoid any confusion the approach should be set out clearly in the Flood Risk Management Plans.

17 Do you agree with the actions and responsibilities suggested, and can you add to these by identifying additional actions and/or responsibilities?

The Council agrees with the actions and responsibilities as stated. The responsibilities of the Flood Risk Management Plan (FRMP) and River Basin Management Plan (RBMP) must continue to be clearly stated to avoid confusion between the two. This will be particularly important to avoid confusion in relation to funding of projects that deliver the objectives of each plan.

Section 10 – Implementing this plan

18 We have suggested that river basin planning advisory groups can play an important role in taking a partnership approach to setting and addressing restoration priorities. What are your views on this suggestion, and how it could operate?

The work of the river basin planning advisory groups, have proved to be successful to date. It will be important that strategies and actions identified at a river basin level are communicated and translated into effective opportunities at the local level. This may help land managers and communities identify and deliver a wider range of smaller projects which collectively would help meet the river basin management plan objectives. For example there may be local

community grants available for projects which deliver direct benefits for local people, but also contribute to achievement of regional water quality objectives.

19 We have identified a number of areas where policy and funding options are developing and may offer opportunities for the future. Do you agree with the opportunities that we have identified?

The Council agrees with the opportunities which have been identified throughout the document.

20 Are there other emerging policies and funding streams which could help to deliver restoration?

The Council has no further comments to add to those already provided in the consultation response.