

Transport and Environment Committee

10am Tuesday 3 June 2014

Scottish Environment Protection Agency Consultation - Scotland river basin district

Item number 7.15
Report number
Executive/routine
Wards All

Executive summary

The Scottish Environment Protection Agency (SEPA) is required to prepare a second river basin management plan by the end of 2015. This consultation provides the Council with the opportunity to contribute to the development of new approaches to address the significant water management challenges in the Scotland river basin district. These challenges are:

- rural diffuse pollution;
- impacts on the physical condition of the water environment;
- toxic substances and urban diffuse pollution: and
- water pollution caused by land contamination.

The Committee is invited to approve the Council's response to the consultation.

Links

Coalition pledges

Council outcomes [CO18](#),
[CO19](#)

Single Outcome Agreement [SO4](#)

Scottish Environment Protection Agency Consultation- Current condition and challenges for the future: Scotland river basin district

Recommendations

- 1.1 It is recommended that Committee approves Appendix 1 as the Council's response to the consultation on the Scotland river basin district.

Background

River Basin Management Planning

- 2.1 In 2000, European legislation introduced the Water Framework Directive (WFD). 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.
- 2.2 The key aim of the WFD is for all river, 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.
- 2.3 To fulfil this aim, SEPA has developed and 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 the implementation of the SRBMP, a series of eight (regional) Area Management Plans (AMPs) 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.
- 2.4 The river basin planning process is used to prioritise and coordinate efforts to protect and improve Scotland's water environment. Scotland's first plan was

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published in 2009. The 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). This consultation includes:

- a description of the current condition of the water environment and the protected areas in the Scotland river basin district;
- an assessment of progress towards achieving the targets set for 2015; and
- identification of the significant water management challenges needed to be addressed in order to meet the objectives of the second and third cycles of river basin management plans.

2.5 The Council accepts the description of the condition of the water environment and the assessment of progress towards achieving the 2015 targets. This report, therefore, focuses on the third bullet point dealing with options for the specific water management challenges the plan will need to address and the Council responses to the suggested options.

Main report

Current condition and challenges for the future: Scotland river basin district

- 3.1 The Consultation takes the form of a series of question relating to the options proposed to deal with the challenges. Answers to these are given in the proposed Council response at Appendix 1. Comments are to be returned to SEPA by 22 June 2014.
- 3.2 SEPA recognises that, in order to deal with these challenges, a step change in its approach and that of the relevant responsible authorities, of which local authorities are one, will be required. Detailed below are the four areas where significant water challenges have been identified and some of the key points of the Council's response to the options proposed to deal with them.

Rural diffuse pollution

- 3.3 Rural diffuse pollution, such as fertiliser run off is seen as a major challenge to the water environment. The options proposed are supported. One option for dealing with this challenge is to target funds at measures such as creating woodland or wetland to act as interception buffers. The Edinburgh and Lothian Woodland Strategy 2012-17, to which the Council is signed up to, will assist in supporting these measures.

Changes to the physical condition of the water environment

- 3.4 The options proposed for improving the physical condition of the water environment are supported. Through the planning process the Council will continue to oppose further culverting across the city and the removal of existing culverts will be sought where possible.
- 3.5 The options to engage more with partners, to identify and secure ways to deal with physical barriers, is welcomed. This is particularly relevant to the historic environment as some of the barriers in rivers have considerable historic and cultural value to local communities and may have formal protection. Their views on how best to deal with these physical barriers need to be given careful consideration.
- 3.6 A more integrated approach to working with responsible authorities is also proposed. A good example of how the Council has already achieved this is work with SEPA on local development plan policy. The policy states that development will only be permitted where there will be no significant adverse effect on water quality. The Edinburgh Local Biodiversity Action Plan is also an example of where an integrated approach has resulted in positive action on the local water environment, such as dealing with invasive non-native species (INNS).

Toxic substances and urban diffuse pollution

- 3.7 The options proposed to address toxic substances and urban diffuse pollution are supported. Various toxic substances are identified in the consultation document as needing to be addressed in the plan. One of the options proposed for dealing with these pollutants is the retrofitting of sustainable urban drainage schemes. Whilst the benefits of this approach can be seen, this will present a challenge in some urban areas due to pressure on land availability. It is also suggested that SEPA gives consideration as to how such retrofit schemes will be funded.
- 3.8 The proposal to use green networks as a way of dealing with diffuse pollution is welcomed. The Council is a signatory to the Central Scotland Green Network declaration and is working in partnership with other local authorities and SEPA to support and deliver a range of projects.

- 3.9 Engagement and, where appropriate, enforcement in relation to land owners and acceptance of responsibility for diffuse pollution and non-native invasive species (INNS) would be a priority. The development of the INNS strategy is welcomed as a way of preventing damage to the physical environment. As a responsible authority, the Council continues to work on its land to tackle INNS and ensure that any INNS on a development site are dealt with appropriately through conditions.

Water pollution caused by land contamination

- 3.10 The Council supports the options for dealing with contaminated land. As a planning authority, the Council will continue to work with SEPA in an integrated way over the identification, treatment and redevelopment of contaminated land.

Management challenges

- 3.11 Overall, the assessments of the management challenges described in the report are relevant and appropriate. However, it would also be beneficial if more explicit information is made available on the practices that will help river management adapt to the specific challenges of climate change. It is noted that there is research work linked to climate change in the Solway Tweed consultation which SEPA is currently undertaking. It would be beneficial if the links to climate change, identified in the Solway Tweed consultation, were developed for the Scottish river basin district.

Continued support for SEPA's work on the second river basin management plan

- 3.12 The Council will continue to take an active role in the Area Advisory group meetings for the Forth catchment area. Matters such as the historic environment and physical challenges of urban water courses can be further considered at these meetings.
- 3.13 The Council is committed to working with the local communities in Leith, including those with an interest in the Water of Leith and its river basin. The Council has prepared a Waterfront & Leith Area Development Framework (2011) which promotes the preparation of a management plan to guide the future development of central Leith, principally to consolidate its urban form, animate waterspace and enhance amenity and sustainability.

Measures of success

- 4.1 The Council's views are taken into account in the preparation of the second Scottish River Basin Management Plan.

Financial impact

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

Risk, policy, compliance and governance impact

- 6.1 The SEPA proposals will not impact directly on Council projects but will provide an ongoing context for future programme delivery.

Equalities impact

- 7.1 SEPA will carry out equalities assessments of the documents.

Sustainability impact

- 8.1 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. River Basin Management Planning will contribute to a well adapted Edinburgh, more resilient to a changing local climate.
- 8.2 Relevant Council sustainable development policies have been taken into account and are noted at Background Reading later in this report.

Consultation and engagement

- 9.1 The Council's response has been prepared following engagement with relevant Council services. 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 directly to SEPA.

Background reading / external references

The SEPA website is the main source of background information for this consultation. A link to the consultation document is listed below, along with other relevant background reading:

[Current condition and challenges for the future: Scotland river basin district](#)

[Edinburgh Biodiversity Action Plan 2010-15](#)

[local and strategic development plans](#)

[Edinburgh and Lothians Forestry and Woodlands Strategy 2012-17](#)

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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 and maintenance of infrastructure and public realm

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

Appendices Appendix 1 – Consultation response form

Appendix 1

Current condition and challenges for the future: Scotland river basin district

List of consultation questions and responses

1A. What are your views on the options suggested for meeting the challenge posed by rural diffuse pollution?

The Council welcomes the approach to the suggestions to mitigate rural diffuse pollution. Education and funding support will be the key drivers in influencing and changing current land practise approaches. The suggestion of targeting funding to address specific problem sites, using measures such as creating woodland or wetland buffers to intercept pollutants, might also provide other benefits such as mitigating flood risks and enhancing habitat for biodiversity gains.

The Edinburgh and Lothians Forestry and Woodlands Strategy 2012-17 also supports this approach through the policy to protect and enhance the water environment. The objective of the policy is to ensure that opportunities to improve water quality through woodland planting and restructuring are reflected in the next cycle of River Basin Management Planning 2015 -2020, securing where possible multiple environmental and social benefits.

1B. Do you have other suggestions for how to address rural diffuse pollution?

The plan should make explicit reference to the likelihood that increased, more intensive winter rainfall in the future will wash more fertiliser out of soil and into rivers and, in turn, artificially nourish plants, including toxic algae etc. Conversely, the plan should highlight that the increased likelihood of summer droughts, in the future, will lead to increased run-off during wet weather events in summer. Work is also required to ensure that any changes to the Scottish Rural Development Programme support measures to address rural diffuse pollution.

2A. What are your views on the options suggested for meeting the challenge posed by changes to the physical condition of the water environment?

The options proposed for improving the physical condition of the water environment are supported. Through the planning process, the Council will continue to oppose further culverting across the city and the removal of existing culverts will be sought where possible.

Generally the measures proposed fit well with the approaches being taken to deliver catchment scale, multiple-benefit partnership projects. However, funding remains a barrier to delivering these types of projects on a large scale. They are also very time-consuming to develop and deliver. Therefore, support and funding for physical watercourse improvements at a local scale should continue to be available through existing funding schemes and the Council would support any expansion of such schemes.

The expansion of engagement work is welcomed, in particular where this relates to the historic environment. Some of the physical barriers in the rivers have considerable historic and cultural value to local communities and may have formal protection. Local views on how best to deal with these barriers need to be given careful consideration.

The Council welcomes the need for partnering initiatives to actively encourage and enforce improvements to the physical condition of the rivers. Good examples of this include working with SEPA to develop local development plan policy, which states that development will only be permitted where there will be no significant adverse effect on water quality. The Edinburgh Local Biodiversity Action Plan is also an example of where an integrated approach has resulted in positive action on the local water environment, such as dealing with invasive non-native species (INNS).

The Council welcomes the further development of this integrated approach to working to ensure co-ordination and integration of the River Basin Management Plan with other strategic plans and policies, in order to better protect the water environment and promote its sustainable use. The Flood Risk Management (Scotland) Act 2009 underpins the need for partnership working in providing flood risk management approaches to watercourses on a district basis. During the formation of the Local Flood Risk Management Plan, it is hoped that the principles of the River Basin District objectives can be interlinked with the proposed measures.

2B. Do you have other suggestions for how to address changes to physical condition?

Increasing capacity and knowledge within responsible authorities and public bodies should be part of this work. The Council will continue to work in partnership with SEPA to identify and develop training for staff of both organisations in relation to RBMP.

3A. What are your views on the options proposed for Brominated diphenylethers?

The option of retrofitting sustainable urban drainage schemes (SUDs) has been suggested as a way of dealing with pollutants. However this could be a challenge in some urban areas due to pressure on land availability. Consideration should also be given as to how such retrofit schemes will be funded.

3B. What are your views on the options proposed for Mercury and Cadmium?

As above

3C. What are your views on the options proposed for Polyaromatic hydrocarbons?

As above

3D. What are your views on the options proposed for Nonylphenol?

As above

3E. What are your views on the options proposed for Diethyl Hexyl Phthalate?

As above

3F. Do you have other suggestions for options for toxic substances?

No further comment is suggested on toxic substances.

4. Do you have suggestions on how to address the wider challenges of urban diffuse pollution?

SEPA should work closely with Scottish Water on its revised 'Sewers for Scotland' document as this will define how new SUDs schemes are specified. The consultation document does not make any specific reference as to how SEPA will work with Scottish Water on issues relating to SUDs. Acknowledgment within the document of how these organisations work closely together would help provide this clarification.

Street trees are a method to reducing this pollution. It would be useful for planning authorities to have a summary of the latest research to help them understand the diffuse pollution impact on the water environment and the effect of increasing the number of street trees in new areas of development.

It is suggested that petrol interceptors within drainage systems could be easily incorporated in SUDs at the point of discharge.

The proposal to use green networks as a way of dealing with diffuse pollution is welcomed. The Council is a signatory to the Central Scotland Green Network declaration and is working in partnership with other local authorities and SEPA to support and deliver a range of projects.

Engagement and, where appropriate, enforcement in relation to land owners and acceptance of responsibility for diffuse pollution and non-native invasive species (INNS) should be a priority. The development of the INNS strategy is welcomed as a way of preventing damage to the physical environment. As a responsible authority, the Council continues to work on its land to tackle INNS and, when giving consents such as planning permission, ensuring that any INNS on site are dealt with appropriately through conditions.

5A. What are your views on the possible options suggested for meeting the challenge posed by contaminated land on the water environment?

The Council supports the options for dealing with contaminated land. As a planning authority, the Council will continue to work with SEPA in an integrated way over the identification, treatment and redevelopment of contaminated land.

5B. Do you have other suggestions for how to address water pollution from land contamination?

The register of contaminated sites could be a useful tool for this area of work. Some sites are obvious such as old gas works and petrol stations, but there will be others e.g. tanneries and foundries. A desk top exercise could identify most of these. There is extensive guidance on dealing with contaminated sites. As stated in the consultation, re-development is one way that these sites will be remediated, but it could take a long time before all sites are dealt with in this way. Consideration of incentives (from Central Government) to developing contaminated land, in appropriate ways, could be explored.

6. Do you agree with our assessment of the management challenges described in this report?

Overall we are satisfied that the assessment of the management challenges described in the report is appropriate. However, it would also be beneficial if more explicit information is made available on the practices which will help river management adapt to the specific challenges of a changing climate. It is noted that there is research work linked to climate change in the Solway Tweed which SEPA is currently undertaking. It would be beneficial if similar links to climate change identified in the Solway Tweed consultation were developed for the Scottish river basin district.

7. Are there any other areas you can contribute to for second plan development that you would like to discuss further?

Historic Environment

The options, as presented, do not take into account fully the historic environment which forms a key component of the landscape of our nation's waterways. It is recommend

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that further consideration is given to the integration of policies which will seek to protect both designated and non-designated historic environment assets. There needs to be recognition of the wide range of positive benefits that the protection and enjoyment of the historic environment can bring. It is further recommended that SEPA works with Association of Local Government Archaeological Officers (ALGAO) Scotland, Historic Scotland and others within the historic environment sector to develop both heritage policies and the development of conservation measures and retrofit solutions which will help ensure natural environment targets are met but not at the expense of the historic environment

Water of Leith

The Council is committed to working with the local communities in Leith, including those with an interest in the Water of Leith and its river basin. The Council has prepared a Waterfront & Leith Area Development Framework (2011) which promotes the preparation of a management plan to guide the future development of central Leith, principally to consolidate its urban form, animate waterspace and enhance amenity and sustainability. The Council has recently participated in the Leith Conference, organised by the Leith Trust, and has undertaken to work with the Trust to help realise its ambitions, and in this regard will undertake a review of projects, proposals and priorities of the Waterfront & Leith Area Development Framework in due course.

The Council is committed to continuing its work with the Water of Leith Conservation Trust to enhance and improve the Water of Leith, through delivery of the Water of Leith Management Plan 2010-20.

Urban watercourses

There is little discussion of pressures from land use change or development pressures on watercourses in urban areas.

Further discussion of these issues can take place through the Area Advisory group meetings.