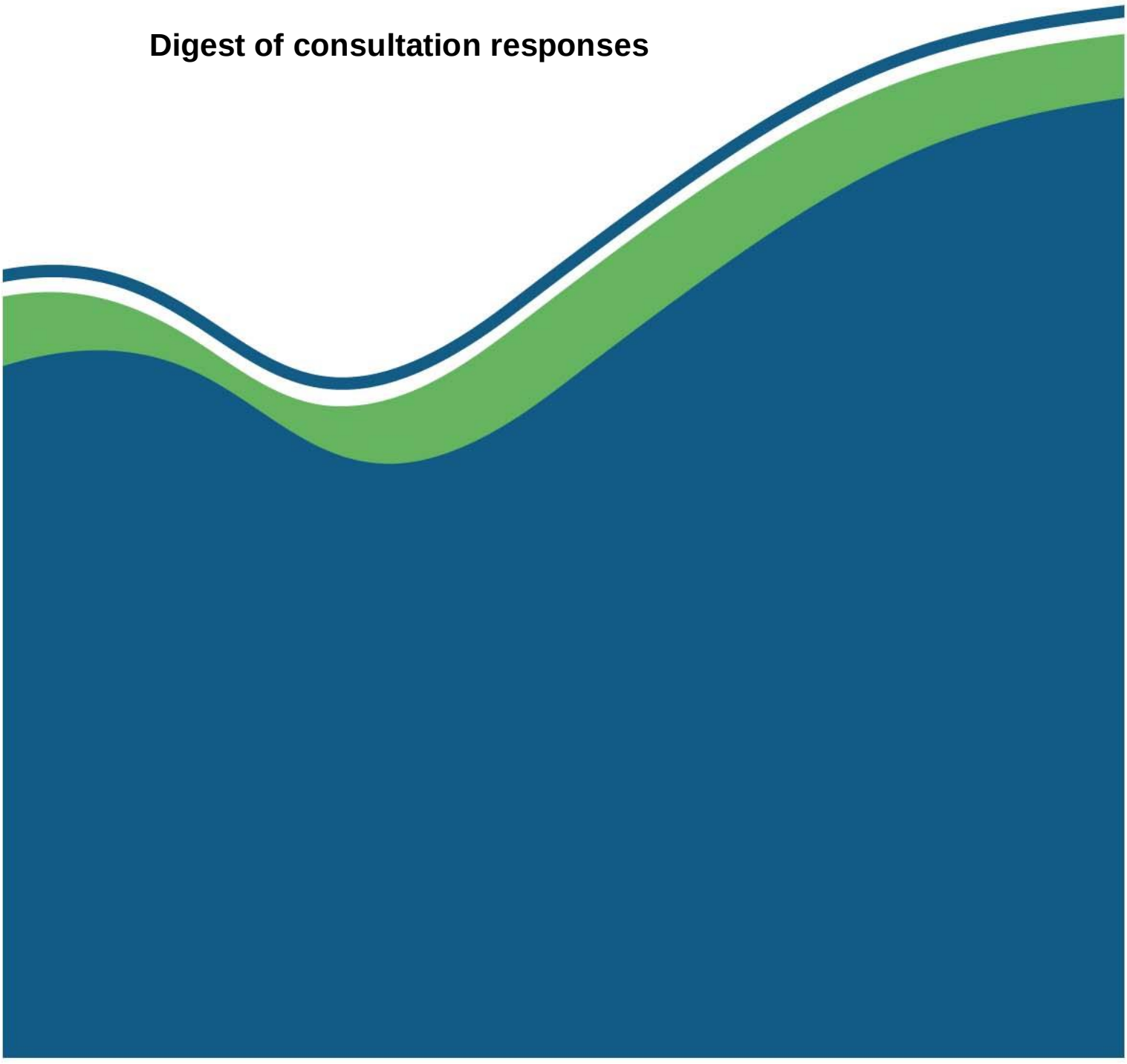
Improving the physical condition of Scotland's water environment

Digest of consultation responses



Introduction

In November 2012, we published a draft plan on improving the physical condition (morphology) of the water environment. The aim of this plan was to identify the work and resources needed to deliver Scotland's river basin management planning objectives for the physical condition of the water environment, as well as a wide range of environmental, social and economic benefits.

The document was published on our website on 21 November 2012, following a launch by Scotland's Minister for Environment and Climate Change, Paul Wheelhouse. The consultation was open for 14 weeks, and was publicised via press releases and direct emails to all organisations involved in the network of advisory groups established to deliver river basin management planning in Scotland.

Summary of responses

In total, 27 responses were received to the consultation. These are summarised in Table 1 below.

Table 1. Consultation response by organisation or individual

Aberdeen City Council	Ness & Beauly Fisheries Trust
Alison Espie	Rio Tinto Alcan
Association of Salmon Fishery Boards / Rivers and Fisheries Trusts of Scotland	RSPB Scotland
Ayrshire Joint Planning Unit	Scottish Land and Estates
City of Edinburgh Council	Scottish Natural Heritage
Cromarty Firth Fishery Board & Trust	Scottish Water
East Lothian Council	Spey Catchment Initiative
Esks Rivers and Fisheries Trust	sportscotland
Forestry Commission Scotland	SSE
Galloway & Southern Ayrshire Biosphere Partnership	The River Restoration Centre
Herriot Watt University	Tweed Forum
Institution of Civil Engineers Scotland	University of Dundee
Kamrul Ahsan	West Dunbartonshire Council
National Farmers' Union of Scotland	

Response details

The consultation document asked 20 questions. General comments, plus responses to these questions are discussed for each section of the consultation document. A full log of comments and changes made has also been developed.

Section 2 – Vision

In general, responses to this section welcomed the proposed links to the Scottish Government's Land Use Strategy, and the principles which were used to develop the plan. However, several responses emphasised the need to ensure that water use and land use are integrated at a catchment scale. It was also noted that the plan should acknowledge more strongly the full range of ecological aspects of catchment management.

With regard to the objectives, it was suggested that the document should focus on sustainable development rather than sustainable economic growth, and that references to cost-effectiveness should be reconsidered. Some specific editing suggestions were made for the structure in this section of the document.

On policy integration, some responses recommended a stronger focus on ecosystem services, and a more integrated approach to delivering the Water Framework Directive, Flood Risk Management Directive and the Scottish Biodiversity Strategy. A review of the operation of links with strategic and land use planning was also suggested.

Question 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 main recommendations on delivering a wider range of benefits are summarised below:

- Map out and work with partner organisations and engage with the public to understand the full range of values which they place on the environment, and identify where actions will have most value.
- Place more emphasis on public use of the water environment, and link this day to day enjoyment with an awareness of local, national and international values.
- Develop clear and detailed priorities, using objective criteria and then refining these through stakeholder consultation. Undertake this prioritisation at a catchment scale, so that partnership projects can make planned progress towards improvement in the overall physical condition.
- Recognise that multiple benefits cannot be sought everywhere; trade-offs will be required, and it should be accepted that some land-uses may take priority

in certain areas.

- Funding is important to achieving this vision; it will be important to work with partners and to develop locally appropriate solutions and funding packages. Existing catchment initiatives may offer a practical way to identify and deliver a range of benefits.

- Seek wider input into practical actions from a range of organisations.

Response:

- A stronger focus has been placed on working at a catchment scale, throughout the document.

- More reference has been made to partner organisations and the public, including existing catchment management initiatives, throughout the document.

- Additional references have been made to ecosystem services, and ecosystem services approaches.

- References to 'cost-effectiveness' have been altered throughout the document, but the term 'sustainable economic growth' has been retained to ensure clear links with Scottish Government policy.

Section 3 – How should we take action?

Question 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?

- Generally, responses to this section of the plan were positive about the emphasis that was being placed on the use of a voluntary approach. However, there was a split between those who were concerned about over-reliance on voluntarism, and those who wished a clearer statement that a regulatory approach would be avoided wherever possible.

- It was recommended that clearer statements on funding, policy links, and priorities would help to guide action within this framework.

- There were queries around how a range of different uses would be considered when taking decisions on restoration, and how management agreements might operate.

- Some responses indicated that the role of CAR with relation to management agreements, and other ways in which CAR could contribute, required clarification.

Response:

- The framework of actions has been rewritten, and includes explanation of the role of regulation.
- Statements on prioritisation, funding and policy links have been strengthened.

Question 3:

How can we encourage the adoption of voluntary measures?

Broadly, responses to this question highlighted that 'true voluntary' measures would be rare, and almost all responses identified a need for funding to encourage a voluntary approach. In summary, the following needs were identified:

- Clear communication to explain why restoration is needed, and demonstration of the wider benefits that can be achieved through this approach. This should include community level awareness raising.
- Catchment wide studies to help prioritise where measures are needed, and facilitation to 'encourage' the voluntary approach in these areas.
- Face to face engagement with land managers and provision of targeted technical advice.
- Good funding and other incentives. In particular, the Water Environment Fund, SRDP and Scottish Water Incentive Scheme were discussed as potential source for funding *if* considered in an integrated way.

Response:

- The focus on communicating the need for restoration has been increased in Section 3.
- The text on prioritisation has been expanded.

Section 5 – Barriers to fish migration

Question 4:

Do you agree with the approach we are proposing for prioritising barriers to migratory

fish? If not, why?

Overall, the majority (over 80%) of those who responded to this question were supportive of the approach. This section of the plan was generally viewed positively in terms of setting out clear and focused priorities.

For those who disagreed with the proposed approach, this was primarily due to concerns that SEPA (rather than fishery trusts) should take the lead in establishing priorities for action, and that this prioritisation should be a transparent and consultative process involving a range of stakeholders. One respondent noted that fish barriers were not a significant issue for restoration, and should take a lower priority in the plan.

Comments on the approach are summarised as follows:

- There would be tensions between local and national priorities, both in terms of competing priorities within the fishery sector, and around the operation of licensed structures.
- Wider consultation would be needed before the priority lists were agreed.
- There is a need to consider the wider morphological impacts of barrier removal. Local authorities and SEPA must be involved in assessing these impacts.
- The recreation, social and cultural value of historic structures should be considered in any assessment of fish barriers.
- There should be a focus on 'significant impact on use' in these restoration decisions, rather than 'cost effectiveness'.

Response:

- Roles have been set out for SEPA, RAFTS, advisory groups and other organisations in setting priorities.
- A statement on consultation on priorities, as part of the second RBMP consultation, has been added.
- Multiple benefits consideration has been added to the prioritisation, and reference has been made to a range of values which should be considered in fish barrier assessment.
- Reference to cost effectiveness has been replaced with references to proportionate approach.

Question 5:

Can you suggest any improvements to the actions and responsibilities suggested to

tackle fish barriers on rivers?

- Some responses to this question advocated a more integrated approach, where fish barriers and other morphological pressures are considered together at a catchment scale.

- As above, some respondents wished to see a stronger role for SEPA and local authorities in tackling fish barriers. This was seen as important to avoid unforeseen morphological and flood risk impacts, ensure consideration of cultural heritage issues and to ensure a fair and transparent consultation on priorities.

- There were a number of questions and comments about the use of powers to require asset owners to improve fish passability. Some respondents (primarily from the fisheries sector) welcomed this, while others warned that additional financial resources would be needed to ensure this restoration.

- The role which CAR plays, and could play, in regulating barriers was questioned. Several respondents stressed the need to tackle regulated barriers at the same time as barriers which are being addressed through the voluntary approach, to ensure an integrated catchment approach. One response asked why CAR could not be extended to regulate all barriers with an owner.

- The role of local authority policy, such as deculverting policy, can play a role in tackling fish barriers, and should be recognised. The idea of making culvert improvement part of local authority maintenance schedules, with recognition of the potential multiple benefits of improving these structures, was emphasised.

Response:

- The roles of different stakeholders in this process, and the role of regulation, has been clarified.

- SEPA and local authorities have been given an increased role in this table.

Section 6 – Improving the condition of rural rivers and lochs

Questions 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?

This section of the draft plan received a lot of comments. In the main, most responses were positive about the cost-benefit hierarchy and believed it to be generally logical, as long as it was used as an indicative tool only. Many responses

also asked for wider consultation to develop the hierarchy. Some specific problems were highlighted with this approach, as well as recommendations to improve it.

Generally, responses from the land management sector wished to see a more robust framework which differentiated clearly between different land categories, and spelt out a proportionate approach for each. Some other responses felt that a broadly indicative approach was more flexible and would help to guide action. Specific issues raised were as follows:

- A more detailed evaluation of farmland, recognised by agricultural stakeholders, would help to take these decisions. The Land Capability for Agriculture (LCA) classification was suggested as a possible approach. It was suggested that there should be an acceptance that re-meandering should not be an objective for land classes 1-4, although this would not preclude re-meandering work by willing landowners.

- However, a number of respondents felt that even high quality farmland would have a role to play in restoration on some occasions, and that this should be recognised in the table.

- A stronger link with WFD classifications was urged throughout this hierarchy.

- The role of forestry should be represented more accurately in the table.

- The costs of restoration should be recognised as well as the benefits.

- The references to buffer strips were welcomed as a way to enable access and recreation. This raised the possibility of more diverse funding sources for restoration. However, concerns were also raised about fencing off watercourses, and the need to find a solution to cattle watering which avoids poaching.

- More generally, a review of the different funding available in different areas was requested. Some respondents highlighted the need to influence future SRDP funding.

- The role of cross compliance was raised as a way of securing improvements.

- Several respondents focused on the need for good understanding of processes at a catchment level.

- The reference to HMWB designation as part of the approach to improving the physical condition of water bodies should be removed. HMWB designation is part of the overall proportionate approach, but should not form part of the table.

- The role of AAGs in helping to prioritise and deliver these improvements was recommended by several respondents, who asked for a reference to AAGs in the table. In addition, area management plans were seen as a way of directing priorities at a local level.

Response:

- Table 3 has been revised to reflect feedback, and the document contains references to further consultation with stakeholders on these approaches.

Question 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?

Most responses to this section broadly agreed with the actions and responsibilities set out. However, a number of issues were raised, concerning:

- The need for the identified lead organisations to consult appropriately with other organisations.
- The importance of acknowledging food production as a 'wider benefit'.
- The need to take a broader view than simply focusing on land values. It was argued that land value can influence the location of restoration but should not constrain it. A balanced approach should be taken to considering costs and benefits, and setting objectives within a catchment.
- The development of a standard approach to assess the hydrological and ecological impacts of different options.
- The importance of encouraging a strong focus on management of the upper catchment.
- The need for more proactive actions to tackle damaged riparian vegetation.

Response:

- Further emphasis has been placed on a catchment approach, and the value of food production.
- A catchment approach for the second RBMP cycle has been introduced, which will help to ensure a proactive approach.

Question 8:

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

In general, responses to this section were similar to those given to Question 3, focusing on communication, engagement and incentive through funding, particularly SRDP. Demonstrating the potential benefits of this approach, and offering technical support were seen as particularly important. Engagement, ideally through an independent body, was seen as a key approach.

Response:

- A stronger emphasis has been placed on communication and engagement, particularly in partnership with responsible authorities and other organisations such as catchment partnerships.

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

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

Generally, most responses agreed that the approach to securing improvements in urban areas would be an opportunistic one, but that the right policies and good levels of awareness could help deliver this as effectively as possible. Other issues raised were:

- The importance of giving accurate data and good information to local authorities, and engaging to raise awareness. Demonstration sites could help with this process, and it was emphasised that work with communities and the education system would also be needed.

- Greater demonstration of the economic benefits of restoration, perhaps through an ecosystem services approach.

- Questions over how well SUDS operate, the issues regarding adoption of SUDS, and health and safety concerns over SUDS – these need to be resolved if SUDS are to play a positive role as part of urban water body restoration.

- The need to consider a wider range of policy links, including recreation, core paths and access work.

- The difficulties in relying on developer contributions to deliver improvements. It was noted that developers cannot be made to pay for or implement measures which are not necessary, relevant to planning, relevant to their proposal, enforceable, precise and reasonable in all other ways, however desirable an action may be in terms of public policy.

Response:

- Policy links have been reviewed, and work with communities and education is

referenced.

- We have emphasised the economic benefits of restoration, and made reference to the ecosystem services approach, elsewhere in the document.

- We have reviewed the chapter with reference to restrictions on developer contributions.

Question 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 majority of respondents agreed with the actions and responsibilities, but there was some concern that the actions were vague, and that no specific funding streams had been identified. In addition, it was noted that:

- SEPA will need to be more proactive if meaningful improvements are to be delivered in urban areas. This should be reflected in the table.

- Other organisations would be interested in being consulted on any technical advice produced to support this approach.

- An evidence based approach would help to deliver these actions, and technical advice and guidance could help to drive the approach.

Response:

- The role of SEPA has been strengthened in the table, and the need to consult with a range of other organisations has been noted.

Restoring the physical condition of the water environment will rely on links with existing policies and strategies, such as green network strategies, forest and woodland strategies, local and strategic planning policies.

Question 11:

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

Most respondents were satisfied with the policy links listed in the document, but additional or improved links were suggested with:

- sustainable transport policy agenda;
- health and wellbeing (related to recreation and access);
- local biodiversity action plans and biosecurity plans;

- flood risk management plans and strategic flood risk assessments;
- Scottish Soils Framework;
- green infrastructure and surface water management plans;
- regeneration policy, particularly relating to canals and waterways;
- SUDS guidance, and buffer strip policy examples from individual local authorities;
- national park plans.

Response:

- A small amount of further text has been developed to incorporate the suggested policy links (some in flooding chapter). We will consider how to work on remaining policy links when implementing the plan.

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

Responses to this question highlighted the need for improved communication between SEPA and a range of organisations, as follows:

- Engagement with local authorities on green networks, development planning and flood risk management was seen as particularly important. It was suggested that each local authority should have a document agreeing their measures as set out in RBMP, which could then be supported by AAGs.

- Engagement with the planning system, so that developers are aware of areas needing improvement from an early stage.

- Engagement with a range of government departments and NGOs.

- More generally, better use of case studies to encourage links in practice, and establishment of catchment level projects which demonstrate links to delivery of key policies and strategies.

One response also highlighted the need for better internal communication between SEPA functions such as diffuse pollution, flood risk management and RBMP.

Structurally, it was suggested that the document should focus on each of the benefits which could be achieved by restoration, and then establish links to relevant policies, strategies and partners.

Response:

- Further work is being developed to build better links with local authorities, developers and NGOs and government departments on RBMP measures. This will develop and disseminate illustrative case studies.

- SEPA will continue to work to improve links between policy areas and RBMP through internal communication.

Question 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?

Most respondents referred to answers given under other questions, but additional comments included:

- SEPA should provide robust evidence on approaches such as buffer zones, giving advice on widths needed to maintain habitat and amenity value, so that these can be incorporated into planning policy and guidance.
- SEPA should work collaboratively with landscape architects, engineers and geomorphologists to provide design advice on restoration techniques. Examples with photographs could then be used as negotiating tools in the planning process.
- Make closer links with flood risk management work.
- SEPA should develop better links with planners, especially at key stages of local plan work.
- SEPA should make responsible authorities aware of their obligations, and revisit development and strategic planning processes to ensure that WFD is integrated into key planning processes. Where necessary, instruction and support should be given to ensure that regulatory decisions seek environmental improvements.

Response:

- Further work is being planned to develop guidance and case studies, in partnership with responsible authorities.
- SEPA's engagement with the planning system is reflected in a stronger role in the table.

Section 8 – Improving the condition of estuaries and coasts

Question 14:

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

Most responses to this question simply highlighted the need for partnership working between Marine Scotland, SEPA, local authorities and other organisations to achieve

an approach which links terrestrial and marine issues. RBMP was seen as having a key role to play in ensuring this integrated approach.

It was also noted that coastal defences are a key pressure on coastal areas, and should be listed under the key morphological pressures at the start of the plan document.

Response:

- Coastal defences in have been listed in the key morphological pressures at the outset of the plan.

Question 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?

This section of the consultation received few comments, and most agreed with the table. The following amendments were suggested:

- An action should be added for Scottish Government and SEPA to clarify the mechanisms that might be used to deliver managed realignment.
- It was noted that managed retreat is not a flood prevention method, and that additional guidance on managed retreat could be beneficial.
- As with urban water bodies, it was noted that developer contributions cannot be used unless certain tests are met.

Response:

- An action has been added on mechanisms for managed realignment, as suggested.
- Text on managed retreat and developer contributions has been reviewed.

Section 9 – Restoration and flood risk management

Question 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?

There were some general comments about the role of FRM local advisory groups,

and improved communication on sustainable flood management. In particular, information on wider benefits was seen as important, and several responses asked that catchment level work be used to gather evidence and case studies.

- A clear link was advocated between this approach and the text of flood risk management plans.
- Web mapping data on natural flood management should be made available to all land managers.
- Further information was requested on how SEPA will prioritise waterbodies which are in potentially vulnerable areas (PVA) for flooding, and require restoration.
- The Section 20 Assessment was seen as a key opportunity, and it was noted that restoration may be needed higher in catchments, above the PVA.
- It was recommended that the section on flooding should make reference to dredging and sediment management, strategic flood risk assessment and set back embankments.
- There was concern at the presumption that high value land would be excluded from flood risk measures.
- A more detailed look at catchment level was recommended.
- The role that hydro dams and reservoirs could play in flood risk storage and management was emphasised.

Response:

- This section has been reviewed and updated with Flood Risk Management colleagues in SEPA and Scottish Government.

Question 17:

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

While there was general agreement with this table, there was some concern that it lacked focused actions.

In addition:

- There was a need to set out actions to deliver the strategic approach, focusing on methods and how to measure environmental improvements.
- There was a suggestion that a non-agency 'honest broker' could be needed to negotiate with landowners and drive natural flood risk management approaches.

- The logic of the text about embankments was questioned.
- It was suggested that area advisory groups (AAG) should be listed in the table, with a role in stakeholder engagement.
- SEPA's work to communicate about sediment management should be listed as an action. This could provide improved explanation of the role that dredging can play in exacerbating and managing flooding.

Response:

- Text about embankments has been updated, and AAGs added to the table where appropriate.
- Text on sediment management has been added.

Section 10 – Implementing this plan

Question 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?

Again, many responses were positive about the partnership approach, both because it avoided setting up new processes, and because these groups were seen as having a role to play in co-ordinating stakeholders, identifying multiple benefits, setting priorities and delivering action. However, it was noted that:

- Some AAGs have found it difficult to move from strategy into action – so this process may need to use task groups with direct experience of the catchments involved.
- To achieve progress on restoration, AAGs will need transparent approaches for setting priorities, and to be able to communicate objectives to landowners and communities.
- To support the AAGs it was suggested that SEPA should take on a more facilitative approach, and provide accessible information such as catchment summaries. Group members could then advice on multiple benefits as part of any prioritisation process.
- Some responses were concerned that more expert advice would be needed to set priorities in the advisory groups, to avoid the approach being driven by sector interests. It was also suggested that the sport / recreation sector should be represented more strongly.

- Some responsible authorities and other partners were concerned that they would be unable to resource this intensive type of work through AAGs. Financial constraints were also a concern.

- The DEFRA / Environment Agency catchment based approach was recommended as a possible model for delivery at a catchment level.

- It was noted that the National Advisory Group will have a role to play on policy integration and strategic delivery. It was recommended that NAG could work with divisions of Scottish Government to review progress and plan for a catchment level approach. Additional topic specific working for NAG (e.g. on recreation) was recommended.

Response:

- This section has been restructured to make reference to wider engagement, and the role of NAG. Comments on the catchment approach and the role of AAGs will be considered further as part of the second RBMP development.

Question 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?

Most responses to this question agreed with the identified opportunities, but several raised issues around SRDP, stating that it needed to be better prioritised and targeted to deliver environmental benefits, and encourage partnership working at a catchment level.

Other policy and funding options which were highlighted were:

- the option of bidding for European funding;
- carbon sequestration benefits linked to restoration of riparian vegetation;.
- sport and recreation policy.

Response:

- European funding and carbon storage are mentioned in the wider document, and references to sport and recreation have been increased.

Question 20:

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

Responses to this question highlighted the following pilot work to deliver policy:

- Pilot catchment work announced by the Scottish Government and SEPA, which integrates morphological restoration with FRM.
- Pilot Land Use Strategy work which looks at land and water use at catchment level.
- Planned pilot work on woodland expansion, and the opportunity mapping work being developed by Forestry Commission Scotland which looks at delivering woodland targets while contributing to WFD and FRM targets.
- Pilot ecosystem services work at the Carse of Stirling.
- DEFRA and EA catchment based approach.
- Sustainable soil management and carbon sequestration policies and funding.

In addition, responses highlighted the opportunity to work with businesses and the private sector, either as part of Corporate Social Responsibility agendas, or as part of remediation schemes (e.g. windfarm, landfill and development companies). The potential to work with the voluntary sector was also raised.

It was noted that catchment management partnerships and fishery trusts can help make links with both the private and voluntary sector at a catchment level.

Response:

- Additional text on funding and policy initiatives has been developed as recommended. The role that intermediary organisations can play in supporting this delivery has been emphasised.