The river basin management plan for the Solway Tweed river basin district 2009–2015

Annex 2 Record of consultation and engagement

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1 Introduction

This annex provides a summary of the consultation undertaken and engagement opportunities provided through the river basin planning process in the lead up to the publication of the Solway Tweed river basin district river basin management plan (RBMP).

This annex explains how stakeholders have contributed to the development of the river basin management plan. It describes:

- consultation opportunities;
- active involvement in the river basin planning process;
- public access to information.

When the Water Framework Directive was transposed into UK legislation, separate provision was made for the Solway Tweed river basin district because it straddles the English-Scottish border. Under the regulations[1] for the Solway Tweed, SEPA and the Environment Agency are required to work jointly to deliver river basin planning.

The requirement to set up river basin district advisory groups (area advisory groups), as per Part 1 Section 17 of The Water Environment and Water Services (Scotland) Act 2003 (WEWS) does not apply under the Solway Tweed regulations. However, both SEPA and the Environment Agency recognised the value of the area advisory group structure for delivering active involvement in the river basin planning process. Therefore, a network of a national advisory group and eight area advisory groups, including the Tweed and Solway area advisory groups, with forums, was established in 2006. Information on the activities of these groups is in Table 2.

The WEWS act also contains requirements to:

- **Publish a statement setting out the steps (including consultation measures) which will be taken in connection with the preparation of the plan**
  A plan of action – basin planning in the Solway Tweed river basin district report was therefore produced in 2007 for consultation, as summarised in Section 2:
  www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx

- **Produce a summary of significant water management issues for the district**
  This was published for consultation in the 2008 significant water management issues report (www.sepa.org.uk/water/river_basin_planning/significant_issues.aspx) and the responses have been used to inform the draft river basin management plan. A summary of the responses to the consultation on the significant water management issues report can be found on page 18 of this annex.

[1] The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004

- **Publish and consult on a draft river basin management plan**
  The draft plan was published and consulted on for a period of six months closing in June 2009. The consultation responses and resulting action taken can be found in the draft river basin management plan for the Solway Tweed river basin district - summary of responses on SEPA's website www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx

2 Consultations

Consultations undertaken in the Solway Tweed river basin district and the key outputs are presented in Table 1.

Table 1: Consultations for the Solway Tweed river basin district

Document	Brief description	Key outputs of consultation and actions	Period of consultation	Lead Organisation
Solway Tweed river basin characterisation reports	Presentation of the river basin characterisation as required by WFD Article 5	The Solway Tweed characterisation reports can be found online: www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx Responses to the consultation were also taken into consideration when producing the Solway Tweed RBD: www.sepa.org.uk/water/river_basin_planning/area_advisory_groups/tweed.aspx	Consultation June to September 2004 Publication of characterisation reports December 2004	SEPA/Environment Agency
Consultation on the Scottish river basin management strategy…. …leading to the publication of the Solway Tweed river basin planning framework (non statutory requirement)	The Solway Tweed river basin planning framework set out the high level commitment of how the Environment Agency and SEPA would work together and with partners to develop the river basin management plan	The consultation on the Scottish river basin management strategy. A digest report was produced following the close of the consultation. This drew together and assessed consultation responses and set out actions and changes that would be made to the river basin planning strategy as a result of the consultation. The digest report can be found at: www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx The responses to the consultation were used to: • develop the Solway Tweed river basin planning framework published in September 2006; • support the process of developing the roles, remits and membership of the area advisory groups; • the production of the plan of action report in 2006; • the development of a format for RBMPs.	Consultation April to July 2004 Publication of framework September 2006	SEPA/Environment Agency

Document	Brief description	Key outputs of consultation and actions	Period of consultation	Lead Organisation
		The Solway Tweed river basin planning framework was produced in consultation with area advisory groups. A copy of the Solway Tweed river basin planning framework can be found at: www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx		
Solway Tweed river basin planning: a plan of action (statutory requirement)	Set out the detailed plan for engaging people in the development of the river basin management plan.	The Solway Tweed river basin planning: A Plan of Action Consultation. A digest report was produced following the close of the consultation. This drew together and assessed consultation responses and set out actions and changes that would be made to the river basin planning process as a result of the consultation. The consultation digest can be found at www.sepa.org.uk/water/river_basin_planning/early_basin_planning_work.aspx No significant changes to the river basin planning process were suggested during the consultation, however responses were used to support the development of the significant water management issues report and draft river basin management plan for the Solway Tweed river basin district.	December 2006 to June 2007	SEPA/Environment Agency
Solway Tweed significant water management issues report (statutory requirement)	Sets out the significant water management issues for the Solway Tweed river basin management plan.	The summary and main Solway Tweed river basin district significant water management issues reports can be found at: www.sepa.org.uk/water/river_basin_planning/significant_issues.aspx	November 2007 to April 2008	SEPA/Environment Agency
Solway Tweed strategic environmental assessment scoping report	The Water Framework Directive requires the production of river basin management plans across the UK.	The Solway Tweed river basin district strategic environmental assessment scoping report. The majority of the comments from the consultation on the scoping report were noted and suitable responses were incorporated in the	October 2007 to November 2007	SEPA/Environment Agency

Document	Brief description	Key outputs of consultation and actions	Period of consultation	Lead Organisation
consultation (statutory requirement)	These plans require assessment under the Strategic Environmental Assessment Directive (2001/42/EC) to identify wider effects on the environment. The Scoping Report set out the information to be included in this assessment.	SEA environmental report published for consultation alongside this draft RBMP. These include the incorporation of additional items in the reviews of relevant plans, policies and strategies, revisions to the environmental baseline and modifications to the SEA objectives/criteria. For a small number of comments, (less than 10% of the total), no data were available or could reasonably be acquired during the preparation of the Environmental Report to enable a suitable response to be incorporated.		
The draft river basin management plan for the Solway Tweed basin	The draft river basin management plan describes the condition of rivers, lochs/lakes, estuaries, coasts and ground waters in the Solway Tweed basin district. The plan sets out proposed environmental objectives for these waters and explains how we plan to achieve such objectives.	The draft Solway Tweed river basin management plan can be found at: www.sepa.org.uk/water/river_basin_planning.aspx A 'consultation report' accompanies this annex and summarises the main changes to the draft plan as a result of the consultation.	December 2008 to June 2009	SEPA/EA
Draft area management plans	Two area management plans have been produced to focus and expand upon the different geographical areas within the Solway Tweed river	The draft area management plans can be found at: www.sepa.org.uk/water/river_basin_planning.aspx Consultation responses included feedback for specific area management plans. These responses will be taken account by co-ordinators when drafting the area management plans.	December 2008 to June 2009	SEPA/EA

Document	Brief description	Key outputs of consultation and actions	Period of consultation	Lead Organisation
	basin district.			
Scotland's Water Future Directions and *Restoration of the water environment* and the Scottish Government and Environment Agency's supporting Impact Assessments: Drivers, policies and trends report, technical document and summary report.	Scotland's Water: Future Directions describes the need for additional measures to address a range of impacts on Scotland's water environment over the period to 2027	Main changes to the plan: • level of ambition/new measures Main actions: • Creation of DPMAG and priority catchment approach • Support UK-wide ban on phosphorus in detergents • New regulations to facilitate restoration of water environment • Secured additional funding for restoration	January 2009 to April 2009	Scottish Government
Strategic Environmental Assessment of the draft Solway Tweed River Basin Management Plan: Environmental	As part of the preparation of the draft RBMP for the Solway Tweed RBD, SEPA and the Environment Agency have undertaken a strategic environmental assessment which	The SEA statement summarises the consultation responses relating to SEA and includes a summary of views expressed and how SEPA and the Environment Agency have taken them into account.	January 2009 to April 2009	SEPA and the Environment Agency

Document	Brief description	Key outputs of consultation and actions	Period of consultation	Lead Organisation
Report	reports on the significant environmental effects that may arise from implementing the RBMP			

3 Active involvement in the planning process

Opportunities for active involvement in the river basin planning process in the Solway Tweed river basin district are presented in Table 2.

Table 2: Opportunities for active Involvement in the planning process in the Solway Tweed river basin district

Sectors, groups and networks	Activity	Lead Organisation(s)
River basin management planning advisory groups	**The advisory groups** 1. Establishing the advisory groups The river basin management planning advisory group network for the Solway Tweed river basin district was established in mid 2006. It consists of two area advisory groups drawing together representatives from responsible authorities, non governmental organisations, industry, business and other stakeholders with an interest in the water environment at a local level. In addition, a small working group (of area advisory group members) was set up to review the key documents arising from the river basin planning process including the draft plan. The support and advice of national advisory groups is also taken into consideration, from both the national advisory group in Scotland and the national liaison panel in England. 2. Membership Advisory group members were identified initially using responsible authority designations and the Article 5 characterisation assessments for the Solway Tweed river basin district along with key deliverers. In Tweed, this membership was compared and discussed with Tweed Forum, an existing stakeholder umbrella organisation in order to make best use of stakeholder resources. A first meeting of each advisory group was then held and representatives were invited to identify additional members required. The advisory group membership is flexible and has been adjusted to accommodate changes in river basin planning requirements. 3. Role The overall role of the area advisory groups is to contribute to the river basin management planning process in their area and the preparation of their area management plan. They are a primary source of help, support and advice in all aspects of this work and bring important knowledge to the process. 4. Meetings The advisory groups have met approximately three times each year since their establishment in	SEPA/Environment Agency

Sectors, groups and networks	Activity	Lead Organisation(s)
	2006. However, the frequency of meetings is flexible and can be adjusted depending on the requirements of the river basin planning process. Meetings are held at locations convenient to members. Tweed meetings have been synchronised with Tweed Forum meetings in order to use stakeholders time efficiently. 5. Further Information Further information on the advisory groups including their membership, role and remits and meeting minutes can be found at: www.sepa.org.uk/water/river_basin_planning/area_advisory_groups.aspx **Diffuse pollution management advisory group** The diffuse pollution management advisory group (DPMAG), a new high-profile Scotland wide stakeholder group requested by the Scottish Government, was established in May 2009. The group comprises key rural stakeholders across Scotland and aims to help to create a robust governance, decision making and co-ordination framework for the effective delivery of rural diffuse pollution RBMP actions across Scotland, whilst also ensuring input from a cross section of rural, environmental and biodiversity interests. The group reports directly to the National Advisory Group (NAG) and meets on a quarterly basis with smaller sub groups meeting as tasks require. **Organisations represented on DPMAG** Association of Salmon Fisheries Boards Confederation of Forest Industries UK Forestry Commission Scotland Loch Lomond and Trossachs National Park (also representing Cairngorms National Park) National Farmers Union Scotland Scottish Crofting Foundation Scottish Environment Link SEPA Scottish Government Scottish Natural Heritage Scottish Rural Property and Business Association Scottish Tennant Farmers Association Scottish Water	

Sectors, groups and networks	Activity	Lead Organisation(s)
	Fish and Fisheries Advisory Group SEPA formed the Fish and Fisheries Advisory Group in order to strengthen our capacity to address issues relating to impacts on fish and fisheries. This group includes representatives from the Association of Salmon Fisheries Boards, the Rivers and Fisheries Trusts of Scotland, Scottish Natural Heritage and freshwater fisheries scientists from Marine Scotland Science as well as other relevant interests and SEPA staff. Discussions on representation from the Environment Agency interests are currently underway. This group, which met for the first time in March 2009, advises SEPA on strategic issues relating to the development of policy, guidance and research in the area of the protection of fish and fisheries. The remit of this group includes the potential impact of any controlled activities on fish populations. The group will not consider individual applications or regulatory decisions, but it will advise on the implications of SEPA's regulatory approach. It is intended that this group will replace the Fisheries (Electricity) Committee. The Fish and Fisheries Advisory Group will have a wider remit than the committee and will also consider the potential impact of all controlled activities, not just those related to hydropower developments, as was the case with the committee. The Fish and Fisheries Advisory Group has to date commented on the draft SEPA guidance for hydro developers and a research proposal to look at the impact of run-off from river hydropower developments.	
	Consultations **Scottish river basin management strategy** Consultation responses from stakeholders led to the subsequent publication of the Solway Tweed river basin planning framework and establishment of the Solway and Tweed area advisory groups. **Solway Tweed river basin planning: a plan of action** The advisory groups were involved in an early development and review of the plan of action consultation report and provided examples and case studies of participation techniques to support the document. Advisory group and forum members provided responses to the formal consultation.	

Sectors, groups and networks	Activity	Lead Organisation(s)
	Solway Tweed significant water management issues report The advisory groups were asked to review an initial list of significant water management issues for the Solway Tweed river basin district in advisory group areas, and to identify additional issues they felt were significant and should be included in the Solway Tweed significant water management issues report. Advisory group members provided text for the report and reviewed two drafts. **Solway Tweed strategic environmental assessment scoping reports consultation** The advisory groups reviewed the strategic environmental assessment objectives proposed in the scoping report and provided responses to the consultation. **Solway Tweed river basin management plan consultation** The advisory groups assisting in the drafting, reviewing and consulting on the draft plan.	
	Identification of measures **National Advisory Group** Workshops were held in June 2007 to start the process of identifying the potential contributions National Advisory Group members could make to help deliver the requirements of the Water Framework Directive (WFD). From September to November 2007, 28 meetings were held between SEPA and National Advisory Group organisations to further refine proposed contributions from the workshops, to document proposals and to identify opportunities for partnership working to deliver proposals. A National Advisory Group workshop report was produced in March 2008 and can be found at: www.sepa.org.uk/water/river_basin_planning/national_advisory_group.aspx Meetings were also held with the National Liaison Panel to capture measures in England. Existing and planned measures were included in the programme of measures and considered during the objective setting process. **Area advisory groups** Meetings were held with various organisations represented on the area advisory groups from late 2006 to mid 2007 to identify what they were already doing to protect and improve the water environment, so that these could be included in the programme of measures and objective setting process.	

Sectors, groups and networks	Activity	Lead Organisation(s)
	We have held one-to-one meetings and sub group meetings throughout the basin with the various organisations represented on the area advisory groups and other key stakeholders. The purpose has been to keep those stakeholders actively involved in the process. In particular, the meetings have focused on identifying those measures already taking place, to protect and improve the water environment so these could be included in the programme of measures and objective setting process. We have also discussed what new partnership measures we can develop for the basin management plan. These additional measures were recorded as part of the programme of measures. In Tweed, reference was paid to the Tweed Forum's Catchment Management Plan as many actions contribute directly to the programme of measures and existing working groups were used. In the north Solway existing catchment groups were approached for information. **Development of the draft river basin management plan and area management plans** A sub-group of members from both the Solway and Tweed area advisory groups was formed in early 2008 (the Solway Tweed Editorial Team) to shape and develop the draft river basin management plan from an early stage. The area advisory groups reviewed two versions of the plan. In addition the area advisory groups supported the development of the area management plans. Advisory group meetings provided the opportunity for detailed comments on the text and group discussion on the key messages identified for the plans. A version of the plan was circulated to the groups for general review and comment. **Heavily modified water body workshops** The methods used to designate, classify and determine objectives for heavily modified water bodies (HMWBs) and artificial water bodies (AWBs) requires knowledge of the specific characteristics of the water bodies, as well as of the needs of the uses reliant on the modified or artificial characteristics. Much of the necessary knowledge was provided by companies and organisations concerned with managing the modifications on HMWBs/AWBs. Water managers and other stakeholders were involved through a series of workshops in this process to ensure all relevant information was incorporated into the assessments. Information on heavily modified water bodies can be found in Chapter 4 Heavily modified and artificial waterbodies.	

Sectors, groups and networks	Activity	Lead Organisation(s)
	Operator workshops A three-day workshop was held in March 2008 and was attended by SEPA, Scottish and Southern Energy, Scottish Water, British Waterways, Alcan and Scottish Power to discuss HWMBs and AWBs related to their operations. The workshop applied UKTAG methodology which defines the measures which would be required to achieve good ecological potential. Assessments were made as to which HMWBs/AWBs were currently at good ecological potential and objectives were set for when those not currently at that status would reach it. This event was attended by 15 operators. A further stakeholder workshop, attended by 21 operators and stakeholders, was held in Aviemore in April 2009 to provide area advisory group (AAG) members (and any fisheries trusts and boards not represented on AAGs) with an opportunity to comment on the outputs from the operators' workshop and to provide us with additional information on the ecological potential assessments. Following this workshop five stakeholders submitted further information as part of the consultation process. A similar stakeholder workshop was held in August 2009 in/for the Solway Tweed area. It was attended by eight operators and stakeholders. The outputs from the workshops were collated and any proposed changes to good ecological potential made as required for the final river basin management plan. The work also provides SEPA and operators with the basis of forward planning over the next three river basin planning cycles. EA workshop in Tweed – 2007. Details of HWMBs was also posted on their website for information. **HMWBs in coastal and transitional waters** There are a number of HMWBs, such as ports, where assessment of good ecological potential was made. SEPA Marine Science staff consulted with local authorities and ports authorities as required to agree these ecological potential assessments. Information on heavily modified water bodies can be found in Chapter 5 Heavily modified and artificial water bodies.	

4 Public access to information

This section focuses on public access to information in the Solway Tweed river basin district as presented in Table 3. However, information is also available to the public at the national level including the Scottish Government and Defra websites.

Table 3: Public access to information

Means of dissemination	Activities	Lead organisation
Websites	Early in the process it was agreed that SEPA would host the website for the Solway Tweed river basin district: www.sepa.org.uk/wfd Consultation documents (see Table 2 above). AAG meeting minutes. Information on the Water Framework Directive generally and Solway Tweed specifically and links to other relevant websites. EA website: www.environment-agency.gov.uk/wfd General information on the Water Framework Directive and links to SEPA website. Tweed Forum website: www.tweedforum.com General information on the AAG process and link to SEPA website.	SEPA/Environment Agency
SEPA/EA offices	Consultation documents and leaflets were available from reception areas and information centres. Leaflets and postcards were also available from the Tweed Forum Offices at Drygrange.	
Use of public libraries	Copies of plan of action consultation document were circulated to main public libraries in the Solway Tweed river basin district.	SEPA
Direct mail outs	Briefing note to MPs on Solway Tweed framework document. Copies of the draft plan and AMPs sent to all AAG members and CD's posted on request.	Environment Agency SEPA/Environment Agency

Means of dissemination	Activities	Lead organisation
Public notices	Placed in London Gazette and the Edinburgh Gazette and one or more local newspapers. December 2006 – Statutory Notices about public consultation on document *Solway Tweed river basin planning: a plan of action*. October 2007 – Statutory Notices about public consultation on document *Significant Water Management Issues in the Solway Tweed.* December 2008 – Statutory Notices about draft river basin management plan. November 2009 – Statutory Notices about submitting of first river basin management plan for approval to the Scottish Government and Defra	SEPA/Environment Agency
Technical pamphlets/ information sheets	Summary of significant water management issues in the Solway Tweed river basin district river basin planning information sheet prepared for shows and events.	SEPA/Environment Agency
Publicity material	The following leaflets were produced: • *Water Framework Directive: Your questions answered* • *River Basin Planning: Your questions answered* Display boards were produced for the Solway Tweed river basin district and each area advisory group area. Consultation postcards were produced to encourage the public to respond to the draft plan.	SEPA/Environment Agency

Means of dissemination	Activities	Lead organisation
Interviews/articles in local media	Press release: Sept 06 – press release on publication of Solway Tweed framework document Jan 07 – EA press release on Plan of Action Oct 07 – SEPA/Environment Agency press release on SWMI consultation Dec 09 – SEPA/Environment Agency press release on draft river basin plan Autumn 07 – Lakes Messenger: article on SWMI consultation Oct 07 –Southern Reporter: article on SWMI consultation Oct 07 – Berwickshire news: article on SWMI consultation Oct 07 – Berwick Advertiser: article on SWMI consultation Dec 08 – Scottish Biodiversity Forum Newsletter no. 28 Dec 09 – CCWater web update (www.ccwater.org.uk/upload/html/ontap_dec08.html#wfd) January 09 – Community Council newsletter mailing for the Scottish Borders side Jan 09 – Berwickshire News: plan to safeguard River Tweed basin Jan 09 – Annandale observer: farming industry role stressed in pollution battle Mar 09 – Berwickshire News: new approach to improving health of Tweed water February 09 – NE FWAG newsletter Mar 09 – Scottish Biodiversity Forum Newsletter no. 29 Mar 09 – Northumberland Wildlife Trust Newsletter Mar 09 – Till Catchment Sensitive Farming Newsletter Mar 09 – Country and Land Association Newsletter April 09 – Solway Firth Partnership Newsletter Spring 09 – Tweed Matters Newsletter	SEPA/Environment Agency

Means of dissemination	Activities	Lead organisation
Other	July 07 – stand at Cumberland Show July 07 – stand at Border Union Show, Kelso August 07 – stand at the Galloway Country Fair September 07 – Westmorland Show April 08 – stand at the Dumfries and Galloway Environment Fair July 08 – information dissemination at Tweed Forum stand at Border Union Show, Kelso December 09 – internal meeting with SEPA staff February 09 – Tweed Forum presenting dRBMP information at Berwickshire and North Northumberland Coast EMS Forum February 09 – dRBMP launch event in Edinburgh with Tweed AMP exhibit (TF and EA in attendance) March 09 – Northumberland National Park Authority meeting (25th) March 09 – Local authorities lead by Northumbria Plan (20th). March 09 – internal EA staff – Newcastle and Darlington March 09 – Wildlife and recreation sector at Beamish April 09 – Northumberland National Park staff meeting presentation There was also a generic presentation given to AAG members to facilitate their internal discussions.	SEPA/Environment Agency
Public meetings/drop in events etc	During the consultation period, joint events, presentations, forum events and team meetings were attended by co-ordinators. This included the Dumfries and Galloway Environment Fair, which 1,000 people attended.	SEPA