The river basin management plan for the Solway Tweed river basin district

Summary of responses to the draft plan consultation
(December 2008 – June 2009)

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Executive summary

Between 22 December 2008 and 22 June 2009 a large number of diverse and complex responses to the draft river basin management plan for the Solway Tweed river basin district were submitted. The responses contained a mixture of support and challenge for the draft plan. Responses varied in nature from comments on individual water bodies to issues that require further consideration at a policy level.

SEPA and the Environment Agency have reviewed the responses to all these consultations and, where possible, used them to develop the first river basin management plan for the Solway Tweed river basin district. The recommendations of the Solway Tweed editorial team were also considered.

During the course of this year, we have updated our assessment of the state of the water environment. Governments also issued guidance on the level of ambition required for the first plan. Work is ongoing to collect further information to address some of the comments and we will continue to work with our partners to achieve benefits from the suggestions. SEPA and the Environment Agency also consulted on the Environmental Report for the Strategic Environmental Assessment for the draft plan.

This document summarises the consultation responses we received on the draft plan and outlines the changes made as a consequence of all these factors.

Delivering improvements

The most significant change between the draft and first plan is the greater ambition. The first plan sets out our target of achieving good status in the vast majority of water bodies by 2027. Where good status is not possible by 2015 (and in a small number of cases by 2027), we have included the reasons why we have extended deadlines or set less stringent objectives.

Stakeholders highlighted the importance of continuing to work together to meet these targets. We will continue to work with area advisory groups and at a catchment scale. Stakeholders also commented on incorporating considerations about climate change into the river basin management planning process and we have done this more effectively.

Partnership working

We were pleased that so many organisations were supportive of continuing to develop new ways of working together and that they volunteered information on current and proposed projects. The success of the river basin management plan is reliant on SEPA and Environment Agency and other organisations delivering actions to improve the water environment. We will continue to work existing groups in the area.

In addition, stakeholders are keen to get involved and develop new projects to see on the ground improvements

Information on the assessment of pressures and impacts

We have been working to incorporate new monitoring data and assessment tools (eg for acidification and an interim fish tool) into the classification system for the first plan. We have worked with stakeholders to review and set new assessments for ecological potential for heavily modified and artificial water bodies. Stakeholders were particularly interested in how we assess

pressures and impacts of diffuse pollution, invasive non-native species and climate change and how we target improvements.

Where possible we have taken consultation responses on individual water bodies into account, but there are some comments on specific water bodies that we have not been able to review in time for the publication of the first plan. These will be taken into account as we plan our monitoring and undertake classification assessments through 2010. Classification assessments will be updated annually.

Changes to the layout and presentation of information in the plan

We received comments about the style, shape and overall content of the plans, the information provided throughout the documents and about the interactive map. We have worked to develop a first plan that is simpler and more accessible.

Several notes of clarification are included in this document and are working to ensure these messages are clearer in the first plan.

We also recognise that other formats of information will be required for specific or more general audiences.

We are also working to update and upgrade the map facilities offered online.

1 Introduction

The draft river basin management plan for the Solway Tweed river basin district and supplementary area management plans were published for six months consultation on 22 December 2008. The development of the draft plans was co-ordinated jointly by SEPA and the Environment Agency as competent authorities, but involved stakeholder input through the advisory group meetings and direct development and review of text. Some organisations also provided new or updated data for development of the plans.

The formal consultation period provided an opportunity for anyone who wanted to comment further or contribute to the development of the first river basin management plan to have their say. The documents were available in SEPA and Environment Agency offices, on CD, on the SEPA website, as well as in hard copy on request.

We would like to thank everyone who took the time to make a contribution to the consultation. We look forward to working together to deliver the first river basin management plan and continuing to protect and improve our water environment.

1.1 How did we engage?

During the six-month consultation period we promoted the consultation to interested parties in the following ways:

- publishing the draft river basin management plan online;
- publishing a public notice of consultation in the London Gazette and local press;
- holding a range of sector specific workshops and attending numerous meetings organised by others;
- attending local public events such as Dumfries and Galloway environment fair;
- providing press releases to relevant local media including radio, TV and newspapers;
- providing postcards and generic presentations for advisory group members to use to promote the consultation.

Advisory group members assisted in the consultation process by informing their sectors of the consultation via website, newsletters and presentations.

More information on how we consulted can be found in Annex 2 Consultation and engagement, available online at: www.sepa.org.uk/water/river_basin_planning.aspx.

With support from advisory group members we also established the Solway Tweed editorial team in early 2009 to consider and discuss consultation responses and make recommendations throughout the consultation period. A summary of their final findings are presented in Appendix 1 along with details of membership.

1.2 Who responded?

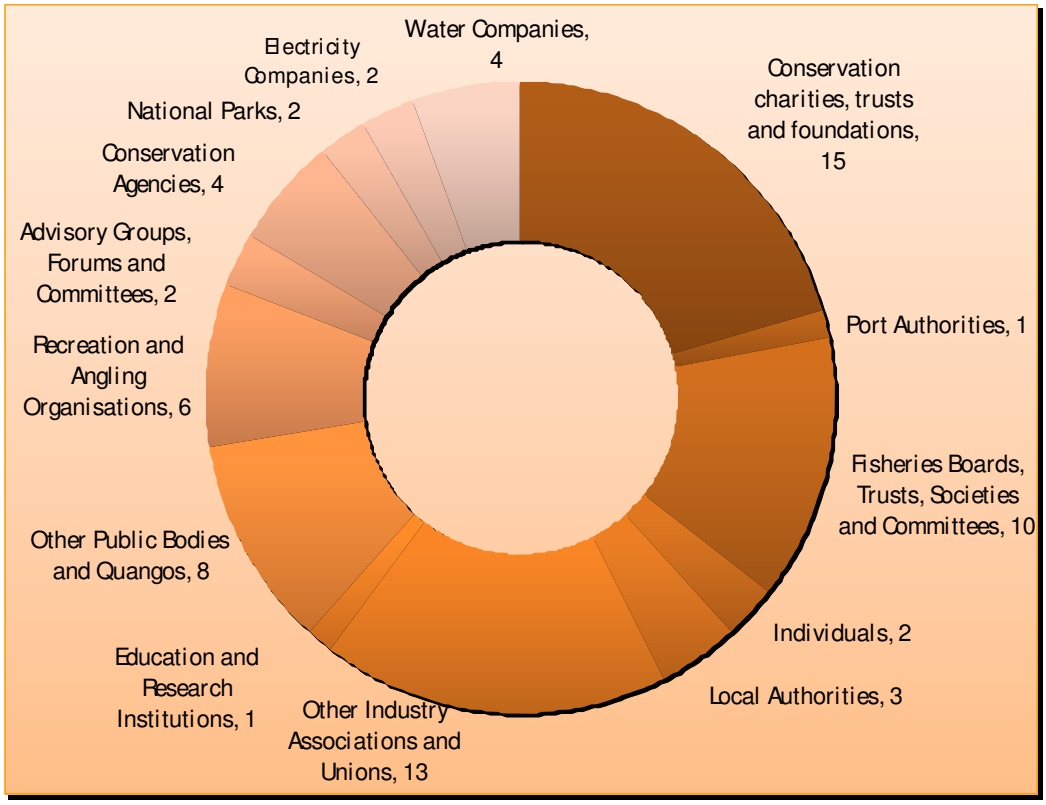
We received 73 responses from 57 organisations and two individuals[1] to the consultation on the draft Solway Tweed river basin management plan and associated area management plans. This includes a response from the Tweed Forum which represents 13 organisations with interests across the Tweed catchment.

The mixture of organisations and interested individuals who responded reflected the diversity of interest in the water environment in the Solway Tweed river basin district. Figure 1 shows a breakdown of the respondents by category.

Overall the consultation responses we received demonstrate that the stakeholders with an interest in the water environment in the Solway Tweed river basin district are engaged and committed to protecting and improving the its current condition. With the support of Scottish Government, Defra and our stakeholders we can continue to protect and improve the water environment for the benefit of our environment, our society, and our continued economic success.

All the comments have been reviewed and taken into account during the development of the plan. This report provides further details on the key points raised and how SEPA and the Environment Agency have dealt with the comments.

Figure 1: Categories of respondents



Although many of the responses we received were from members of advisory groups, we also received responses from other organisations and individuals. A full list of respondents is

[1] Some organisations and individuals made more than one response.

included in Appendix 2. Table 1 shows the number of responses referring to specific district and area management plans.

Table 1: Number of responses referring to each consultation document

Document	Number of responses
Solway Tweed river basin management plan	68
Annexes to the district plan	15
North Solway area management plan	6
South Solway area management plan	9
Tweed area management plan	7
Solway Tweed Strategic Environmental Assessment	3
Interactive mapping application (GIS)	4

1.3 What other factors have we taken into account in revising the plan?

During the consultation on the draft plan other influences also affected our changes to the plan. These included:

- Guidance we received from our governments on the level of ambition. Objectives were set with the clear aim of achieving good status in all water bodies no later than 2027. Objectives were also set with progressive improvements over the successive planning cycles to 2015, 2021 and 2027. Where we believe good status is not achievable by 2027, even with the proposed new measures, less stringent objectives were set in line with the "disproportionate cost" and "technical infeasibility" exemptions provided by the Water Framework Directive (WFD). Justification for the use of these exemptions is based on sound evidence.

- Updates to classification assessments were incorporated into the plan as the draft classification was finalised. The changes to classification of some water bodies are reflected in the first plan. Classification will be carried out each year. The most up-to-date classification information will be used for implementation and developing measures.

- Comments received as part of the consultation on the Strategic Environmental Assessment (SEA) for the draft plan were taken into account in revising the plan.

- Responses to the two Scottish Government consultations on proposals for additional measures, entitled *Implementing the Water Environment and Water Services (Scotland) Act 2003: Scotland's Water: Future Directions: A Consultation* and *Implementing the Water Environment and Water Services (Scotland) Act 2003: Restoration of the Water Environment: A Consultation.*

2 Summary of responses

This report summarises the comments we received during the consultation of the draft river basin management plan, and the changes to the final plan that resulted as a consequence of all of the other consultations, guidance we have received and the changes to the data. The summary is split into four sections:

- delivering improvements;
- partnership working;
- information on the assessment of pressures and impacts;
- changes to the lay out and presentation of information in the plan.

The responses we received were generally complex and detailed, covering a range of issues. They were well-informed about the river basin management planning process and its application in Solway Tweed. The comments ranged from issues on assessments made for individual water bodies to strategic policy issues such as removing pollutants at source or our approach to translocated fish species.

2.1 Delivering Improvements

2.1.1 Level of ambition and objectives

The majority of respondents commented on the targets (objectives) set out in the draft plan.

The following messages summarise the responses:

- Respondents were disappointment at the low level of ambition.
- Respondents commented on objectives for specific water bodies.
- More information/transparency on the approach to setting objectives was requested - particularly on extended deadlines and cost benefit assessments.
- The lack of additional measures was noted and more detail needed on how objectives will be met was requested.
- Respondents recognised that work will be needed over several cycles and that objectives will need to be adapted as we progress.

Response examples

"In common with many environmental organisations, we are disappointed that SEPA does not believe it can improve the condition of most water bodies to the required standard until 2027"

"We want to see a significantly more ambitious programme of improvement up to 2015. We strongly oppose the proposition of no improvement at all between 2015 and 2021. We welcome the 100% target by 2027 but believe this will be easier to achieve and more credible if there are more stretching targets for 2015 and 2021."

"…disappointing as whilst we are all aware that not every issue can be solved over night... We believe that a great deal more ambition is needed."

"We want to see a significantly more ambitious programme of improvement up to 2015."

"We strongly oppose the proposition of no improvement at all between 2015 and 2021."

"We welcome the 100% target by 2027 but believe this will be easier to achieve and more credible if there are more stretching targets for 2015 and 2021."

Actions taken and changes made to the plan

- Objectives have now been set for all water bodies.
- The overall level of ambition of the first plan will reflect the aim of achieving good status in all water bodies by 2027 except where we have sufficient evidence that it will not be technically feasible, it would be disproportionately costly to achieve it, or in cases where natural recovery times will be longer. This level of ambition is also reflected in our targets for protected areas.
- We have included in the plan an explanation of why we have extended the deadline for meeting good status from 2015 to later planning cycles and where we have set less stringent objectives for 2027.
- We have set more ambitious targets for river basin management plan cycles up to 2027.

Further actions proposed

- A variety of approaches will be required to deliver the objectives in the plan. For example detailed investigations, communication campaigns and actions on the ground will be planned strategically and managed through the regulatory process or developed as voluntary or partnership measures.
- We will monitor and review our progress towards meeting objectives through the life of the plan. Through this process we will collect information that will be used to review the objectives in future cycles.
- Delivering the improvements we want will require continued investment from our Governments, industry, landowners and the efficient and targeted use of existing sources of funding.

2.1.2 Measures

Several organisations responded to this theme of delivering improvement to the water environment through the implementation of measures.

The following messages summarise the responses:

- Respondents recognised the efficiencies that could be gained from ensuring the delivery of measures results in multiple benefits.
- Overall there was a willingness to work together to develop measures to meet targets.
- Many respondents provided information on existing measures.
- More information was sought regarding the cost of individual measures and how the benefits of a particular measure have been considered/assessed against the benefits to the environment.
- Clarity was requested regarding the determination of disproportionate costs.
- Respondents would like more information on how the priorities for measures development and implementation of measures were decided.

- Area management plans should focus on local measures at a catchment/water body level.

- Clarity was requested about how voluntary measures would be achieved and the consequences of not delivering voluntary measures.

- Respondents asked that existing partnerships were used for delivery of measures.

Response examples

"We would like to see the plans setting out the kind of further work that will need to be undertaken in order to increase the number of water bodies that will achieve good status or higher by 2027. This would give partners the opportunity to see whether they could become involved in the implementation of these additional measures."

"… considers that additional BAP delivery for habitat and species that are dependant on water bodies should be explicitly delivered within the RBMPs, rather than just as a potential link."

"Due to the lack of detail behind the measures in the Plan it is difficult to assess whether or not fair apportionment of activity and investment across sectors has been achieved… concerned that without this visibility we cannot judge whether or not our customers will be contributing more than their fair share. We expect to have better visibility for the final plan."

Actions taken and changes made to the plan

- We have described how measures will be delivered over the three planning cycles, including information on deadlines being extended due to disproportionate costs on specific sectors.

- The cost of delivering individual measures will be assessed as the plan is implemented. If measures are found to be disproportionately costly, this information will be taken into account in finalising the objective.

- We will be focusing on the catchment scale for the delivery of many improvements for the plan. Our aim is to deliver multiple benefits in these catchments.

- The revised area management plans will focus on an action plan.

- Flood risk management plans are included among other plans and processes listed in Chapter 3 Achieving our environmental objectives, available online at www.sepa.org.uk/water/river_basin_planning.aspx

- A strategic approach to the restoration of alterations to beds, banks and shores is also being developed which will link to funding the Scottish Government has made available for restoration, which is also available to cross-border applications. The new regulations on restoration will also be essential for delivering these improvements in future.

Further actions proposed

- We need to ensure partners are aware of funding opportunities for delivering measures on the ground. We will also continue to work with governments, other public bodies and

other partners to ensure promote the effective prioritisation of available funding to deliver protection and improvement of the water environment in line with this and future plans.

- We will work with partners who offered to collaborate in producing best practice guidance for a range of activities eg to promote the safe and effective use and disposal of garden chemicals.

- We are keen that organisation use the evidence we have on the status of water bodies to ensure measures delivery is appropriate.

Note for clarification

- There is a general presumption throughout the river basin planning process that high levels of confidence in impact data must be present before measures are required.

- Some consultees did not appear to have been aware of, or did not take account of, the Scottish Government consultations. The first paper entitled *Implementing the Water Environment and Water Services (Scotland) Act 2003: Scotland's Water: Future Directions: A Consultation* set out proposals intended to promote debate on the programme of measures to manage the quality of Scotland's water environment during successive river basin planning cycles. The second, *Implementing the Water Environment and Water Services (Scotland) Act 2003: Restoration of the water environment: A Consultation* set out in more detail proposals to help SEPA, the responsible authorities and stakeholders take forward restoration measures aimed at addressing the legacy of adverse impacts on the water environment resulting from past human activities, in a proportionate and cost-effective way over successive planning cycles.

2.1.3 Responses with a hydropower related focus

Responses came mainly from hydropower companies and fisheries trusts, but also included the Royal Society for the Protection of Birds, Scottish Rural Property & Business Association, Lake District National Park Authority and the Scottish Canoe Association.

The following messages summarise the responses:

- There is a need to ensure an appropriate balance between hydropower generation and the associated impacts on the water environment and recreational use.

- The importance of a high level of confidence in the data before measures are required was stressed.

- There was concern over how the cumulative impact of small hydropower schemes is being assessed.

- Respondents were supportive of the process and willing to work in partnership with others.

- Some specific measures were discussed.

Response examples

"…welcomes the recognition of hydropower generation as an important source of renewable energy… particularly the need to balance the delivery of the WFD objectives and the aim of no loss of renewable energy generation… essential that measures to achieve good ecological potential… do not negatively… impact on the Scottish Government's renewable energy targets of 50%... by 2020."

"… we are very concerned about the statement… that 'an important aim of this plan is to provide support for increased hydropower generation in Scotland'. Hydropower generation has great potential to contribute to reductions in ... emissions… however, this source of renewable energy can be devastating consequences for freshwater habitats."

"…strongly of the view, supported by other agencies and stakeholders, that there is a long term risk to the production potential of important areas of river systems by the cumulative reduction or degradation of multiple spawning and nursery areas… important…take account of cumulative risk… bearing in mind the wider biodiversity issues.'

"… if the costs and benefits of achieving good ecological potential are… disproportionately costly, then under WFD the correctly set objective could be less stringent… this is not failure but the correct application of the provisions of WFD."

Actions taken and changes made to the plan

- Further discussions have taken place between SEPA, the operators and other stakeholders regarding specific measures at particular sites.

Further actions proposed

- Specific issues such as recreational use will be considered as part of the licensing review process.

Note for clarification

The following points provide clarification on key principles on river basin planning, in response to several comments received on hydropower specifically:

- There is a general presumption throughout the river basin planning process that high levels of confidence in impact data must be present before measures are required.

- Disproportionate cost assessment of measures will be carried out as appropriate on individual sites.

2.1.4 Responses with a water company related focus

Responses were received from local authorities, individuals, angling clubs, water companies and Ofwat about topics relating to the impacts and actions from water supply and sewage treatment and sewerage systems.

The following messages summarise the responses:

- The important reduction of point source sewage pollution was highlighted, along with the importance of reducing pollution at source.

- Descriptions of some impacts on specific water bodies from sewage discharges and drinking water abstractions were provided.

- It was commented that managing urban diffuse pollution at catchment scale and use of surface water management planning is key to meeting objectives.

- The link between implementing the Floods Bills in Scotland and England, river basin management planning and managing urban drainage was noted.

- It was commented that increased energy consumption is required to meet quality and service standards, with implications for climate change.

- It was commented that water companies bear largest share of costs in implementing changes, but point sources are not the greatest pollution sources. This was perceived to be contrary to the polluter pays principle.

Response examples

"…in the Solway Tweed RBD, water companies are already responsible for around two thirds of the costs of the first round of river basin planning. This appears to be a disproportionate load, especially as the main impediments to achieving Good Ecological Status appear to be associated with diffuse pollution and the man-made structures in and around water bodies, such as weirs and culverts. As such, the over-emphasis on paying for WFD through water bills appears out of line with the 'polluter pays principle'".

"In our opinion RBMPs must strike the right balance between local environmental improvements and long-term sustainability. However, the Plan carries little explanation as to how sustainability or the Polluter Pays Principle (PPP) has been taken into account. We would like to see these issues given more emphasis and far better transparency in the final Plan."

"… we believe that incremental improvements to the aquatic environment, such as those projected in the plans, should not be delivered at the cost of a significant additional carbon footprint which damages the whole environment."

Actions taken and changes made to the plan

- We have included information provided on specific water bodies in our review of pressures on water bodies.

- We have shared the information provided on specific water bodies with water companies.

- Surface water management plans and addressing impacts of urban drainage at a catchment scale are key delivery mechanisms supported in the plan.

- We have worked closely with water companies (Scottish Water, United Utilities and Northumbrian Water) to finalise the programme for next investment period.

- In liaison with water companies we have identified Drinking Water Protection Areas where measures are required to reduce risks.

- We are working with water companies on how to account for greenhouse gas emissions and consider them in the decision-making process.

Further actions proposed

- Together with partners such as water companies and local authorities, we will continue to work to promote surface water management plans.

- The work of the Urban Diffuse Pollution Advisory Group will continue to develop. Progress will be reported to the Diffuse Pollution Working Group.

- We will use the decisions made in the next periodic review and the Scottish Quality and Standards investment programme to set future objectives. We will consult on these objectives.

2.2 Partnership working

2.2.1 Working together to deliver the plan

Many organisations that responded highlighted partnership working including recreation and angling associations, Fisheries Boards and Trusts, electricity companies, Royal Society for the Protection of Birds, farming sector, Forestry Commission, water companies and individuals.

The following messages summarise the responses:

- Consultees supported of the use of partnership working to deliver objectives.

- Examples of existing partnership projects and suggestions of using them to deliver river basin management plan targets were provided.

- Commitments or offers to participate as a partner in future projects were made.

- The need to improve links with development plans and deliver development planning in partnership with river basin management plan objectives was highlighted.

- Comments were made on partnership working so far and the continued commitment to area advisory groups.

- The need for mutual understanding of a shared vision was noted.

Response examples

”Continued engagement, for example through the Area Advisory Groups, will be important to ensure delivery of the river basin plan objectives”

“… currently working closely with SEPA and a number of other relevant organisations to develop the RBMPs and implement agreed measures … also exploring opportunities to develop positive relationships with new organisations to help deliver WFD objectives.”

”The agencies [SEPA and the Environment Agency] and the Forum have an extremely good track record of working together on a number of issues (diffuse pollution, invasive plants, morphological restoration, communication, education etc.) and this has been further consolidated through work on the AAG and the RBMP/AMP. The agencies’ empowerment through new legislation and resources means that they are well placed to make a real difference to our water environment. The agencies clearly uphold and value the WFD tenet of working in

partnership and we look forward to helping take partnership working to the forefront of WFD delivery in the UK."

"… considers that the River Trust movement is a cost-effective way of delivering measures required under AMPs, giving added value to available resources and can provide effective management of partnership delivery."

Actions taken and changes made to the plan

- We will continue to work with Area Advisory Groups to deliver the plan - in particular using sub groups to deliver local actions on the ground.
- We will continue to work closely with the Tweed Forum.
- SEPA are developing specific guidance on how SEPA's Planning Service can work with planning authorities and other stakeholders to deliver river basin management plan objectives through development planning and development management.

Further actions proposed

- We will utilise existing partnerships to deliver and promote new ones where appropriate to assist with delivering objective throughout the first cycle of the plan.
- We will work with advisory groups to ensure they are prepared for the delivery of actions on the ground and implementation of the river basin management plan and area management plans.

2.3 Information to assess pressures and impacts

2.3.1 Assessing the condition of the water environment

Many of the initial responses were queries on classification of individual water bodies and were responded to during the consultation.

The following messages summarise the responses:

- Implications of the differences between SEPA and the Environment Agency classification schemes.
- Comments on the classification resulting from acidification assessments.
- Respondents were divided on those that supported the 'one out all out' assessment and those that did not.
- Comments were received on those water bodies not assessed in the draft plan.
- Many of the comments were on the 2008 assessments for individual water bodies.
- Issues around the criteria for water bodies to be included in the first RBMP.

- There was a lack of understanding or agreement with assessments for good ecological potential in 2008.

Response examples

"The difference in the use of Morphology by SEPA and the Environment Agency in the assessment of water bodies is a major inconsistency in the whole Solway/Tweed river basin management process as it has led to the same water channels changing status as they cross the border (e.g. Map 2 which shows the Willow Burn [near Coldstream] changing from Moderate to Good as it crosses the border) and the creation of an unnecessary burden of 'failed' water bodies on the Scottish side…"

"The classification as it stands is deficient because the surface area class size precludes most open waters in the Tweed, and omits total water volumes and storage capacities. Swamps, mires, fens, bogs etc also all ignored, all of which will have a vital function within the catchment - storage, purification etc"

"Difference between fisheries tools used by SEPA and Environment Agency create different results and are not good for catchment-wide planning"

"Some assessment criteria differ across England and Scotland (morphology, hydrology and fish) this is of concern for the sake of fairness to the consumer - there are no reassurances that the data sets will achieve parity."

Actions taken and changes made to the plan

- We have updated the plans with data collected in 2008 and included new tools in the assessment. For Scottish rivers, this includes an interim fish classification tool and an acidification assessment tool based on aquatic insects and a fish tool for transitional waters.

- We have held additional workshops to discuss the assessments of good ecological potential with stakeholders and operators. We have also sent the final data back to stakeholders and provided a further opportunity for discussion.

- SEPA carried out assessments for water bodies impacted by alterations for flood defence purposes.

- We have provided an explanation of the classification process and the elements used in the assessment as an appendix to Chapter 1 State of the water environment.

- We have included a much more comprehensive summary of the impacts on water quality, water quantity, alterations to beds, banks and shores and invasive non-native species on overall ecological status. We have put significant efforts into improving our data on these pressures and feel that the final classification reflects their impacts more accurately.

- Classification schemes have been discussed and agreed at the UK Technical Advisory Group (UKTAG).

Further actions proposed

- SEPA has initiated the collation and some additional collection of data on the presence of bank side invasive species that can impact on the stability of the banks of rivers and

lochs/lakes. This information will be used in updating the assessment of impacts on banks in 2010 onwards.

- We are working with external partners such as the Rivers and Fisheries Trusts in Scotland on sharing key data.

- Some comments on individual water bodies required further investigation than was possible in time to produce an updated classification for the first plan. These comments will be taken into account in the classification and characterisation updates in 2010.

- As fisheries data and the approach to assessing the condition of fish populations in Scottish rivers develops, the fish ecology tool will detect changes in fish populations, such as those from the impact of translocated fish.

- As more data become available and in response to the comments from external partners, it is likely that some classification tools will be reviewed and modified to better reflect our understanding of the environment. This review process will be transparent and any necessary alterations to the standards will be consulted on and directed to us by the governments.
- We will continue to work actively together and with external partners to share data and experience.

2.3.2 Diffuse pollution

The organisations responding to this topic included the Macaulay Land Use Research Institute (MLURI), the National Trust, National Farmers Union of Scotland (NFUS), the Rivers Trust, RSPB and local authorities.

The following themes emerged from the consultation:

- Individuals and organisations wish to be active in mitigating and preventing diffuse pollution.

- Identification and justification of the diffuse pollution priority catchments is required.

- A greater emphasis on the role of source control in controlling diffuse pollution is required.

- Many responses highlighted the fact that diffuse pollution measures in English parts of the Solway Tweed are entirely voluntary.

Response examples

"We give a qualified welcome to the proposals for a Diffuse Pollution Management Advisory Group."

"… cross-compliance is the most effective way of delivering measures to reduce diffuse pollution because of the clear financial penalties linked to the failure of farmers to comply. We would like to see some simple requirements incorporated into cross-compliance that could have a dramatic effect on reducing pollution."

"We are disappointed by the lack of new measures in the Plan. We feel that SEPA/ the Environment Agency has had enough time to develop more new measures with stakeholders, in

particular to address diffuse pollution and to restore morphological damage to the water environment, but failed to do so in time for the Plan consultation."

Actions taken and changes made to the plan:

- In Scotland, SEPA has established a Diffuse Pollution Management Advisory Group (DPMAG). The group includes key stakeholders and aims to help create a strong governance, decision-making and co-ordination framework for the delivery of river basin planning actions.

- SEPA has consulted with DPMAG and on the selection of priority catchments to be tackled in the first cycle. The catchment approach proposed in the draft plan has increased from five to 14 priority catchments in Scotland in the first planning cycle. SEPA are gathering additional data in the priority catchments to identify the source of impacts and to target measures.

- SEPA will work with DPMAG to encourage individuals and organisations in delivering diffuse pollution measures.

Further actions proposed:

- SEPA will work with DPMAG members and others to co-ordinate delivery of a diffuse pollution strategy.

- The Solway Tweed editorial team felt that the area advisory group members had considerable local knowledge about diffuse pollution, which they could share.

- The Solway Tweed editorial team considered that Defra wants to see whether the voluntary measures work before bringing in hard regulation.

2.3.3 Invasive non-native species

Organisations and individuals responding on issues relating to invasive non-native species (INNS) included fishery trusts and boards, angling clubs and societies, landowners, non-governmental conservation organisations and local authorities.

The following messages summarise the responses:

- Concerns were expressed over species not currently included in the classification assessments, including riparian species, translocated species and fish farm escapes.

- Comments were made on classification, pressures and measures for individual water bodies related to invasive non-native species.

- References were made to current work that will support and contribute to implementation of the plan including biosecurity planning and control and eradication programmes.

- There was a call for more resources for measures to prevent the spread, to control and to eradicate invasive species.

Response examples

"We question why Scottish Government has made proposals to extend funding and restoration powers to SEPA on morphological pressures, but has not done the same for INNS… we wonder whether sufficient assessment has been made of the costs, benefits and risks of funding morphological improvements verses equivalent measures for INNS."

"Mention should be made of the UK Non-native Species Strategy. SEPA and the Environment Agency role in maintaining good ecological status with respect to NNSs should be amplified."

Actions taken and changes made to the plan

- We have reviewed the wording of the plan to make it clearer.
- Funding has been made available to the Environment Agency to support WFD related projects. SEPA also has funding through the Restoration Fund at http://www.sepa.org.uk/water/restoration_fund.aspx
- Where it was possible to obtain data, an interim fish classification tool has been used for Scottish water bodies. This tool has the capacity to detect significant impacts of translocated species on salmon and trout. This assessment will improve as we collect more data on fish populations and develop the tool more fully.

Further actions proposed

- We will work closely with established projects in Solway Tweed area through the development of area management plans.
- The recently established Fish and Fisheries Advisory Group in Scotland, established by SEPA, with the Environment Agency as members, offers a forum in which to discuss issues such as fish farm escapees.
- We are also working with external partners, such as the Rivers and Fisheries Trusts in Scotland and Tweed Forum on sharing key data.

2.3.4 Climate change

Organisations that responded to this topic included RSPB, Forestry Commission, Scottish Water, Berwick Wildlife Group, and the National Farmers Union (NFU).

The following messages summarise the responses:

- Respondents urged us to take more account of the effect of climate change in the river basin management plans.
- River basin management plans must strike the correct balance between local environmental improvements and long-term sustainability.
- More integration of climate change information was requested.

Response examples

"Climate change and its impacts are handled well within the document and I welcome the recognition that climate change increases the risk of not achieving the WFD objectives due to man-made pressures."

"Climate change is mentioned only very briefly in the report. Climate change is now an undisputed fact and is already having an effect on our weather with increasing risk of extreme events. Plans are therefore needed to minimise flooding, hold more water in the upper catchment for slow release, prevent unauthorised abstraction, control licensed abstraction in times of drought, control alien species, plan for increased nutrient and sediment flows at times, combat increased acidification and salinity and to protect wildlife habitats with their valuable mitigating services."

"Mitigation of climate impact measures in the draft plans is not adequate. For example we think comprehensive catchment management and improved control of pollution at source will improve resource efficiency and reduce chemical and energy use, and militate against climate change."

Actions taken and changes made to the plan

- The role the plans play in helping with adaptation to climate change has been emphasized. It is also recognised that impacts on energy use and greenhouse gas emissions need to be taken into account in the selection of measures to protect and improve the water environment.

- We have undertaken a "climate check of measures" to ensure the measures themselves are resilient and flexible in the face of predicted climate change.

- The Solway Tweed editorial team agreed with the approach the agencies suggested – to have a separate section on climate change but also to include references through out the plan.

- Projects in Tweed to investigate measures for climate change and flood prevention have been included.

Further actions proposed

- We will monitor the impact of delivering the plan in relation to climate change mitigation through implementation.

- We will ensure that development of new legislation and policy on climate change at national and local levels is linked to river basin management planning in Solway Tweed.

- We will ensure that we keep up-to-date with the research and understanding of climate change and develop the process of river basin planning accordingly.

2.4 Changes to the layout and presentation of information in the plan

2.4.1 General content of the district and area management plans

The organisations commenting on the structure of the area management plans included local authorities, Rivers and Fisheries Trusts, water companies, NFUS, Cumbria Wildlife Group, RSPB and the National Trust.

Many responses acknowledged the amount of work required to produce the plans and commended the efforts made by SEPA and the Environment Agency to prepare them.

The following messages summarise the changes suggested in the responses:

- Easy to read summary documents are required.
- Plans should state their aims/key outcomes clearly.
- There should be more focus on issues rather than sectors.
- Clear links to relevant plans, policies and initiatives are needed.
- A clearer, concise explanation of the classification system is needed.
- The scale of the river basin district and the plans make it difficult to get fully engaged.
- Area management plans do not read like "management plans"- they are more like a summary of information.
- More information on measures and where they are needed is required in area management plans.
- Consultees would like more information on funding and how measures will be delivered.
- The area management plans should remain a living document.
- The plans are too technical.

Response examples

"Feedback from colleagues has been that the number of documents has proved confusing and off-putting… In future we suggest that an easy read version – a bit longer than the current executive summary but shorter than the full plan – is prepared for each document to help overcome the sense of information overload."

"the draft plan is highly complex and contains too much detail. At the moment the plan is a reporting tool telling us about the current state of the environment rather than a plan for action. It does not set out a plan for dealing with the issues arising, it just tells us what they are. The plan would be improved by the addition of an overview section, setting out the key issues."

"The RBMP should also deliver an action plan for the identification and delivery of the PoMs required to deliver GES/GEP for failing water bodies. We fee/ that the draft plans are not specific or measures not developed enough to do this"

"The RBMP is a high level document which deals mainly with delivery mechanisms rather than measures. As a result the plan lacks the necessary detail to allow individual farmers and land managers to ascertain the measures being proposed for their water bodies."

"We have some fundamental concerns with the lack of transparency of the consultation's approach. No details are given of the standards used, the methodologies by which the standards have been applied or the data which has been used. We are asked to accept the Agency's findings at face value with no ready access or signposting to the necessary information

to check or understand what has been done. We do not find this at all acceptable. Affected parties need to be able to verify and understand what has been done."

Actions taken and changes made to the plan

- We have developed a route map to describe how the separate parts of the plan work together.

- We have provided a shorter, less technical summary of the river basin management plan. The chapters and water body data sheets that form the "plan" are better produced. Supporting technical information has been separated from the main text by moving it to appendices.

- The area management plans will also provide a shorter and more simplified summary of the condition of the water environment and target objectives and will include an action plan to track development and delivery of measures. We are also looking at how we can provide information on specific catchments to support integrated catchment management and the development of new measures at a local scale.

- A list of local measures (the action plan) will be kept as a live document on the internet. This will allow us to update the information regularly within the six-year cycle.

Further actions proposed

- We will continue to work with advisory groups during the implementation of the first plan. Over the autumn/winter of 2009-2010 we will work with the groups to establish a work plan for the coming year and beyond that will ensure we are engaging with the right people at the right time to deliver the plans.

- We will continue to work with Tweed Forum to build on existing Tweed catchment management planning processes.

2.4.2 Access to information

Two individuals responded on this theme as well as several organisations, including local authorities, environmental consultants, hydro companies, water companies, Fisheries Trusts and angling clubs.

The following messages summarise the responses:

- The geographical information systems (GIS) web mapping application is very slow and difficult to access-particularly for those who do not have broadband.
- The water body data sheets are difficult to understand and need a non-technical explanation.

Example responses

"The river basin plan contains summarised data, rather than details of information applicable to individual water bodies. It is therefore very important that readers of the plan are easily able to access detailed information on the GIS web-based facility."

"… despite many attempts to access this facility, it has frequently proved to be either extremely slow to download, or has crashed completely"

"The water body data sheets appear to have been a standardised, quick compilation and still require work on them and QAing"

Actions taken and changes made to the plan

- We have added a "status" symbol to show the progress on loading the GIS. During the consultation period changes were made which slightly improved the speed.

- We have redesigned the water body information sheets to include more information in a clearer, more user-friendly way.

- We have improved the speed and accessibility of the GIS web mapping application. The search tool has been modified which should improve its speed performance. A data reporting tool is also planned for release in spring 2010.

- Catchment, local authority and national park boundaries have been added to the specification for the updated interactive map that will support the first plan.

Further actions proposed

- We will continue to assess how well the interactive map meets the needs of those who need to access information on the river basin management plans and feed this into future updates.

- We will continue to explore with Government and other stakeholders the requirements to share data and the consequences of licensing issues.

3 Conclusions

We received a large number of diverse and complex responses to the draft river basin management plan. These varied in nature from comments on individual water bodies to issues that require further consideration at a policy level. The consultees were supportive of many of the approaches we have taken with our partners to develop the first plan, but they still had concerns about some aspects relating to:

- delivering improvements;
- partnership working;
- information on the assessment of pressures and impacts;
- the layout and presentation of information in the plan.

The success of the river basin management plan relies on other organisations delivering actions to improve the water environment. We were pleased that so many organisations were supportive of continuing to develop new ways of working together and that they volunteered information on current and proposed projects. In light of the feedback from the consultation, we have made a number of changes to the Solway Tweed river basin management plan, including:

- We have increased the level of ambition in the first plan so that 53% will meet good or better status by 2015, increasing to 61% in 2021 and 91% by 2027.

- We have set objectives for water bodies affected by diffuse pollution at a catchment scale and we will ensure that we deliver multiple benefits during implementation in these priority catchments.

- We have further integrated climate change into the plan and made it clearer that the plan will help our water environment and our economy and society to adapt to climate change. We have also assessed the resilience of the measures to climate change.

- We have updated and reviewed the current status assessments, including many of those for heavily modified water bodies.

- We have presented the information in the plan and on water body data sheets in a clearer and more concise way.

We have taken action to address as many of the comments as we could in the first plan and others will be addressed as we move forward in partnership with other stakeholders.

Working together, we will protect and improve the water environment through the implementation of this first plan and will efficiently and effectively achieve the aims of the Water Framework Directive through planning cycles.

We would like to thank all of those who responded to the consultation on the draft district and area management plans. We look forward to working with you to:

- continue to develop our understanding of the impacts on the water environment:
- deliver the protection and improvements set out in the plan.

Appendix 1: Solway Tweed editorial team report 2009

The Solway Tweed editorial team was formed in March 2008 to help SEPA and the Environment Agency develop the structure of the draft river basin management plan (RBMP) for the Solway Tweed river basin district. The team is made up of a cross-section of stakeholders, all of whom sit on either the Tweed or the Solway area advisory group, together with SEPA and Environment Agency representatives (Appendix 1).

The Solway Tweed editorial team reconvened on 20 April and 29 June 2009 at the request of SEPA and the Environment Agency. The purpose was to review and provide advice on how to deal with some of the issues raised during the consultation on the Solway Tweed draft RBMP.

The members provided valuable input to SEPA and the Environment Agency on a number of issues raised and the first RBMP will reflect, where possible, the deliberations and guidance. Two main types of responses were discussed:

- The most frequent topic or issue raised (Table 1).
- Specific issues or topics to which the Agencies wished a 'second opinion' on how they had dealt with them (Table 2).

Solway Tweed editorial team members: Stakeholders

Name	Organisation	Area advisory group
Nicola Bissett	Tweed Forum	Tweed
Charles Ecroyd	River Eden District Fisheries Association and representative of riparian owners	Solway
Paul Glading	Natural England	Solway
Jamie Smith	Forestry Commission Scotland	Solway
Jonathan Warren	Scottish Natural Heritage	Solway
Bill Ferguson	Consumer Council for Water	Tweed
Nick Yonge	Tweed Foundation / River Tweed Commission	Tweed

Solway Tweed editorial team members: SEPA and Environment Agency staff:

Name	Organisation
Jackie Galley	SEPA
Anna Griffin*	SEPA
Susan Mackirdy	Environment Agency
Stewart Mounsey*	Environment Agency
Anna Warburton	Environment Agency
Katie Wilson*	SEPA

*not present at meetings held in April and June 2009

Table 1: Most frequent topics or issues

Issue/topic	Outline	Outcome
Level of ambition (20 April meeting)	Generally, the consultees were disappointed that the draft plan only proposed 3% improvements between 2009 and 2015. This was felt to underestimate the work ongoing and also what could be achieved.	At the time of the discussion there was concern about the level of ambition and whether this would be different either side of the border. Since the April meeting both organisations have received guidance from their governments regarding the level of ambition. Consequently the first river basin management plan for the Solway Tweed will have a higher level of ambition on both sides of the border.
Description not plan	Comments highlighted that plans were descriptive and not prescriptive.	It was proposed that a more prescriptive approach should be adopted for the area management plans and other implementation plans. SEPA and the Environment agency will work closely with the Tweed Forum catchment management plan process.
Invasive non-native species (20 April meeting)	There was discussion around how invasive non-native species were included in the classification scheme and how they were subsequently reported in the plan. There was also discussion around the amount and availability of resources to bring about improvements to water bodies impacted by invasive non-native species.	SEPA and the Environment Agency agreed to review the wording of the draft plan to ensure that is clearer. Since the meeting, funding has been made available to the Environment Agency to support WFD related projects. SEPA also has funding through the Restoration Fund.

Polluter Pays Principle (29 June meeting) Diffuse pollution	There was discussion about the cost of implementing the actions to bring about improvements and whether the burden of cost was bourn unfairly by one sector as compared to another sector, particularly if one industry was regulated more than another. The impact and how to deal with diffuse pollution (from various sectors) was a common topic in the responses. In England, the consultation responses highlighted the fact that the majority of diffuse pollution measures are voluntary.	The Solway Tweed editorial team noted there is a difference in the way the regulation of some industries works either side of the border. It was recognised that it is sometimes difficult to identify the polluter – examples discussed were rural catchments with septic tanks rather than mains sewers or catchments with several pressures, such as road run-off, agricultural diffuse and septic tanks. The Solway Tweed editorial team felt that the area advisory group members had considerable local knowledge about diffuse pollution – which they could share.
Climate change and carbon costs (29 June meeting)	The draft plan had a separate section on climate change (which Europe liked) but there was a need to build in climate change considerations through-out the plan.	It was felt that awareness of the issues around climate change was increasing and that carbon costs was now beginning to be considered in cost benefit analyses. The Solway Tweed editorial team agreed with the approach the Agencies suggested – to have a separate section on climate change but also to include references through out the plan.
Hydro schemes (29 June meeting)	Hydropower was raised as an issue – both large and small scale.	The Solway Tweed editorial team felt that it was appropriate to include text about small hydro schemes, but that they were not a measure which contributed to achieving good status – which is what seemed to be implied in the draft document. The Agencies agreed to review this part of the draft text and remove the measure.

Table 2: Topics/issues for second opinion

Issue/topic	Outline	Outcome
Heavily Modified Water Bodies (HWMBs)	The designation of heavily modified and artificial water bodies was raised by several respondents. The agencies asked the Solway Tweed editorial team for their advice in relation to one response in particular.	It was noted that the concern raised in this consultation response seemed to be around the process applied in designating one or more HMWBs. This process was consulted on and agreed by the UK Technical Advisory Group (UK TAG) and is available for information. The group felt that it was important to understand whether the concern was about the process itself or how it has been applied in the Solway Tweed. The Solway Tweed editorial team agreed the following course of action: (i) Check that the UK TAG guidance has been followed and applied correctly. (ii) If this is the case then the Environment Agency should respond to the consultee that it is satisfied that the process has been followed correctly and that the current consultation on the draft river basin management plan cannot deal with the concerns raised. Also note that the information on how the assessments have been carried out is available through UK TAG. Also note that experts from other organisations contributed to and agreed the process, not just the Environment Agency.

Appendix 2: List of respondents

4NW
Annan District Salmon Fisheries Board
Association of Electricity Producers
Association of Rivers Trusts
Berwick Wildlife Group
British Association for Shooting and Conservation
British Hydropower Association
British Marine Federation
Canoe England
Carlisle Angling Association
Coal Authority
Consumer Council for Water
Crop Protection Association
Cumbria Wildlife Trust
Dumfries & Galloway Council
Eden Rivers Trust
Fisheries (Electricity) Committee
Forestry Commission
Friends of the Lake District
Galloway Fisheries Trust
Individuals (2)
Institution of Civil Engineers
Lake District National Park Authority
Macaulay Land Use Research Institute
National Farmers Union
National Farmers Union (Scotland)
National Trust
Natural England
Nith District Salmon Fishery Board
North West Coastal Forum
Northumberland County Council
Northumberland National Park
Northumbrian Water Limited
OneNorthEast
Our Rivers
River Bladnoch Salmon Fishery Board
River Eden & District Fisheries Association
River Fleet Board
River Tweed Commission
Royal Society for the Protection of Birds
Royal Yacht Association
RYA North West Region
Scottish Anglers National Association
Scottish Borders Council
Scottish Natural Heritage
Scottish Power
Scottish Rural Property & Business Association Limited
Scottish Water
Sea Fish Industry Authority
Shellfish Association of Great Britain
Solway Firth Partnership
The Scottish Federation for Coarse Angling
Tweed Forum
UK Major Ports Group
United Utilities
Water Services Regulation Authority
Water UK
Wild Trout Trust

Appendix 3: Consultation questions

Consultation question 1: Do you agree with our assessment of the ecological status/potential condition) of individual water bodies in the Solway Tweed river basin district?

Consultation question 2: This plan and Annex 3 sets out the objectives for the water environment for the next six years and beyond. To what extent do you agree with:
a. the level of improvements proposed by 2015?
b. the level of improvements proposed by 2027?

Consultation question 3: Are there water bodies where you think that the objective for the future should be different? If so, please provide details.

Consultation question 4: Have we identified the important existing measures that could be taken to address these pressures (Sections 7–11)? Please identify any important existing measures we have missed, including measures for individual water bodies (as detailed on the interactive GIS map).

Consultation question 5: Could you or your organisation, potentially working in partnership with others, help deliver existing measures or develop new measures?

Consultation question 6: We will need to work together to deliver the river basin management plan. Do you have suggestions on how we could work better together?

Consultation question 7: To be effective this plan has to influence other planning process. Have you suggestions on how to improve the way this plan links to other planning processes (Section 13)?