Summary of the consultation responses that informed the development of the second river basin management plan for the Solway Tweed river basin district

Working together to protect and improve our water environment



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1. Background

The Scottish Environment Protection Agency (SEPA) and the Environment Agency are committed to reviewing and updating the Solway Tweed river basin management plan (RBMP) every six years. In December 2009, the first RBMP for the Solway Tweed river basin district was published[1]. It set out our environmental objectives for rivers, lakes, estuaries, coastal waters and groundwaters, and established a programme of measures designed to achieve these targets.

In 2012, we consulted across the Solway Tweed river basin district to engage interested parties with the process of development of the second RBMP through *Getting involved in developing the second river basin plan*[2]. The comments and suggestions we received in 2013 were used to improve the engagement process.

In 2013, the agencies published a further consultation, *Current condition and challenges for the future*[3]. The report provided a detailed description of progress towards the objectives set for 2015. It also identified where it would be necessary to make a step change in the management of particular pressures if future targets are to be met. Comments received helped shape the proposals and scenarios to develop the consultation on the second plan, published in 2014.

[1] The river basin management plan for the Solway Tweed river basin district 2009 - 2015. http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/

[2] Working together to protect and improve Solway Tweed water environment: Getting involved in developing the second river basin plan http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/

[3] Current condition and challenges for the future http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/

2. Introduction

This digest summarises the responses received for the consultation to inform the development of the second river basin management plan for the Solway Tweed river basin district.

We would like to thank everyone who took the time to respond to the consultation to help develop and refine the second plans.

The consultation set out the long-term level of ambition proposed for protected areas and water bodies along with the approaches identified to address pressures impacting the water environment. Respondents were specifically asked to decide what level of effort (outlined in different scenarios for both the English and Scottish parts of the district) they felt should be put in place to achieve our targets.

The consultation provided the opportunity for anyone to comment or contribute to the development of the second river basin plan. It was supported by engagement with stakeholders.

A consultation for the Scotland river basin district ran in conjunction with this process; the Scotland summary of responses has been published and is available on the SEPA website[4]. Likewise, active consultation has been carried out across England[5] and where applicable comments from these national approaches have been used to inform the Solway Tweed second plan.

[4] A public consultation to inform the development of the second river basin management plan for the Scotland river basin district http://www.sepa.org.uk/environment/water/river-basin-management-planning/publications/

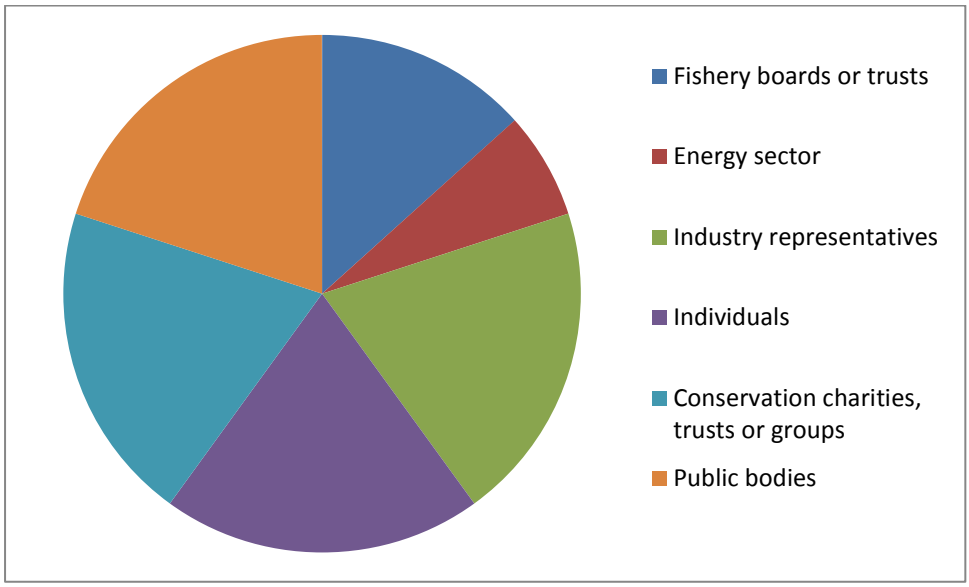
[5] Water for life and livelihoods – summary response document https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/452286/Water_for_life_and_livelihoods_-_Summary_response_document.pdf

3. Summary of responses

3.1 Responses

Thirty responses were received to the Solway Tweed consultation from a variety of stakeholders including responsible authorities and catchment groups that represent multiple organisations. A full list of respondents can be found in Appendix 1.

Figure 1: Breakdown of respondents



3.2 Overview of responses

The majority of respondents were supportive of the proposals set out but a few respondents called for a greater level of ambition than was outlined. In particular, some respondents called for more to be done to prioritise improvements within protected areas such as Natura sites.

For the Scottish part of the district, respondents were asked to decide what level of effort they felt should be invested toward achieving objectives for the significant water management challenges of rural diffuse pollution, physical condition of the water environment and barriers to fish passage.

There was strong support for the most ambitious scenario, step change 2, to be adopted for rural diffuse pollution priority catchment approach, building on the successful work carried out to date in the Galloway and Stewartry coastal areas. Respondents were also supportive of increased effort to tackle changes in physical condition and for mitigation or removal of fish barrier pressures; some would like a higher level of ambition than the maximum the consultation outlined but others were cautious about striking the balance between ambition, feasibility and the resources available to facilitate this work.

For the English part of the district the level of effort that could be applied was illustrated using five scenarios that demonstrate the costs to each of four main sector groups. Respondents were keen that a realistic increase in the level of ambition was adopted during the second cycle and that funding is targeted where there is the greatest need for

improvement. A few respondents highlighted it was difficult to draw comparisons over varying timescales and others were keen to have more information about the costs and benefits of the programme of measures. This feedback will be used to inform the impact assessment that will accompany the updated plan later in 2015.

Across the district, most respondents agreed with the proposed changes to catchment and water body boundaries as well as de-designated or proposed heavily modified water bodies as a result of information gathered during the first cycle.

In England, some respondents opposed the proposed de-designation of some small water bodies, raising concerns that they impact upon protected coastal waters which may no longer be eligible for water framework directive (WFD) related funding.

Taking the responses as a whole, the most prominent themes were:

- the need for continued, and improved partnership working;
- integration and co-ordination of the RBMP with other strategic plans and policies.

Working in partnership

We are pleased that there was unanimous support for partnership working, and recognition that this approach is essential if we are to increase our efforts in the delivery of RBMP objectives. Respondents were supportive of partnerships, not only being used to deliver projects, but also to share and build upon supporting data and evidence to help identify and remove any gaps in surveillance and monitoring.

Targeting combined resources, focused on delivery, enables complementary solutions and projects to be designed that maximise opportunities to achieve multiple benefits efficiently. Use of existing partnership groups, where possible, was suggested as an efficient way to progress. It was widely recognised that new partnerships will require detailed co-ordination and be variable depending on the land-use, pressures, scale, and opportunities and benefits for interested parties.

Integration with planning and policies

Many responses outlined support for the continued and increased integration and co-ordination of the RBMP process with other strategic plans and policies in order to align work with other responsible authorities and partner organisations and secure commitment to delivering projects. This work could help deliver benefits for all partners and maximise efficiencies in stakeholder efforts.

There was a call for objectives to align with the work of other public bodies, for example, Biodiversity 2020[6] outcomes and the conservation of Marine Conservation Zones[7]. Significant progress to incorporate the targets of others was made during the first cycle and we are pleased that stakeholders support this strategy going forward. We are committed to continue and expand integration in the second cycle.

[6] Biodiversity 2020 https://www.gov.uk/government/publications/biodiversity-2020-simple-guide-and-progress-update-july-2013

[7] Marine conservation zones https://www.gov.uk/government/collections/marine-conservation-zone-2013-designations

4. Detailed breakdown of responses

In addition to the main themes outlined, we received detailed comments and suggestions for each of the sections. These are summarised below.

4.1 Feedback on the overall level of ambition

We asked:

"Q1 - *Do you agree with the long term level of ambition proposed for water bodies and protected areas?"*

In general, respondents were supportive of the principle that any prioritisation of improvements should be driven by ecological quality. They agreed that thorough scoping and prioritisation, developed with partners, would achieve long-term solutions with associated multiple benefits.

Some respondents felt the programme of measures should be more ambitious and prioritise measures to allow for any lag in ecological recovery. Others were concerned that before measures could be implemented further information was required, both through engagement and scoping, to inform prioritisation and ensure the resources are targeted where they are most needed.

Some respondents asked for more information about the costs associated with the proposed scenarios and funding options. Some raised concerns regarding the costs associated with delivering measures. Resource was highlighted as an area of uncertainty that may impact the desired level of ambition for the delivery of objectives. Difficulties in cross border funding applications were also highlighted as a potential inhibiting factor.

4.2 Feedback on proposals to tackle rural diffuse pollution

Respondents were supportive of the proposals outlined for rural diffuse pollution across the district. They highlighted the successes of the first cycle Catchment Sensitive Farming[8] and priority catchment[9] measures. Respondents expressed support for the expansion of advice-lead regulatory programmes across the Solway Tweed district for the farming community, compatible with improving efficiency, profitability and competitiveness.

A few respondents suggested that where voluntary measures prove insufficient, cross compliance should be enforced more rigorously, and if necessary, new basic measures in the form of legislation introduced in the English part of the district.

It was highlighted that capital investment can often be slow due to the application processes and so front loading of voluntary measures was suggested to speed up recovery and achieve environmental improvements.

For the Scotland part of the district respondents were supportive of proposals to continue with, and expand, the priority catchment approach developed during the first cycle. The most ambitious scenario, step change 2, which specifies that work in all proposed priority catchments and focus areas would start in cycle two, was favoured because:

[8] Catchment sensitive farming https://www.gov.uk/catchment-sensitive-farming-reduce-agricultural-water-pollution

[9] Priority catchments project http://www.sepa.org.uk/environment/water/river-basin-management-planning/actions-to-deliver-rbmp/priority-catchments/

- measures need to be implemented soon to allow for any ecological lag in recovery;
- slower progress could mean lost momentum and partners may become disengaged;
- the existing and established network of stakeholders for this sector can be extended for better engagement opportunities and for the dissemination of the already extensive library of guidance and advice.

For the English part of the district respondents were keen to see more action directed towards tackling this pressure. Suggestions included:

- further use of legislative mechanisms such as water protection zones;
- co-ordinated action from different delivery partners within the sector;
- expanded advice lead regulatory measures;
- increased efforts in catchments with protected areas.

The issue of acidification, which impacts parts of the west of the district, was highlighted by a few respondents. These respondents wanted to see more actions outlined to address this pressure and timescales set in which we expect these to be delivered.

The impact of sewage discharges and septic tank effluent inputs was also raised.

4.3 Feedback on proposals to tackle urban diffuse pollution

Respondents were very supportive of the proposals outlined for this challenge and suggested that collaborative working will help to:

- collate and share monitoring data and information from appropriate bodies to understand water bodies at risk, including the source, fate and impact of substances;
- identify potential opportunities through planning and development management that will be essential for remediation of contaminated land;
- promote the installation of sustainable drainage solutions in new developments and retrofitting systems where pressures are identified;
- identify opportunities with local authorities through flood risk management and surface water management to mitigate this pressure through development of green infrastructure.

4.4 Feedback on proposals to tackle alterations to the physical condition of the water environment

Respondents were supportive of the proposals to tackle pressures impacting on the physical condition of the water environment. They highlighted that the development of this work would be dependent on partnerships to engage with land managers about the ecological need and other benefits associated with these projects. The use of existing partnerships was promoted by respondents as many groups in the basin have extensive, relevant experience and well established trusted local stakeholder networks. There was a call from a few respondents that SEPA and the Environment Agency would need to show clear leadership in these partnerships to facilitate and secure the delivery of projects. Working with responsible authorities to integrate planning process and flood risk management was also identified as an opportunity to deliver works.

For the English part of the district, a few respondents raised concerns about the WFD targets set for watercourses that are modified primarily for land drainage, and particularly

those covered by the Inland Drainage Board[10]. There is concern over the potential conflict between the RBMP aspiration to restore rivers to a more natural function and their current management use. Work to develop appropriate measures for these water bodies will need to be developed in partnership throughout the next cycle.

For the Scotland part of the district respondents were supportive of proposals, applying what has been learned through the first cycle pilot catchment[11] works. The majority of respondents called for a step change in our efforts to address these pressures (with an even split of respondents in favour of the scenarios for step change 1 and step change 2) although many wanted to allow time to:

- build confidence in our information through scoping to assess where to direct implementation to achieve the best ecological improvements;
- integrate these objectives with other projects and planning processes;
- engage and develop delivery partnerships at the appropriate scale with the knowledge and expertise to address pressures;
- complete the review of the rural heavily modified water bodies.

There was also support for the new legislation published by Scottish Government[12] to support delivery of projects to address these pressures.

4.5 Feedback on proposals to mitigate barriers to fish movement

Respondents were supportive of the prioritisation process for barriers. Similar themes to those received on improvements to physical condition were raised. The majority of respondents wanted an achievable set of well prioritised objectives, calling for thorough scoping to target work where they will provide the greatest benefit.

For the Scottish part of the district, the respondents supported a step change in our efforts to mitigate these pressures (again with an even split between scenarios for step change 1 and step change 2). A few respondents raised concerns about the process of achieving delivery and called for a streamlining of the regulative process, which they felt ties up resources and so limits the number of projects that can be delivered.

Some respondents were also concerned about the potential spread of invasive non-native species, such as North American Signal crayfish, as a result of barrier removal.

4.6 Feedback on proposals to tackle alterations to water flows and levels

Most respondents were supportive of the proposals for water bodies with impacted water flows and levels outlined in the consultation. Some respondents raised reservations about the impacts of mitigation on their water use and called for better evidence that restoring natural flow patterns would result in ecological improvements to be collected on a site by site basis.

A few respondents made suggestions that water consumption should be given further consideration across the basin, specifically conservation in domestic use and also mitigation

[10] Inland drainage board http://www.ada.org.uk/
[11] Pilot catchments project http://www.sepa.org.uk/environment/water/river-basin-management-planning/actions-to-deliver-rbmp/pilot-catchments/
[12] Delivering Scotland's river basin management plans: improving the physical condition of Scotland's water environment http://www.gov.scot/Publications/2015/02/1275

for agricultural abstractions. There was a call for more information about how engagement will be co-ordinated to address pressures from agricultural abstractions during drier periods.

4.7 Feedback on proposals to tackle invasive non-native species

Most respondents were supportive of the proposals outlined in the consultation, with partnership working to engage and communicate the importance of biosecurity being a strongly supported theme. They reinforced that prevention was the most cost effective mechanism for addressing invasive non-native species (INNS). Other points to help prevent spread included, improved data sharing across agencies and organisations and integrating knowledge around INNS with other projects such as restoration works to prevent inadvertent spread of INNS.

Control and eradication was highlighted as an area where some felt more could be achieved. Early eradication is cost effective but requires a very fast response time. Suggestions to support this included the need to encourage volunteer control programmes through interested and the provision of emergency funding.

Some respondents did not support the proposed approach to INNS set out in this consultation; they felt that a greater level of ambition was needed to achieve eradication supported by monitoring, rapid response and effective control mechanisms.

4.8 Proposals specifically on the English part of the district

For the English part of the district the Environment Agency carried out an economic analysis that illustrates the costs to four sector groups and the benefits of five scenarios for the future management of the water environment. This will inform the impact assessment that will accompany the updated plan.

Overall respondents agreed that they wanted an achievable and realistic set of objectives. They were supportive of the work that had been done to develop the various scenarios with most support for scenario 4. Some respondents highlighted that there were uncertainties, dependent on predictions of levels of investment required by sectors or available funding, that are complex, making it difficult to draw comparisons.

A couple of respondents suggested that the numerous long-term or permanent benefits associated with these projects were under represented by the economic analysis.

Some concerns were raised about the cost associated with scenario 4. One respondent suggested a sensitivity analysis could be carried out in light of varying results from cost benefit analysis. This was because of the uncertainties associated with the feasibility of cost effective solutions to address phosphates and priority substances. Some respondents felt that the Environment Agency should work to reduce uncertainty associated with using the Common Implementation Strategy Guidance.[13]

Scenario 5 provided an illustration of the potential progress towards scenario 4 by 2021. This is based on an assumed level of national funding and additional voluntary action through local efforts. This scenario was designed to illustrate the constraints. It is not a prediction of funding available or voluntary action but only considers the largest funding sources and planning information. We asked:

[13] Common implementation strategy http://ec.europa.eu/environment/water/water-framework/index_en.html

"Q5 -How could scenario 5 be developed to present a preferred option for the impact assessment?"

Respondent suggestions included:

- co-ordination is needed to maximise the full potential of partnership working;
- use established catchments groups to co-ordinate cost effective delivery mechanisms;
- improve legislative measures to address rural diffuse pollution and secure investment in essential infrastructure;
- further information is needed to demonstrate that costs are proportionate and justified across sectors to secure investment;
- policy changes for new mandatory measures and new legislation if needed;
- engage to inform communities to achieve a culture change and promote sustainable improvements;
- create catchment specific roadmaps, developed with stakeholders, outlining a programme of measures.

A few respondents added that because scenario 5 was only a five year plan, the updated RBMP should also contain a plan to refine the programme of measures in the longer term, taking account of the points made above to ensure a cost beneficial and proportionate programme is proposed in the third cycle plan.

4.9 Proposed water body changes

We asked:

"Q6 - Do you agree with the proposed changes to the river basin district and catchment, water body boundaries and artificial and heavily modified water body designations?"

Most respondents were supportive of the proposed changes shown in the online data tool. However, a couple of respondents opposed the removal of some small water bodies from the WFD programme in the English part of the district as a result of delineation changes in the Environment Agency's underlying dataset. These respondents raised concern that these water bodies influence marine protected areas and lie within areas of outstanding natural beauty, and if removed, these areas may no longer be eligible for WFD-related funding streams. This is an issue that has occurred across England as the Environment Agency updates and refines its water environment dataset.

The original water body 'building blocks' used in the first river basin plans have been revised for the updated river basin management plans. This has resolved a number of errors, but has also removed a large number of very small streams (i.e. those water courses less than 1km in length or with a catchment of less than 10 km^2). Further information on water body changes in England is available in the Environment Agency response document[14].

Whilst respondents supported the methodology used to modify designations for certain water bodies some expressed surprise at the low number of agricultural heavily modified water bodies (HMWBs) to be newly designated across the basin and suggested that further work would identify more of these types of modifications.

[14] Environment Agency response document https://www.gov.uk/government/consultations/update-to-the-draft-river-basin-management-plans

A few water body specific queries were noted and have been responded to separately.

5. Next steps

We will consider the comments and suggestions in the development of the second plan. Water body specific comments have been used to review and adjust priorities set out for the second and third cycle. A summary of these, including our feedback has been made available to all respondents.

The second plans will be published in December 2015.

Appendices

Appendix 1 - List of consultation respondents

The Coal Authority
Community Catchment Action Group – Roe Catchment Community Water Management Group (RCCWMG)
Country Land and Business Association
Cumbria County Council
Eden Rivers Trust
Galloway Fisheries Trust
Individuals (6)
National Farmers Union Scotland (NFUS)
Natural England
Rivers and Fisheries Trusts of Scotland and Association of Salmon Fisheries Boards
RSPB
Saving Eden Coalition
Scottish Land & Estates
Scottish Natural Heritage (SNH)
Scottish Power
Scottish Water
Scottish Woodlands
Sports Scotland
Tidal Lagoon Power
Tweed Forum
The Tweed Foundation
United Utilities
Waver Wampool Catchment Partnership
West Cumbria Rivers Trust

Appendix 2 - List of questions

Q1. Do you agree with the long-term level of ambition proposed for water bodies and protected areas?

Q2. Do you agree the correct approaches have been identified for:

• rural diffuse pollution
• urban diffuse source pollution
• physical condition of the water environment
• barriers to fish movement
• flows and levels
• invasive non-native species

Please tell us why or why not, and what you think is the best way of implementing them.

Scottish options:

Q3. For the Scottish scenarios outlined, which do you think strikes the most appropriate balance between effort and feasibility in addressing:

• rural diffuse pollution
• physical condition of the water environment
• barriers to fish movement?

English options (based on annex 2):

Q4. Do you have any comments on the scenarios for England and how they have been produced?

Q5. How could scenario 5 be developed to present a preferred option for the impact assessment?

Please provide any supporting evidence of your recommendation on different sectors, how it should be funded and the likely outcomes.

Changes within the river basin district:

Q6.
Do you agree with the proposed changes to the river basin district and catchment, water body boundaries and artificial and heavily modified water body designations?