

**AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE
4 JUNE 2004**

Scottish River Basin Management Planning Strategy

PURPOSE OF REPORT

- 1 To comment on the consultation by SEPA concerning the Scottish River Basin Management Planning Strategy.

BACKGROUND

- 2 The European Water Framework Directive came into force in 2000 to establish new and better ways of protecting, improving and using Europe's rivers, lochs, estuaries, coasts and groundwater. The Directive has been translated into Scots law via the Water Environment and Water Services (Scotland) Act 2003. In order to deliver the Act, it has been agreed by the Scottish Executive that Scotland will require a river basin management planning system, and SEPA has been given the lead role of developing and implementing the appropriate systems.
- 3 Delivering the plan will require fundamental changes to working practices across a wide range of government and non-government agencies and local authorities and extensive consultation has already been undertaken with stakeholders to explore options. The first river basin management plans will need to be published by 2009, but because the system is new there will need to be considerable exploration of the options. This recent consultation seeks to set the parameters for the new working arrangement and comment is being invited (see appended Executive Summary and Consultation Questions).

THE PROPOSALS

- 4 The last time the Committee had the opportunity to debate the introduction of this legislation (in September 2001 and March 2002) the principle concern was the relationship to the statutory planning process both at structure and local plan level. This concern was expressed despite the fact that members of the structure plan team had been involved with the pilot exercise and had sought to influence the outcome. With the passing of the legislation and the passing of responsibility from the Scottish Executive to SEPA a more determined spirit of openness has entered the discussion.
- 5 In seeking to develop the process SEPA have adopted an open and inclusive process that has seen various stakeholder meetings, and indeed formal contributions at those

meetings by members of the structure plan team. The consultation on which views are being sought have therefore been developed in consultation and there is much with which to agree. A detailed set of answers with additional comments where appropriate has been appended to this report and the following paragraphs identify the main proposals.

- 6 The principles on which the strategy is based will be to bring about the co-ordination of water environment policy and regulation across Europe. Consistent standards will be set to prevent deterioration and enhance the status of aquatic water systems, to promote sustainable water use, reduce pollution and contribute to the mitigation of floods and droughts. Scotland will have one River Basin Management District covering most of Scotland, with a second covering the cross-Border councils. It is proposed that a national advisory group is established to deliver the process with local authorities and CoSLA as key members and including a wide range of environmental and economic agencies involved with the water environment. This is considered appropriate.
- 7 As much of the work will be delivered locally it is suggested that for practical purposes much of the work will need to be done at sub-national level through a network of advisory groups. Unlike the Area Waste Plans this has been the subject of much prior consultation and a variety of options have been debated. Consensus suggests the best fit is as per the enclosed map, and this is also agreed as Ayrshire lies naturally with other Councils surrounding the Clyde Estuary – the natural outfall to all the areas river systems.
- 8 It is further suggested that even with a sub-national advisory board there will need to be more localised action within the area if the group feels there will need to be planning at a more detailed scale. Again this is a logical conclusion and is likely to mean that decisions will be taken at an appropriate level. It is agreed these groups and appropriate co-ordinating roles will be chaired, managed and funded by SEPA in the first instance.
- 9 Having established the overall process attention is now turned on the inter-action with the planning system. Rather than establishing a definitive process however, SEPA have recognised that the inter-relationship with river basin management planning and the statutory planning system is such that a slow but sure approach has been adopted and is suggesting a series of further consultative exercises to arrive at an agreed solution. This is both sensible and logical, particularly in a time of change within the planning system. A specific question relates to the need for specific input to the process from planning authorities and this must be essential as much of the work is likely to devolve eventually to the development control system of Councils.
- 10 Outside these fundamental areas questions are specific to one or more particular interest and can accepted as sensible.

CONCLUSION

- 11 SEPA have published a consultation on the Scottish River Basin Management Planning Strategy. Much of the document has been consulted on over the last year and the solutions arrived at are sensible given the complex nature of the process to be introduced. Although the vexed question of inter-action with the planning system is

still to be addressed the pragmatic way of arriving at solutions to this issue should ensure adequate opportunity to explore all the issues and concerns before resolution. Indeed it is hoped to pilot a solution to this inter-relationship with a pilot exercise on the River Irvine later this year as proposed by the consultation draft of the structure plan. Inevitably however it is likely to produce a more complicated procedure for dealing with planning adjacent to rivers and all other forms of watercourses with the additional workload burdens falling partly on Councils.

RECOMMENDATION

12 The Committee is asked to approve the comments to be passed to SEPA.

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APPENDIX

CONSULTATION ON THE SCOTTISH RIVER BASIN MANAGEMENT PLANNING STRATEGY

Responses to Proposals

Proposal Number

1. Agree with proposals.
2. Option 3B is the preferred option.
3. Yes the proposal is sensible and allows for decisions to be taken at the appropriate level.
4. The timescale being allowed is necessary given the potential complexity of the process.
5. Agreed that SEPA chair the early stages, however there is a need to move more quickly to an independent chair to avoid the charge of SEPA becoming both “judge and jury”.
6. There is agreement to the need for a co-ordination role, and that appropriate training is given to the persons appointed.
7. The principles proposed are a sensible starting point for the process, it is anticipated however they should develop over time as the process matures. Participation may require different formats. Whilst it is agreed that local delivery should be through an Area Advisory Group Network in principle, there will be a need to ensure that for each watercourse there is an effective and efficient means of communication. Some further dis-aggregation below Advisory Group level should be built in to the system.
8. Proposed contents of the plan are agreed.
9. Agreed
10. It is considered that specific input from planning authorities is essential if RBMP is to be successful. It may be that different arrangement should be made within each Advisory Group area, as planning processes can vary across the country.
11. It would be preferable to resolve differences between RBMP and the planning system without recourse to arbitration. Both systems will have statutory backing and whilst differences will occur the nature of the planning system is to seek to resolve competing uses. Experience suggests that with effective partnership working and a degree of compromise on all sides the level of difference could be overplayed.
12. Not applicable

13. This is a complex area, again it perhaps should be left to Advisory Groups to establish the appropriate contacts.
14. There are a number of different initiatives emerging both for the coast and the marine environment. At this stage it is probably too early to suggest the most appropriate method of engagement.
15. Seems reasonable.
16. Agreed.
17. It is important that the agricultural sector is built into the process from the start.
18. Agreed.
19. Agreed.
20. Agreed.
21. Agreed.
22. Agreed.
23. It is suggested that RBMP should be informed as soon as possible by pilot studies on specific river systems. To this end the Ayrshire Joint Structure Plan 2025: Consultation Draft proposes a pilot exercise on the upper River Irvine to test the level of inter-action likely to be required. It is to be hoped SEPA will assist in this process, and results shared more widely.

Executive summary

The Water Framework Directive (WFD) which has been translated into Scot's Law through the Water Environment and Water Services (Scotland) Act 2003 (the WEWS Act) brings forward new requirements and tasks to Scotland to protect, maintain and improve the water environment in a sustainable way.

The Act will be delivered through the River Basin Management Planning system, which will develop, set and present for all Scotland's waters:

- Environmental and economic assessments;
- Monitoring programmes and results;
- Environmental objectives; and
- Programmes to achieve these objectives.

SEPA is leading the River Basin Management Planning process in Scotland, which will result in the publication of the first River Basin Management Plan (RBMP) in 2009 and subsequent plans at six-yearly intervals thereafter.

To do this SEPA must work effectively alongside many other organisations and stakeholders; and this process has already begun. The recommendations and proposals in this consultation have been developed following a series of events across Scotland in autumn 2003 where stakeholders provided their early views on key issues.

This consultation is an important step towards the publication of a Scottish RBMP Strategy, in autumn 2004, which will set out future arrangements and actions for interested parties.

This consultation considers and makes proposals on three key aspects of River Basin Management Planning:

- Developing administrative arrangements and principles to support RBMP production;
- Delivering effective participative and consultative opportunities; and
- Effectively integrating the RBMP with other plans and planning.

Administrative Arrangements

We propose that a RBMP National Advisory Group be formed, developing from the existing Scottish Executive National Stakeholder Forum, to coordinate and inform RBMP production across Scotland. We also present options for a supporting network of Area Advisory Groups covering the whole of the Scottish River Basin District. We identify and propose SEPA's preferred option for the Area Advisory Group network: this is a total of eight groups based upon surface water catchments, coastal water units and aligned, where possible, to local authority boundaries. It is proposed that these groups form in 2005/06 in order to deliver required reports from 2006. Views are invited both on these proposals and alternatives you wish to identify.

Effective participation and consultation

We propose key principles for the consultative and participative activities and methods that will support RBMP production. We also propose that a Participation and Communication Plan is produced by December 2006, using the identified principles, to support and inform activities undertaken by the proposed National and Area Advisory Groups. Views are invited on these proposals, as are suggestions on their expansion or revision.

Integration of the RBMP with other planning activities

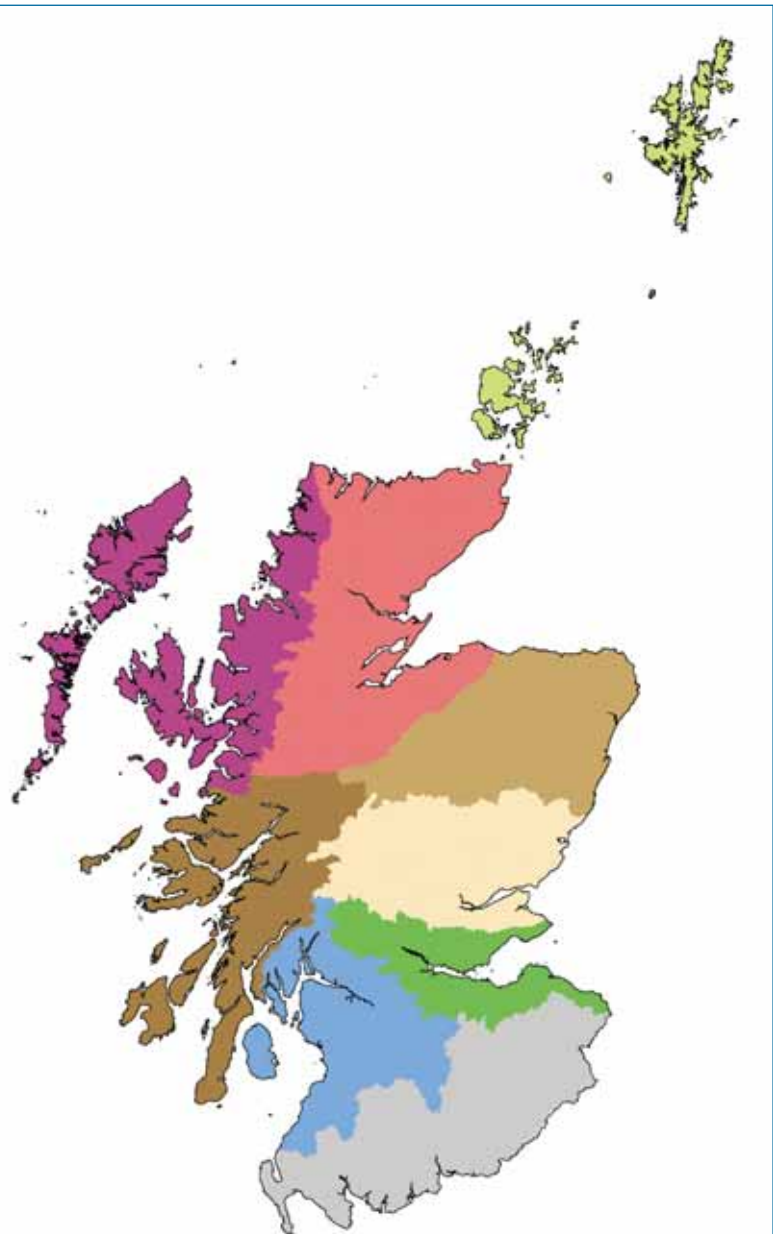
Finally, we make proposals regarding a range of existing planning activities and planning types, which we feel will assist in the integration and coordination of the RBMP with other plans. Many of these proposals identify the need to include representatives of other sectors on either the National or Area Advisory Groups. More specific recommendations are made on the important relationship between the RBMP and Statutory Development Plans. A joint working group made up of representatives from River Basin Management Planning, the Scottish Executive and Development Planning is proposed to inform and assist coordination between these plans towards the crucial first RBMP of 2009.

Views are welcomed on the numbered proposals made in this document. Further details on how to respond are outlined in Section 1.3.



Figure 3: RBMP Advisory Group Option 3B - SEPA preferred option

Advisory Group	Local Authorities
Orkney & Shetland	Orkney Shetland
Western Highland	Comhairle nan Eilean Siar Highland
Highland	Highland Moray
Argyll	Argyll & Bute Highland
North East Scotland	Aberdeen City Aberdeenshire Highland Moray
Tay	Angus Dundee City Fife Perth & Kinross Stirling * Plus small parts of Aberdeenshire & Highland
Forth	Clackmannanshire East Lothian Edinburgh City Falkirk Fife Mid Lothian Stirling West Lothian * Plus small parts of Perth & Kinross, Scottish Borders and N. Lanarkshire
Clyde	Argyll & Bute East Ayrshire East Dunbartonshire East Renfrewshire Glasgow City Inverclyde North Ayrshire North Lanarkshire Renfrewshire South Lanarkshire South Ayrshire Stirling West Dunbartonshire * Plus small parts of Dumfries and Galloway
Cross Border	Dumfries & Galloway Scottish Borders



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7. Summary of consultation questions

We have made a number of proposals, which are summarised below, throughout this document and we would welcome your views on these by 21 July 2004. The responses we receive are important and will help us to develop the Scottish RBMP Strategy document forming the basis for action in the coming years.

It would be helpful if responses were numbered to identify them with specific proposals made.

Section 3 Proposals: Developing proposals for advisory groups

Proposal 1

We propose that a RBMP National Advisory Group be formed to provide strategic guidance and input to RBMP production. This group should evolve from the existing Scottish Executive NSF.

A remit for this group will be developed. Generic tasks for the group have been suggested.

We have suggested a possible membership for the National Advisory Group.

Do you agree with these suggestions or do you have suggestions for additional roles and/or members?

Proposal 2

We propose that a network of Area Advisory Groups be formed to support RBMP production, provide a link to local stakeholders and access appropriate expertise and knowledge of local priorities and required actions.

Of the options (3A–3D), presented SEPA's preferred option is Option 3B. This forms a network of eight Advisory Groups derived from groups of entire surface water catchments and which directly consider local and planning authority boundaries and coastal processes.

Do you agree with SEPA's preferred option? If not, please tell us which of the options presented you prefer and why. Alternatively, describe another alternative and tell us why you propose this.

Proposal 3

We propose that the Area Advisory Group network should act as the link with more detailed and local planning initiatives in their area and that the group itself should identify the necessity to plan on a more detailed scale.

Do you agree with this proposal and the summary process of Figure 6?

Proposal 4

We propose that the National and Area Advisory Groups be formed during year 2005/06 to allow development of basin planning capacity across Scotland and provide a suitable period in which to deliver required RBMP reports from 2006 to 2009.

Do you agree with these timescales?

Proposal 5

We propose that SEPA chair the RBMP National and Area Advisory Groups in the first instance. We acknowledge that, as the system matures, alternative chairs may come forward and be considered by the individual groups.

Do you agree with this proposal? If not, what alternative arrangements would you suggest?

Proposal 6

We propose that a RBD coordinator post be formed to take forward actions within each of the Area Advisory Groups and that SEPA would provide these resources, subject to these being secured in the next Comprehensive Spending Review.

We also propose that a national coordinating role, bringing together Area Advisory Group work to form the national RBMP, will be required and that SEPA would provide this, subject to resources being secured in the next Comprehensive Spending Review.

Do you agree that such coordinators would be required to support the activities of the Area Advisory Group? If not, what alternative means would you suggest?

Section 4 Proposals: Delivering participation and consultation

Proposal 7

We propose to use the Guiding Principles of Table 5 to develop procedures and guidance and welcome your views on the Principles presented.

Do you agree that these could be used to develop an effective participation process? Do you wish to propose alternative or additional principles?

We propose that local delivery should be provided through the Area Advisory Group Network proposed in Section 3.3.2.

Do you agree?

Proposal 8

SEPA should publish a Participation and Communication Plan by December 2006. This should set out uses, techniques, delivery arrangements and capacity requirements to support the development of a RBMP and how these will be provided.

In Table 6 we have set out proposed contents of this plan. Do you agree with the proposed contents? Do you have suggestions for alternative or additional contents or tasks?

Section 5 Proposals: Coordination and cooperation between river basin management planning and other planning processes

Proposal 9

To bring all sides of the RBMP and development plan processes together we consider that a working group should be convened from 2005 with representatives from the key organisations including the Scottish Executive, SEPA, Planning Authorities and other planning interests. This group should aim to identify significant issues, inform coordination processes and advise on the need for guidance in advance of the first RBMP in 2009.

Do you agree with the proposal to form such a group? If not, please state why and/or suggest alternative proposals?

Proposal 10

We propose in Section 3 that Advisory Groups should include representatives from Local Authorities and consider that these should coordinate input from across authority functions. Should more specific input be required from planning authorities then the necessity for this should be considered by the Advisory Group and the authorities involved.

Do you consider that specific input from planning authorities is likely to be required to support RBMP production, in addition to that provided from Local Authority representation? If so, can you suggest how this might be achieved?

Proposal 11

We propose to use the mechanisms outlined above to avoid and resolve potential differences between the RBMP and Development Plans.

Do you agree that these proposals are sufficient or are there any alternatives?

Proposal 12

SEPA recognises the significance and value of Scotland's two National Parks and their relevant authorities. We propose that NPAs be members of relevant Area Advisory Groups and that they may also be represented on the National Advisory Group.

We also intend to clarify further integration mechanisms between Development and RBM Plans (see Proposal 9) and propose that planning within National Parks be considered within this.

Do you agree with this proposal or can you suggest alternative or additional actions?

Proposal 13

SEPA will seek to use Community Planning to assist in engagement, participation and consultation activities during RBMP production. The nature of this relationship and interaction will be explored within RBMP Advisory Groups to ensure effective and appropriate use of this developing network.

Do you agree that this is an appropriate means to develop the relationship or can you suggest alternative or additional actions?

Proposal 14

SEPA proposes that the SCF should become a member of a future RBMP National Advisory Group and that individual coastal partnerships become members of appropriate Area Advisory Groups.

In considering coastal issues RBMP Advisory Groups should be able to convene a 'Coastal Issues Group' if appropriate to their area. If convened existing coastal partnerships may have important roles in communicating with relevant stakeholders.

Are these proposals appropriate or can you suggest alternative or additional actions?

Proposal 15

SEPA will seek to use statutory Schemes of Management and River Conservation Strategies to provide the objectives of SPAs and SACs for the RBMP, particularly where these provide more stringent objectives to support the conservation designation. We will work with other competent authorities, particularly SNH, to ensure that this takes place.

Do you agree with these proposals?

Proposal 16

SEPA will work with the Scottish Biodiversity Forum to develop procedures for biodiversity priorities to contribute to RBMP production.

SEPA will work with LBAP initiatives to agree means by which LBAPs can support RBMP production and implementation within Area Advisory Groups.

Do you agree with these proposals or are there others you wish to suggest?

Proposal 17

SEPA will seek to secure agriculture sector representation within the National and Area RBMP Advisory Groups to support, and allow effective contribution to, the development of environmental objectives and required programmes of measures.

SEPA will work with the Scottish Executive and other relevant stakeholders to seek to identify opportunities within the implementation of the CAP reform package and the review of the SRDP to integrate WFD requirements and priorities to assist in WFD delivery.

Are these proposals appropriate to encourage engagement with the agricultural sector? If not, can you suggest alternative or further actions?

Proposal 18

SEPA will work with Forestry Commission Scotland to ensure that forestry planning procedures are considered during, and integrated within, RBMP production. This may require the development of specific sectoral guidance.

SEPA will seek to have forestry sector representation within the National and Area Advisory Groups structures in order to support integration activities.

Do you consider that these proposals are appropriate to consider and represent forestry issues in the RBM Planning process? If not, can you suggest alternative or further actions?

Proposal 19

SEPA will seek to have fishery interests represented within the National and Area Advisory Groups structures in order to support integration activities and present fishery management priorities.

Do you agree with the proposals to have fisheries represented? If so, are you able to suggest how this might be achieved or who might best represent fishery interests on these groups?

Proposal 20

SEPA recognises the value of existing CMP initiatives in prioritising and delivering local action. We propose that Area Advisory Groups should:

- Consider and incorporate appropriate existing CMP actions as appropriate within the development of a cost effective programme of measures;
- Be able to form new CMP initiatives where necessary; and
- Allow representation of significant CMP activities or the Advisory Groups itself.

Do you consider these proposals appropriate?

Proposal 21

SEPA will work with the Scottish Executive National Technical Advisory Group to develop guidance informing delivery of sustainable flood management duties. The guidance produced may be used in the RBM Planning process through National and Area RBMP Advisory Groups.

We consider that FLAGS represent a means both by which flood management priorities can be considered and made known to RBMP Area Advisory Groups for inclusion in appropriate strategies and action and will, therefore, seek to develop this relationship.

Do you agree with these proposals as a means of considering sustainable flood management and local priorities within RBMP planning? If not, can you suggest alternative or additional proposals?

Proposal 22

SEPA will undertake SEA of the Scottish RBMP in accordance with the proposed SEA Regulations and will seek to use the publicity and consultation requirements of SEA to undertake some of the WEWS Act consultation requirements.

SEPA will work with the Environment Agency to clarify and agree an approach to SEA in the production of the cross-border RBMP.

SEPA will seek to integrate RBMP water quality objectives and measures within other plan objectives and policies through its role as SEA consultee.

Do you agree with these proposals for SEA? In particular do you consider that SEA should be used as a platform to support some of the RBMP consultative and participative requirements?

Section 6 Proposals: Format of river basin management plans

Proposal 23

We propose to consider and use the guiding principles above in presenting the RBMP and the information contained within it and developing formats for doing this.

Do you agree with these or are there important considerations that have been omitted and which you feel should be added?