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**AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE  
7 SEPTEMBER 2001**

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**The Future for Scotland's Waters**

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PURPOSE OF REPORT

- 1 To comment on the Scottish Executive's consultation paper on the Future of Scotland's Water.

BACKGROUND

- 2 The European Commission has introduced a Water Framework Directive updating how Europe's water environment is to be managed and protected. It came into force in December 2000 and the UK and Scottish Parliaments have three years from that date to translate the provision into law. This will be achieved through the preparation of a Water Environment Act to be introduced into Parliament in 2002.
- 3 Since the early part of this year consultants have been appointed by the Scottish Executive to co-ordinate the preparation of detailed advice on a shadow River Basin District Management Plan for the former SEPA West area. At the Committee meeting in March it was agreed that the Structure Plan Manager should attend the meetings and feedback relevant information to the Committee and the Strategic Flood Appraisal Group. Although a formative stage of the shadow plan has only just been reached, this consultation seeks to establish a consensus to the principle of a River Basin District Management Plan system for Scotland before the completion of the shadow plan stage.

WATER FRAMEWORK DIRECTIVE

- 4 The Water Framework Directive has two key elements:
  - the requirement to manage the Water environment on the basis of environmentally sound units – River Basin Districts, which include all associated lochs, estuaries and coastal waters – and to prepare a plan for each District identifying where there are environmental problems and measures to tackle any problems found.
  - to require governments to control all impacts on the Water environment with the aim of achieving a “good” ecological status for all water by a specified date (2015 in most cases).

- 5 It is a complex and lengthy piece of legislation with a central purpose of managing water in a co-ordinated manner. Although concerned with “water” it is important to appreciate that the new legislation will not be restricted to what happens on or in water. It is recognised that the quality of any river, body of ground water etc will be affected by what takes place on its banks, and the land around it. The government therefore considers the scope of the Water Framework Directive should be concerned with any human intervention that could affect the quality of water, wherever that intervention takes place.

### RIVER BASIN DISTRICTS

- 6 The Directive requires the management of the water environment based on natural river basins where all waters are managed as a coherent whole. For each River Basin District a management plan must be drawn up and quality targets and objectives for each water body established. These objectives are based on ecology, so that the plants and animals that inhabit the water and their well-being will become the principle indicators of success. Once established these objectives and targets become the means by which the plan is developed and monitored over a six year period. The European Commission has proposed clear deadlines for the production stages of the plan (see Appendix 1).

### THE AYRSHIRE CONTEXT

- 7 River Basin Planning is at the heart of the Water Framework Directive. The key questions therefore are how many river basin districts should there be, who should be responsible for their implementation, how to involve interested parties and how the River Basin District Planning process will interact with the land use planning system.
- 8 At this stage, without the benefit of the detailed knowledge likely to be gained working with the Scottish Executive, SEPA and consultants on a shadow plan for South West Scotland it is not possible to draw anything but a broad set of conclusions. There are three broad areas of concern:

(a) Size of River Basin District

It is proposed there are three River Basin Districts to cover all Scotland, based on existing SEPA boundaries. This is essentially an administrative convenience. The realities in the West of Scotland would suggest the need for 4 River Basins Districts; Dumfries and Galloway, Ayrshire, Clyde Valley and Argyll and Bute as the most appropriate level for the management of water courses.

(b) Lead Agency/Process

The proposal is for SEPA to take overall responsibility in a process that mirrors that of the Area Waste Plans. The Committee will be aware of the concerns raised in the handling of that process by SEPA. Although the consultations seeks a role for other public agencies in partnership with SEPA, Councils have considerable powers relating to water course development and

management. Were the option of four areas for the West of Scotland to be taken up there is no reason to suppose that Councils working in partnership, as in the Joint Committee could not prepare the plans. If SEPA were to be given that responsibility, clear guarantees on including councils in the overall process would be required.

(c) Relationships to the Planning System

River Basin District Management Plans could potentially have an impact on the planning system. The consultation does not envisage any real issue about the relationship between development plans and the issues raised by River Basin plans, and for the overall planning process that is probably the case. The issue is likely to focus on the suggested level of detail proposed by a need to consider individual proposals on a single body of water. This could potentially raise considerable workload issues and further consultation requirements for development control staff. At this stage, however it is not possible to identify the extent of the problem.

CONCLUSIONS

- 9 The Water Framework Directive establishes a new framework for the management and protection of Scotland's natural water environment. Legislation will be introduced into Parliament in 2002. The impact will be felt over many central and local government agencies. The Water environment is fundamentally important to the future of Ayrshire and whilst welcoming the general principle of the introduction of a new water management regime it is important that the bureaucratic and administrative functions support the process. As yet it is too early to say.

RECOMMENDATIONS

- 10 The Committee agree to the contents of this report and:
- (a) sends the comments to the Scottish Executive as the views of the Joint Committee; and
  - (b) advises the three Ayrshire Councils of these views in any preparation of their own comments.

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**APPENDIX 1****WATER FRAMEWORK DIRECTIVE TIMETABLE**

- 2003 - Transpose Directive into domestic law
  - Identify river basin districts and the competent authorities who will be empowered to implement the Directive
- 2004 - Characterisation of river basin districts
- 2005 - Establish a register of protected areas in each river basin district
- 2006 - Establish environmental monitoring
  - Publish a work programme for producing the first RBMP
- 2007 - As a precursor to the full plan, publish an interim overview of the significant water management issues in each river basin district for general consultation
- 2008 - Publish draft RBMP's for consultation
- 2009 - Finalise and publish RBMP
  - Establish the programme of measures to meet the objectives
- 2012 - Programmes of measures fully operational
  - Publish timetable and work programme for second RBMP
- 2013 - Repeat characterisation of river basin districts
- 2014 - Publish second draft RBMP
- 2015 - Deadline for achieving environmental objectives
  - Finalise and publish second RBMP with revised Programme of Measures
- 2021 - Third RBMP
- 2027 - Fourth RBMP