
**AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE
8 MARCH 2002**

The Future for Scotland's Waters – Proposals for Legislation

PURPOSE OF REPORT

- 1 To comment on the Scottish Executive's second consultation paper on transposing the Water Framework Directive into legislation titled 'The Future of Scotland's Water – Proposals for Legislation'.

BACKGROUND

- 2 The Committee will recall their response in September 2001 to the first consultation paper 'Rivers, Lochs, Coasts: The Future for Scotland's Waters' where the Executives' proposals for the management and protection of Scotland's water was given the following broad concerns:-
 - that the proposed three River Basin Districts for Scotland would not appear to be a workable solution for Ayrshire;
 - there was a need for a clearly defined role if SEPA were to lead the process together with a re-consideration of how to include the responsibilities of local authorities particularly in water course development and management;
 - the relationship with the planning system in respect of the potential level of detail required if consideration is needed, for example, on individual proposals on a single body of water.
- 3 Arising out of the above and other contributors responses a second consultation document has been produced which sets out the potential provisions for the forthcoming Bill.

WATER FRAMEWORK DIRECTIVE – PROPOSALS FOR LEGISLATION

- 4 The document has around fifty provisions, which could be included in the forthcoming Bill. Issues of particular relevance to strategic planning as follows:-

- There will be one River Basin District for Scotland and it will be for the Minister to 'identify river basin districts by defining their geographical boundaries'. Thus giving scope for the introduction of sub river basin plans to deal with particular 'local' issues;
- SEPA will be given the lead role for river basin management planning together with provision for consulting relevant authorities; and
- River Basin Management Plans (RBMP) are to be strategic planning documents serving many purposes. Although it is recognised that the role of strategic planning for development takes the water environment into account and that it will be necessary for development plans to cross reference to 'their' relevant RBMP, the function of delivery for the water environment objectives will be the prime concern of RBMP.

THE AYRSHIRE CONTEXT

5 Although the Committee are supportive of River Basin Management Planning and whilst welcoming the general principle of the introduction of a new water management system through the forthcoming Bill the consultative document has still not satisfied the following key concerns:-

- Even though it is appreciated that the river basins will not be 'arbitrarily' divided into three and that the creation of 'sub-river basins' gives flexibility for an Ayrshire wide response, it is the mechanisms through which the legislation will be delivered which has not been clarified in the consultative document. As it is left to Ministers to direct how this will unfold then there is insufficient detail to comment at this stage other than express a desire for clarification of this in the final development of the process; and
- there still remains the concern regarding potential 'overload' at development control level. To reiterate the point made on the previous consultative draft, the level of detail required for a potential need to consider individual proposals on a single body of water could prove to be problematic.

CONCLUSIONS

6 Legislation arising out of this consultation process will be introduced into Parliament in May 2002. It is crucial that the mechanism of delivery ensures that the key elements of the Water Framework Directive are clearly reflected in the Bill.

RECOMMENDATIONS

- 7 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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