

Transport and Environment Committee

10am, Tuesday 2 June, 2015

Scottish Water Environment Consultations

Item number

Report number

Executive/routine

Wards

Executive summary

The Scottish Environmental Protection Agency (SEPA) is required to prepare a second river basin management plan by the end of 2015. This consultation sets out the proposal for the second plan. The Council's input will contribute to the finalisation of this plan. For the second plan SEPA are proposing changes to the way work to achieve the objectives is phased over the second and third river basin planning cycles. The overall scale of the programme of measures required over the period is in line with that envisaged in 2009. SEPA's main proposals for the second plan are:

- re-phasing the objectives for 2021 and 2027 to ensure prioritisation of those improvements that will bring greatest benefits;
- step change in the effort focused on the key management challenges;
- new improved measures for tackling pressures on the water environment to help secure the achievements of the river basin management plan objectives.

The Scottish Government is also consulting on proposals for several key steps to increase progress in delivering improvements to the physical condition of Scotland's water environment - using scoping studies to help identify proportionate improvements; encourage partnerships to take forward voluntary restoration projects; and increase

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remediation of artificial structures where there are significant adverse impacts or barriers to fish passage.

The committee is invited to approve the Council's response to these consultations.

Scottish Water Environment Consultations

Recommendations

- 1.1 It is recommended that Committee approves Appendix 1 and 2, as the Council's response to these consultations.

Background

River Basin Management Plan

- 2.1 In 2000, European legislation introduced the Water Framework Directive (WFD). The WFD aims to improve the condition and integrate the management of the water environment across Europe. The Water Environment and Water Services Act (Scotland) 2003 translates the WFD into Scottish legislation.
- 2.2 The key aim of the WFD is for all rivers, lochs, estuaries, coastal waters and ground waters to be of good ecological and chemical quality by 2015. However, where this is disproportionately expensive, the WFD does allow the setting of a later deadline of 2021 or 2027.
- 2.3 To fulfil this aim, SEPA has developed and implemented a river basin planning process which is supported by the production of a management plan for each river basin district. The City of Edinburgh Council area forms part of the Scotland River Basin Management Plan (SRBMP). In order to facilitate the implementation of the SRBMP, a series of eight (regional) Area Management Plans (AMPs) have been produced which expand on and contribute to the SRBMP. One of these AMPs covers the area of the Firth of Forth river basin.
- 2.4 The first plan was published in 2009 and is due to be replaced at the end of 2015. This consultation aims to engage with responsible bodies (including local authorities), industries and stakeholders to inform the development of the second river basin management plan for the Scotland river basin district.
- 2.5 This report provides the response to questions posed by SEPA relating to:
 - water quality;
 - improving the physical condition of the water environment;
 - barriers to fish movement;
 - flow levels;
 - managing the risks imposed by invasive non native species; and

- overall outcome for the Scotland river basin district.

Main report

A public consultation to inform the development of the second river basin management plan for the Scotland river basin district

- 3.1 The consultation takes the form of a series of questions relating to the changes proposed to the river basin management plan for Scotland's river basin district; answers to these are given in the proposed Council response (Appendix 1). The consultation period ended on 9 April 2015, and a draft response has been sent to SEPA pending committee approval.
- 3.2 Detailed below are the key points of the Council's response to the consultation.

Rural diffuse pollution

- 3.3 Rural diffuse pollution, such as fertiliser run off, is identified as a major problem in the water environment. SEPA intends to prioritise action where the problem is most acute in areas of intensive agricultural production. There are no areas in Edinburgh which have been prioritised. However the creation of woodlands and wetland are seen as way of creating buffers to intercept run off. In this regard, the Edinburgh and Lothians Woodland Strategy 2012-17, which the Council is signed up to, and the Edinburgh Biodiversity Action Plan Freshwater and Wetland Habitat Action Plan, will assist in supporting a reduction in runoff.

Managing pressure on water quality

- 3.4 The approach proposed by SEPA to further understand water quality is to undertake further monitoring and assessment, so that any future measure to improve water quality is evidence led. The Council agrees this is a practical way forward.
- 3.5 National Planning Framework 3 Action Programme includes an action for SEPA to deliver a second river basin management plan with support from local authorities. It is acknowledged that one of the major pressures on water quality is from pollutants entering the water environment through run-off from roads and other urban surfaces. Through road construction consent and planning policy the Council is ensuring the installation of sustainable urban drainage system (SUDS), which assist in addressing this issue. The Council will continue to engage with SEPA and Scottish Water on matters relating to ongoing maintenance of SUDS.

Addressing barriers to fish passage

- 3.6 Many rivers have barriers to fish passage which prevents them reaching good ecological status. In Edinburgh this includes the river Almond. The complexity and sensitivity of planning, designing and delivering schemes associated with enabling fish passage is recognised. This is particularly the case where barriers form a feature of historical or archaeological interest which is enjoyed and cared

for by communities. The Council would want to see SEPA address this matter with due consideration to all interests, when considering any scheme to address a particular barrier. It would, therefore, not be supportive of a pace of change which did not allow careful design of schemes taking into account local views, historical features or archaeological interests.

Invasive non native species

- 3.7 The general management approach relating to invasive non native species (INNS) in the water environment is supported. However, one area where the Council feels SEPA could give more focus is related to non aquatic INNS e.g. Giant Hogweed which also affects riparian (riverbank) habitats. If work on these species takes place on a catchment wide basis, they can be successfully managed. The Bio-Security Plan, produced by River and Fisheries Trust Scotland (RAFTS) including the Forth catchment, has been very successful and should continue. However, there are barriers to funding this work in urban areas, as the main LEADER (links between the rural economy and development actions) funding can only be applied to rural catchments. Further discussion with SEPA is required to address this issue.

De-designation of certain water bodies

- 3.8 It is proposed that the second river basin management plan will include the de-designation of rivers, altering current designated status from poor ecological status to heavily modified water bodies (HMWBs). This is effectively a down grading. This is proposed for the river Almond due to the potential impacts on embankments and straightening associated with Edinburgh Airport.
- 3.9 Relevant to this matter is the Rural West Edinburgh Local Plan Alteration, June 2011, policy ED5 Edinburgh Airport. The policy safeguards land to the north of the existing airport boundary to provide a main parallel runway, if required to meet expected passenger growth forecast. However, the airport is not anticipated to expand beyond this boundary until at least 2020 and more likely 2030. Therefore, for the period of the second river basin management plan 2015-2020, the Council believes that the proposed de-designation is premature and at this time does not agree with the de-designation.

Delivering Scotland's River Basin management Plans: Improving the physical condition of Scotland's water environment.

- 3.10 This consultation requests views on the proposed several key steps to help strengthen the delivery framework for river basin management planning. The consultation period ended on 22 May 2015, and a draft response has been sent to Scottish Government pending Committee approval.
- 3.11 The draft response proposed that the Council supports the principal of adopting a strategic approach to improving the physical condition of Scotland's water environment. However, the proposals could have implications for Council assets and resources. In particular, the proposals for new legislative powers for SEPA to issue remedial measures notices on artificial structures which are "causing

adverse impacts on the physical condition of a river” could have financial implications for Council owned assets. Also included are proposals for Partnership projects to deliver catchment scale improvements, including agencies and Local Authorities, where there is an expectation for partners to make a financial contribution to projects. The Council would be keen to support all aspects of the process as experience has shown that a multidisciplinary approach to river restoration is key to the on-going success of creating a successful place. However, the proposed response draws to SEPA’s attention the budget restrictions that now exist beyond agreed on-going maintenance of assets and landscapes owned and maintained by the Council. Therefore SEPA or another partner needs to secure funding for all stages of the project process from the brief writing, design commissioning and project management and funds for any extra on-going maintenance should this be above the existing budgets.

Measures of success

- 4.1 The Council’s views are taken into account in the preparation of the second river basin management plan for the Scotland river basin district and in future project delivery.

Financial impact

- 5.1 This report is in direct response to SEPA and Scottish Government consultation and there are no financial implications arising directly from it.

Risk, policy, compliance and governance impact

- 6.1 The proposal will not impact directly on Council projects but will provide an ongoing context for future programme delivery.

Equalities impact

- 7.1 SEPA and Scottish Government will carry out the equalities assessment on the document second river basin management plan for the Scotland river basin district.

Sustainability impact

- 8.1 The proposals in this report will help achieve a sustainable Edinburgh because the over arching objectives of river basin management planning are to ensure the long-term sustainable management of Scotland’s water environment. River

basin management planning will contribute to a well adapted Edinburgh, more resilient to a changing local climate.

- 8.2 Relevant Council sustainable development policies have been taken into account and are noted in the Background Reading section later in the report.

Consultation and engagement

- 9.1 The Council's responses have been prepared following engagement with relevant Council services. There is no requirement for public consultation or external engagement on the content of the report. Other organisations or individuals can engage directly with SEPA.

Background reading/external references

The SEPA website is the main source of background information for [these consultation](#). A link to the consultation document is listed below, along with other relevant background reading:

[A public consultation to inform the development of the second River Basin Management Plan for the Scotland River Basin District](#)

[Delivering Scotland's river basin management plans: improving the physical condition of Scotland's water environment](#)

[Edinburgh Biodiversity Action Plan 2010-15](#)

[Edinburgh and Lothians Forestry Strategy 2012-2017](#)

[Rural West Edinburgh Local Plan Alteration June 2011](#)

[Resilient Edinburgh](#)

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Links

Coalition pledges

Council outcomes CO18 – Green – We reduce the local environmental impact of our consumption and production
CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high

Single Outcome Agreement

quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm

SO4- Edinburgh's communities are safer and have improved physical and social fabric

Appendices

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Appendix 1 – Proposed response to SEPA Consultation – A public consultation to inform the development of the second river basin management plan for the Scotland river basin district

Appendix 2 – Proposed response to Scottish Government Consultation – Delivering Scotland's river basin management plans: Improving the physical condition of Scotland's water environment

Appendix 1

Scottish Environment Protection Agency Consultation - A public consultation to inform the development of the second river basin management plan for the Scotland river basin district

List of consultation questions and responses

Q1. Which scenario do you consider to strike the appropriate balance between effort and feasibility in addressing rural diffuse pollution?

Having considered the three options Step Change 1 offers a balance between the ambition to make a step change in the rate of progress and affordability / deliverability considerations.

SEPA has not identified any priority catchments in Edinburgh related to rural diffuse pollution. However, the Council has signed up to the Edinburgh and Lothian's Woodland Strategy 2012-17, and the objectives of the Edinburgh Biodiversity Action Plans, Freshwater and Wetland Habitat Action Plan which will both contribute to alleviating rural diffuse pollution in the more rural areas within Edinburgh.

Q2. Do you agree with the general approach for managing the other pressures on water quality?

The general approach to focus effort on further monitoring and assessment such that subsequent measures are robust and evidence led is agreed as a reasonable way forward.

National Planning Framework 3 Action Programme includes an action to deliver a second river basin management plan with support from local authorities. It is acknowledged that one of the major pressures on water quality is from pollutants entering the water environment through run-off from roads and other urban surfaces. Road construction consents and planning policy, ensure the installation of SUDS on all relevant new sites, to treat and attenuate carriageway, roof and surface water runoff. This will assist in addressing this issue. The Council will continue to engage with SEPA and Scottish Water on matters relating to ongoing maintenance of SUDS.

Q3. Which scenario do you consider to strike the appropriate balance between effort and feasibility in improving the physical condition of the water environment?

Given the comments in relation to the practical logistics of Scenario 1 and 2, it may be prudent to retain the baseline approach at present. While less ambitious in terms of scale, it may allow greater focus on a smaller number of successful and effective

projects and underpin longer term confidence in the steady and sustainable improvement of Scotland's water environment.

Q4. Which scenario do you consider to strike the appropriate balance between effort and feasibility in addressing barriers to fish passage?

The complexity and sensitivity of planning, designing and delivering schemes associated with enabling fish passage is recognised. This is particularly the case where barriers are co-located with features of historical and archaeological interest and form part of the fabric of localities enjoyed and cared for by communities. Experience suggests that the optimum solution is rarely the most technically feasible or cost effective and the important factor is to take the time to identify a solution that balances sometimes competing considerations. It would be of concern if Scenario 1 or 2 resulted in pressure to deliver projects at an accelerated pace at the expense of carefully designed individual schemes which have the support of local communities. As it is considered that there is a risk of this occurring, the preference would be to retain the baseline position.

Q5. Do you consider that our proposals strike an appropriate balance between the second and third cycles in terms of the water bodies' priorities for action?

There are no hydroelectric schemes in Edinburgh. On a Scotland wide scale the approach is a reasonable balance between the second and third cycles.

However, the proposal does not recognise the recent growth and interest in community owned small scale energy schemes which include micro hydro. In an urban context such as the potential Saughton weir micro hydro, they can offer real opportunities for enhancement to ecological status by bank side improvement, installation of fish pass and management of riparian invasive non native species.

In relation to flows and levels, which are also considered as part of prioritising water bodies, a short term challenge is to research, understand and anticipate the likely impacts of our changing climate on local water catchments. This will enable the planning and implementation of an appropriate response to the challenges of climate change impacts on water resources through adaptation strategies and action plans at the local, regional and national level.

The Resilient Edinburgh Climate Change Adaptation Framework, points out that the effects of climate change on Edinburgh, will vary depending on the severity of global warming. Even when only relatively modest increases in temperature are assumed, the impacts are likely to be significant. To be 'climate ready' Edinburgh will have to respond effectively to the challenges represented by these impacts. The Council will continue to engage with SEPA regarding this matter.

Q6. Do you agree with the general management approach for pressures on the water environment from invasive non-native species?

The general management approach relating to invasive non native species (INNS) pressures in the water environment is supported. Raising awareness of bio-security measures may assist local authorities with their efforts to promote better control of invasive and non-native species. However, there is no mention of non-aquatic INNS, which also affect riparian (riverbank) habitats. There are significant existing problems with invasive terrestrial plants, for which riparian corridors are a key factor e.g. Giant Hogweed. This affects rural and urban areas. There are control and treatment methods available for these species. If resources are available to work on a catchment basis, these can be successfully managed. The Bio-Security Plan produced by Rivers and Fisheries Trust Scotland (RAFTS) across Scotland, including the Forth catchment, have been very successful and should be continued. However, there have been barriers to funding this work in urban areas, as the main LEADER funding (links between the rural economy and development actions) can only be applied to rural catchments. The fragmented ownership within urban catchments is a particular difficulty and needs to be addressed to successfully deal with this issue.

Q7. Do you agree with our proposal for de-designation of certain water bodies?

It is noted that SEPA propose to alter the designation of the River Almond (Maitland Bridge to Cramond section) from its current status of poor ecological status to heavily modified water bodies (HMWBs). This is effectively a down grading. The reason given for this is the potential future impacts on embankments and straightening associated with Edinburgh Airport.

Of relevance to this is matter is the Rural West Edinburgh Local Plan Alteration, June 2011 Policy ED5 Edinburgh Airport. The alteration safeguards land to the north of the existing airport boundary to provide a main parallel runway, if required to meet passenger growth forecast. However, the airport is not anticipated to expand beyond this boundary until at least 2020 and more likely 2030. Therefore, for the period of the second river basin management plan (2015-2020), it is proposed that this alteration is premature and at this time the Council does not support de-designation. The Council would be willing to discuss this matter further with SEPA if required.

Q9. Do you consider that our proposals to designate heavily modified water bodies are appropriate for:

- a) Purposes other than agricultural land drainage?**
- b) Agricultural land drainage purposes?**

There are no water bodies in Edinburgh which fall into this category and therefore no further comment is made on this matter.

Appendix 2

Delivering Scotland's river basin management Plans: Improving the physical condition of Scotland's water environment

The Council supports the principal of adopting a strategic approach to improving the physical condition of Scotland's water environment. However, the proposals could have implications for Council assets and resources. In particular, the proposals for new legislative powers for SEPA to issue remedial measures notices on artificial structures which are "causing adverse impacts on the physical condition of a river" could have financial implications for Council owned assets. Also included are proposals for Partnership projects to deliver catchment scale improvements, including agencies such as Scottish Natural Heritage, SEPA and Local Authorities, where there is an expectation for partners to make a financial contribution to projects. The Council would be keen to support all aspects of the process as experience has shown that a multidisciplinary approach to river restoration is key to the on-going success of creating a successful place. However, the Council wants to draw to SEPA's attention the budget restrictions that now exist beyond agreed on-going maintenance of assets and landscapes owned and maintained by the Council. Therefore SEPA or another partner needs to secure funding for all stages of the project process from the brief writing, design commissioning and project management and funds for any extra on-going maintenance should this be above the existing budgets.