



RIVERS & FISHERIES TRUSTS OF SCOTLAND  
Safeguarding Scotland's Rivers & Lochs



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**Capital Business Centre, 24 Canning Street, Edinburgh, EH3 8EG**  
**Tel: 0131 272 2797 [www.rafts.org.uk](http://www.rafts.org.uk) / [www.asfb.org.uk](http://www.asfb.org.uk)**

Significant Water Management Issues team  
Scottish Environment Protection Agency  
Clearwater House  
Heriot Watt University Research Park  
Avenue North  
Riccarton  
Edinburgh  
EH14 4AP

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Dear Sir / Madam

**Significant Water Management Issues Report:  
Scotland and Solway Tweed River Basin Districts  
Joint Consultation Response:  
Rivers and Fisheries Trusts of Scotland and  
Association of Salmon Fisheries Boards**

Thank you for the opportunity to respond to the above consultations. The following response is provided on behalf of the Rivers and Fisheries Trusts of Scotland (RAFTS) whose 20 members work across over 90% of Scotland's freshwaters to protect and develop our native fish stocks and populations and the Association of Salmon Fishery Boards (ASFB) whose members are formed by statute and are responsible for the management and protection of salmon and sea trout in their respective districts.

Between RAFTS and the ASFB we have provided members of the National and Area Advisory Groups (AAG) formed to support the river basin planning process and are represented on all of these groups. Our AAG members and other individual trusts and boards may respond individually to this consultation providing locally relevant and detailed information or perspectives. This response represents our national perspective and does not consider individual or site specific issues.

As our response considers, in our view, strategic issues, this response is provided in respect of the Significant Water Management Issues (SWMI) consultations for both the Scotland and Solway Tweed River Basin Districts (RBD).

**Significant issues:**

We feel that the issues identified as significant in each RBD are, on the whole, correct, reasonable and represent those activities causing most impact to Scotland's water environments.

However, the information available and used to assess and identify the significant issues is not always comprehensive. We recognise that this is the case and we and our members would be pleased to provide information to refine these assessments as the river basin planning process proceeds. We have previously provided data to SEPA on a contract basis and would be happy to consider similar arrangements in the future as well as providing input to the ongoing assessments through the advisory group process.

One issue that has been raised to us is the extent to which riparian woodland and vegetation has been included in the risk assessments identifying 1a water bodies. Our understanding is that riparian woodland and vegetation quality has not been included in these assessments. Although we can understand why this is the case we are keen to see the river basin planning process and WFD implementation in Scotland deliver a range of benefits for Scotland's environment. Recognition of the importance of healthy riparian zones and riparian woodland would give further impetus to schemes of woodland restoration across Scotland which have benefits to both terrestrial and aquatic biodiversity. For example in many areas of the north of Scotland overgrazing by sheep and deer has resulted in riparian zones without woodland or full riparian vegetation communities. We believe that restoration of these habitats should be encouraged by WFD implementation.

### **What can we do to help?**

Our members are providing information to the river basin planning process on an ongoing basis. However, it is important that clarity is provided throughout River Basin Management Plan (RBMP) production as to the desired contents of the draft and first plans. Currently attempts to gather measures are often limited by the outlook of advisory group members to the process and the messages provided from SEPA.

We feel that the draft RBMP should, as well as setting out the wide range of no-deterioration measures in place in Scotland, reflect both the measures already in place to deal with 1a waterbodies and those that should or could be put in place were sufficient resources to be made available to do this. If this expectation was made clear then we feel that the process of gathering measures from AAG members may be more creative and productive. The presence of proposed measures which are not yet funded in the Draft RBMP would, in our view be beneficial to those seeking funding and other resources to make these measures reality. The priority this would provide to grant applications and partners would, undoubtedly, help to make a number of these proposed measures take place.

RAFTS and the ASFB have contributed to the National Advisory Group exercise confirming the range and nature of measures we are able to provide to the first RBMP. Our members are involved in each of the AAGs to present a more local representation of measures available to them and, therefore, to the RBMP.

### **Presentation of measures:**

We are pleased to see and support the efforts made to make these documents forward looking in terms of what is needed to be put in place to bring about environmental protection and improvement. We feel it is helpful to those involved inside and outside of the process to better understand the breadth and range of measures already in place and needed for the future.

### **Regulatory measures:**

We note and agree that the ongoing application of regulatory measures will make a hugely important contribution towards the improvements delivered by the first RBMPs and that for the Controlled Activity Regulations (CAR) these will be delivered through a due regulatory process involving SEPA and regulated sectors and operators.

However, we feel there is an increasingly important and urgent need for SEPA to provide clarification as to how the CAR licence review process is to proceed. In particular, and given the huge number of activities transferred into CAR for existing activities, how does SEPA propose to prioritise this exercise and activities, what is the timetable for this review and can the opportunities for third party representations be clarified? We recognise that the advisory groups will not in themselves be involved in the review of individual licences we feel that the advisory groups and their members may be able to assist in confirming priority areas for consideration by SEPA.

Further, as large numbers of existing activities were transferred to CAR initially, many previously not having been regulated, it is important that confidence is provided to stakeholders that a number of activities considered to be damaging to the environment are to be the subject of licence review and that operators of most significance will be subject to the first phase of CAR licence reviews.

#### **Regulatory principles:**

We are pleased to see stated, and wholeheartedly support, the key message that in licensing activities previously outwith SEPA's regulatory control that the activities of the operator may be required to change and be reduced. E.g. p19 in Scotland RBD document in terms of affecting hydro power generation through moves towards modern best practice.

This principle is of fundamental importance to sectors such as ours. The presence of activities damaging to the environment, and now within CAR regulatory systems, must be considered with the perspective and outlook that change required to comply with new standards and best practice may necessitate change and potential reduction in operational production. This is a key principle of both the WFD and of fair and reasonable regulation and is essential for SEPA to continue to carry the confidence of the public.

#### **Alien species:**

We are pleased to see alien species assessments and measures included in the assessments for each RBD.

However, it is a cause of ongoing concern that there remains no clear lead authority dealing with these species when they are detected, no clear set of "rapid response" measures that can be put in place in response to new populations of alien species when detected and no comprehensive means of reporting the detection of these species to relevant bodies that will ensure the deployment of appropriate and prompt action.

Clearly there are challenges faced in dealing with these species when established and there are likely to be instances when removal of such populations is not possible. In these cases this should be stated clearly. The fact that this is likely to be the case when populations become established makes it all the more necessary that steps are taken to put in place a comprehensive protocol for reporting these species and that, when reported, it is clear what action will be taken and by whom.

To try and support this need RAFTS has currently secured some £120 000 of funding to develop a rapid response protocol using its network of members and staff who work in the field on a frequent and comprehensive basis across Scotland. This protocol would be supported by a developing biosecurity planning system. Support from Scotland's public bodies would be particularly valuable in making this scheme a reality but is not yet in place from those we see as having a central interest in this work.

We also feel that we need to be mindful that the Wildlife and Countryside Act 1981 may not provide the level of protection desirable in Scotland in preventing the spread and

range of species within the UK. It is important to ensure that fish species, for example, which are resident elsewhere in the UK are not transferred outwith their current range to waters in Scotland where they are not naturally occurring. Perhaps the most significant example of this in Scotland is the presence of ruffe in Loch Lomond; an important water where they were not naturally present.

SEPA should be aware that later this year legislation is expected to regulate the transfer of fish species in Scotland which will require individual DSFB and Government to approve individual fish movements for the first time. We expect this to be beneficial in reducing unwanted fish movements in Scotland and to make an important contribution to reducing the further spread of non-native fish species.

**Wetland creation:**

We would be supportive of measures which took forward the creation of wetlands in Scotland. Frequently this would replace wetlands previously drained and removed for other purposes and would make a positive contribution to biodiversity objectives, may make a contribution to sustainable flood management activities by providing an additional water storage capacity and provide a store for surface waters in periods of drought or water scarcity.

Finally, we would wish to confirm the ongoing support to WFD implementation in Scotland of both RAFTS and ASFB members. We recognise the significant challenges being faced by SEPA and others leading implementation but feel that the assessments set out in these consultations represent a step change and improvement in our understanding of the range of pressures and activities acting upon our water environments.

Given the scale of the work to be completed in an ever reducing time frame to produce the first RBMPs it is essential that SEPA provides clear and consistent leadership of the river basin planning process and is seen to coordinate its own contributions to the RBMP e.g regulatory processes such as CAR reviews and environmental monitoring as well as those of others.

We are happy to confirm our willingness for this response to be made public and look forward to continuing engagement with SEPA during WFD implementation.

Yours sincerely

Callum Sinclair  
Director: Rivers and Fisheries Trusts of Scotland  
E-mail: callum@rafts.org.uk