



Association of Salmon Fishery Boards

Evidence presented to the Infrastructure and Capital Investment Committee

Water Resources (Scotland) Bill – Stage 1

September 2012

Introduction

The Association of Salmon Fishery Boards is the representative body for Scotland's 41 District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), which have a statutory responsibility to protect and improve salmon and sea trout fisheries. The Association and Boards work to create the environment in which sustainable fisheries for salmon and sea trout can be enjoyed. Conservation of fish stocks, and the habitats on which they depend, is essential and many DSFBs operate riparian habitat enhancement schemes and have voluntarily adopted 'catch and release' practices, which in some cases are made mandatory by the introduction of Salmon Conservation Regulations. ASFB creates policies that seek where possible to protect wider biodiversity and our environment as well as enhancing the economic benefits for our rural economy that result from angling. An analysis completed in 2004 demonstrated that freshwater angling in Scotland results in the Scottish economy producing over £100 million worth of annual output, which supports around 2,800 jobs and generates nearly £50million in wages and self-employment into Scottish households, most of which are in rural areas.

We welcome the opportunity to comment on the general principles of the Water Resources (Scotland) Bill.

Part 1: Development of Water Resources

Q1. Section 1 of the Bill proposes placing a duty on Scottish Ministers to take such reasonable steps as they consider appropriate to ensure the development of the value of Scotland's water resources. Do you consider these proposals to be sufficient to drive forward the delivery of the Scottish Government's aim of making Scotland a Hydro Nation?

We are unclear as to the precise definition of the term 'Hydro Nation'. Our belief is that a hydro nation is one where a healthy water environment is maintained through a catchment based approach to water management, and those aspects of the water environment which are not currently in good health are improved and restored (as required by the Water Framework Directive). Scotland's water resources are vital for the provision of drinking water, food production, sustaining business and supporting the diversity and abundance of our native species, including Atlantic salmon and sea trout, all of which rely on a clean and abundant supply of water. Such species are extremely important from a social, environmental and economic perspective. We would be extremely concerned if the development of the value of Scotland's water resources occurred to the detriment of the underlying resource on which it depends. We need to value the wider ecosystem services arising from all aspects of the water environment, not just the subset of economic benefits that can be gained from the exploitation of the resource.

The importance of the water resource is so fundamental that the primary driver in the development of the value of Scotland's water resources must be the environmental sustainability of the activity in question. With that in mind we believe that:

- The proposed duty should be strengthened to ensure sustainable development
- Section 1(3) should make specific reference to environmental benefits

Q2. *What are your views on the proposal that Scottish Ministers should be able to direct public bodies to participate in the development of water resources?*

We believe that any such direction should be subject to wider public consultation, in addition to consultation with the body in question.

Q3. *Do you have any comments on the requirement for Scottish Ministers to report to the Scottish Parliament on these activities every three years? Is this sufficient to ensure that Scottish Ministers will be held accountable for meeting the duty placed upon them to ensure the development of Scotland's water resources?*

We do not believe that a reporting period of 3 years is sufficient to ensure that Scottish Ministers are held accountable by Parliament. We also believe that it is important to ensure that Scottish Ministers report on the environmental sustainability of any such steps taken in fulfilment of the duty. As the Bill currently stands we are concerned that there is too much emphasis on economic benefit, as opposed to environmental benefits (which in many cases can be complimentary).

Part 2: Control of Water Abstraction

Q4. *In your view is the new licensing regime necessary and will it offer the desired benefit of ensuring that the value of the water resources of Scotland are maximised for the people of Scotland?*

Water abstraction has the potential to place significant pressure on the water environment, to the detriment of our native biodiversity. In many catchments across Scotland, this is already a serious and significant issue for migratory salmonid fish. On that basis, it is entirely appropriate that **all** abstraction should be undertaken in full compliance with the WEWS Act and the Controlled Activities Regulations (CAR). The proposed licensing regime has the potential to compromise the achievement of our International obligations under the Water Framework Directive. We therefore believe that Part 2 should be omitted from the Bill, and all abstractions should continue to be authorised by SEPA under CAR. It is worth noting that under the existing regulatory framework, Scottish Ministers are already able to call in and determine applications. At the very least, Scottish Ministers should be required to seek advice from SEPA – this is currently optional under section 13(4).

Q5. *Is the threshold set in the Bill for defining large scale abstractions of greater than 10 megalitres of water per day appropriate?*

We are unable to answer this question as we do not understand the basis for the figure used.

Q6. *Is the list of possible purposes by which a large scale abstraction may be exempt from requiring Ministerial approval, such as where an abstraction is carried out for the purpose of generating electricity by hydro-power, appropriate?*

We agree that it is appropriate that activities already authorised by CAR, hydropower, agricultural irrigation, operating a fish farm, quarry or coal mine are excluded from being authorised by Scottish Ministers.

Part 3: Scottish Water's functions

Q7. *What are your views on Scottish Water being given specific powers to develop its assets and support the generation of renewable energy?*

ASFB recognise the importance of renewable energy generation and the Scottish Government's generation targets. However, we would be concerned if such powers resulted in Scottish Water being

diverted from their core functions (see below). If designed and located properly and if proper care and attention is taken during construction renewable developments need not be incompatible with a high quality freshwater environment. However, there is also the potential for significant impacts on biodiversity. The Bill should therefore include a clear requirement to ensure that the development of renewables by Scottish Water is sustainable and compatible with Scottish Water's existing biodiversity duty under the Nature Conservation (Scotland) Act. On that basis Section 21 should be amended to read 'sustainable development' rather than 'development'.

Q8. *Are you content that the definition of core powers will provide sufficient safeguards for core water and sewerage functions against risks incurred by Scottish Water in pursuing non-core functions?*

Such core functions should be the primary driver for investment in Scotland's water environment. We are unclear as to where the finance for such new functions will be derived, since the current consultation on Scottish Water investment specifically excludes the issues covered by the Hydro Nation agenda or the Water Resources (Scotland) Bill. With that in mind, we consider it unlikely that core water and sewerage functions will be adequately safeguarded.

Part 4: Raw Water Quality

Q9. *Do you have any views about the proposals to give Scottish Water new powers of entry and inspection of premises (other than a house) in relation to the quality of raw water?*

No Comment

Q10. *Do you have any views on how the proposal allowing Scottish Water to enter into agreements with owners or occupiers of land to undertake works to prevent the deterioration of water quality will work in practice and whether this is necessary and/or appropriate?*

We support this proposal. Such agreements might be appropriate if they facilitate land management (over and above existing regulatory requirements such as Good Agricultural and Environmental Condition (GAEC) and General Binding Rules (GBRs)) for the purpose of enhancing water quality and delivering favourable habitat for Atlantic salmon and sea trout as part of a catchment based approach.

Part 5: Non-Domestic Services

Q11. *Are the new duties to be placed on landlords appropriate and do they raise any concerns?*

No Comment

Q12. *Do you have any comments on the proposed arrangements for the creation of a scheme setting out the terms and conditions under which a deemed contract for the provision of water is to exist?*

No Comment

Part 6: Sewerage Network

Q13. *Do you have any comments about the proposal granting Scottish Water powers of entry and inspection of land or non-domestic property in relation to passing substances and pollutants into the sewer network?*

No Comment

Q14. *Do you have any comments about the creation and enforcement of a new offence of passing, or permitting to be passed, fat, oil or grease into the public sewer network?*

We believe that this new offence, if properly enforced, has the potential to improve the protection of the water environment.

Q15. *Do you have any comments on the proposal to allow any one proprietor to carry out works to private sewage treatment works, such as septic tanks, to maintain and empty these shared assets without having to secure the consent of the other owners?*

We believe that this has the potential to improve the protection of the water environment. However, such activities are already regulated under CAR and we would highlight the importance of SEPA using its existing powers to deal with septic tanks identified as causing a pollution issue.

Part 7: Water Shortage Orders

Q16. *Are the proposals to create new water shortage and emergency water shortage orders proportionate and will they have the desired effect of dealing with temporary water shortages?*

Whilst we agree with this proposal in principle, we would highlight that Scottish Water already operates under a duty to promote the conservation and effective use of the water resources. We believe that the situation in England, where the privatised water companies are required to prepare and publish a drought plan, following a period of public consultation, is a good model here. This would allow detailed discussions/consultations to take place, in respect of knowing what will happen to the river/ water body if additional water is taken in times of critical low flow, without the potential backdrop of a crisis situation.

Financial implications

Q17. *Do you have any comments on the estimated costs associated with the Bill?*

No Comment

For further information please contact:

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