

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE
24 SEPTEMBER 2001**

**REPORT ON: THE FUTURE FOR SCOTLAND'S WATERS' – CONSULTATION
DOCUMENT**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 532-2001

1 PURPOSE OF REPORT

1.1 To review the Consultation Document 'The Future for Scotland's Waters' and confirm this Council's response to the Scottish Executive.

2 RECOMMENDATIONS

2.1 It is recommended that the Committee agrees the comments it is proposed to forward to the Scottish Executive in response to its Consultation Document.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications from this report.

4 LOCAL AGENDA 21 IMPLICATIONS

4.1 The Local Agenda 21 implications of this report cover a very wide range of key themes, in particular,

- The efficient use of resources and minimisation of waste.
- Pollution is limited to levels at which natural systems can cope.
- The diversity of nature is valued and protected.
- Access to good food, water, shelter and fuel at reasonable cost.
- Health is protected by creating safe, clean, pleasant environments and health services which emphasise prevention of illness as well as care for the sick.

5 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 No equal opportunity implications are associated with this report.

6 BACKGROUND

6.1 The EC Water Framework Directive came into force on 22 December 2000 and its provisions must be translated into Scots Law within three years of that date. The Scottish Executive proposes to do this through a Bill in the Scottish Parliament next year. The present consultation paper is intended to form the basis of that Bill.

6.2 The paper puts forward a wide variety of detailed proposals. However, the main item of consideration is as follows :-

- River Basin Planning is at the centre of the proposals. It is the mechanism through which the rivers, lochs, coastal waters, estuaries and groundwaters that form part of the same catchment or natural water system can be managed together.

However, river basin planning poses big questions for Scotland.

How many river basin districts should there be?

How do we cope with the situation with the border with England?

Who should take responsibility for their preparation and implementation?

How do we best involve all interested parties in the process?

How will the River Basin District Planning process interact with the land use system?

- 6.3 The consultation paper proposes three options for river basin districts in Scotland;
- one district Scotland-wide,
 - three districts based on the existing three SEPA areas,
 - fifteen districts based on the old River Purification Board boundaries relating to the principal river catchments.
- 6.4 The three district approach would seem to be the most practical suggestion, particularly as the paper also proposes that SEPA be designated as the lead authority in Scotland in relation to the Water Framework Directive.
- 6.5 The paper identifies that the appointment of a lead authority is, in itself, not enough. There needs to be involvement by all public sector bodies in this. The paper proposes a general duty on all public authorities to act in accordance with the Directive.
- 6.6 Special administrative arrangements are proposed to be put in place to deal with the cross – border situation and a simple system to co-ordinate the separate authorities (SEPA north of the border and the Environment Agency for the south) devised.
- 6.7 The relationship between River Basin Planning and other established planning regimes is also highlighted, particularly land use planning.
- 6.8 Given the well established roles of development plans in environmental matters, it is considered that planning authorities and SEPA should ensure that these plans – and the development decisions informed by them – cross refer to or apply the relevant parts of the River Basin Management Plan (RBMP). Similarly, the RBMPs should cross refer to and apply development plans, where consistent with the Directive's requirements.

7 CONCLUSIONS

- 7.1 There is a duty on Scotland to comply with the EC Water Framework Directive by December 2003.
- 7.2 The Scottish Executive proposes to address this by introducing a Bill in the Scottish Parliament next year. The present consultation paper is intended to form the basis of that Bill.
- 7.3 The proposals in the paper to create three River Basin Management Areas would appear to be the most practical in the circumstances.
- 7.4 The designation of SEPA as the lead Authority is considered appropriate. However, the imposition of a general duty on all public authorities and specific duties where relevant, is also recognised.
- 7.5 The co-ordination of River Basin Management Plans and development plans is necessary and the requirement for planning authorities to take account of the obligations of the Water Framework Directive expressed in RBMPs when preparing structure or local plans accepted.

8 CONSULTATIONS

- 8.1 The Chief Executive, Director of Finance, Director of Support Services, Director of Corporate Planning, and Director of Leisure and Parks have been consulted and are in agreement with the contents of this report.

9 BACKGROUND PAPERS

- 9.1 'Rivers, Lochs, Coasts: The Future for Scotland's Waters'.
Scottish Executive, 2001.

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