

River Basin Management Planning

Planning Guidance Note

Introduction

The European Union's Water Framework Directive (WFD) requires all inland and coastal waters within defined river basin districts to reach at least 'good' ecological status/potential by a set deadline. The Scottish Environment Protection Agency (SEPA) is the lead authority to ensure compliance with WFD requirements. With input from responsible authorities and other stakeholders, SEPA has coordinated the production of the Scotland River Basin Management Plan (RBMP) to ensure the protection, improvement and sustainable use of the water environment for future generations. The overall aim is for 98% of Scotland's waters to be in a good condition by 2027, to be progressively implemented through three RBMP cycles (2009-2015; 2015-2021 and 2021-2027).

The RBMP has identified the following key pressures on the water environment in Scotland:

- morphological alterations (e.g. modifications to beds, banks and shores as the result of historical engineering and urban development);
- diffuse source pollution (e.g. agriculture, urban development);
- point source pollution (e.g. the discharge of sewage, manufacturing and quarrying);
- abstraction and flow regulation (e.g. alterations to water flows and levels as the result of electricity generation and public water supplies); and,
- invasive non-native species.

East Dunbartonshire Council is designated as a 'responsible authority', and:

1. is obliged to ensure its plans and activities are carried out in a way that secures compliance with WFD objectives, and
2. must act to support SEPA's role for River Basin Management Planning to secure the successful implementation of the WFD in Scotland.

Responsible authorities include Scottish Natural Heritage, Scottish Water and Scottish Canals amongst others.

This work is supported by a network of eight Area Advisory Groups (AAGs), each of which are tasked to produce and regularly update more focused Area Management Plans (AMP's). East Dunbartonshire is included in the AMP for the Clyde area.

The Clyde AMP and associated documents incorporate detailed information on:

1. the current condition of the water environment,
2. pressures and risks on individual water bodies, and,
3. objectives for water quality and measures for their achievement.

Current Condition and Objectives

In general, the classification of surface water bodies describes by how much their condition, or status, differs from near-natural conditions. Water bodies in a near-natural condition are at high status. Those whose ecological quality has been severely damaged are at bad status. The objective of the Water Framework Directive is for all water bodies to improve to good ecological status and for deterioration in status to be prevented.

Water bodies can be designated as heavily modified* where they have been subject to substantial changes to their physical structure for the purposes of navigation, water storage, flood defence and land drainage. For example, this occurs where a river is straightened and the banks raised for flood defence purposes. In the case of heavily modified water bodies the objective is to reach good ecological potential, which essentially means to be as good as it can be without compromising the modification causing the heavily modified status e.g. flood embankment or impounding reservoir dam.

The AMP identifies the following water bodies in East Dunbartonshire, highlights their current status and highlights their overall environmental objectives for the three (RBMP) cycles, ending in 2027.

Water Body	Overall ecological status/potential in 2008	Overall Environmental Objective		
		2015	2021	2027
River Kelvin (to its confluence with the Glazert Water)	Bad (HMWB)	Poor	Poor	Good
River Kelvin (from the confluence with the Glazert to the EDC boundary)	Poor (HMWB)	Poor	Poor	Good
River Carron (source to EDC boundary)	Poor	Poor	Poor	Good
Allander Water	Poor (HMWB)	Moderate	Moderate	Good
Glazert Water/Finglen Burn	Moderate (HMWB)	Moderate	Moderate	Good
Luggie Water	Moderate	Moderate	Moderate	Good
Board Burn	Bad (HMWB)	Moderate	Moderate	Good
Bothlin Burn	Moderate (HMWB)	Moderate	Moderate	Good
Craigmaddie Burn	Moderate	Moderate	Moderate	Good
Kirk Burn	Good	Good	Good	Good
Stand Burn/Park Burn	Poor (HMWB)	Poor	Poor	Good
Forth and Clyde Canal	Good (Artificial Water Body)	Good	Good	Good

* HMWB = Heavily Modified Water Body - In the Clyde area almost a quarter of the surface water bodies have been substantially changed in character for important social and economic purposes such as flood protection, hydropower generation, navigation, land drainage or water storage for drinking water supply. These are known as heavily modified water bodies. Another 3% of surface waters are artificial; mostly the Forth and Clyde Canal.

Pressures

Most of the aforementioned pressures affect the condition of water bodies in East Dunbartonshire in one way or another and to differing degrees.

The Clyde AMP identifies the following as key pressures in the Clyde area:

- urban drainage;
- diffuse pollution from rural sources; and,

- managing the impacts from our industrial past.

Full details of the condition and objectives for East Dunbartonshire's water bodies are set out in a detailed series of information sheets, available on the SEPA web site.

www.sepa.org.uk/water/river_basin_planning/waterbody_data_sheets.aspx

Format of Guidance

All planning guidance notes are material considerations in the assessment of planning applications and shall be afforded significant weight in the decision making process. Failure to comply with Guidance Notes may be a reason for refusal of planning consent.

Legislative Framework

The river basin planning process was established under Water Environment and Water Services (Scotland) Act 2003. The supporting regulatory framework includes the introduction of controls on activities likely to have an adverse impact on the water environment through the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). The framework also identifies a range of responsible authorities and sets out their various roles in implementing the plan.

Planning Framework

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires the development plan to have regard to the RBMP. In turn, decisions on planning applications are required to take account of the provisions of the development plan and any other material consideration. Planning Advice Note 51 Planning, Environmental Protection and Regulation also states, *"the RBMP will inform the preparation of development plans and where appropriate will be a material consideration in the determination of planning applications, with successive plans then informing each other"* (Para. 21).

SEPA identifies that the planning system has a key role in protecting the water environment from deterioration and implementing improvement measures through the location and design of developments. SEPA have therefore published (May 2010) a Guidance Note on the interactions between the Land Use Planning System and the WFD/RBMP, with the stated purpose of clarifying roles and responsibilities, and guidance on responding to both development management and development planning consultations in relation to WFD and RBMP interests. This document can be found at www.sepa.org.uk/planning.aspx (see section on Planning Guidance Notes).

New development should protect the water environment from deterioration e.g. from diffuse pollutants and unnecessary engineering, and also provide opportunities for dealing with historic physical changes such as engineered river banks and bank side non-native invasive species.

Where a development proposal represents an opportunity to deliver improvements to water body status/potential, it is contrary to Water Framework Directive objectives to allow that development to proceed without the necessary improvements being taken forward in parallel. Developer contributions, proportionate to the cost of the development itself, should be secured to ensure these improvements are realised. The Council will work closely with SEPA and other relevant authorities to ensure WFD objectives are achieved.

It is important to recognise that improvements put in place to protect and improve the water environment can also deliver multiple benefits in terms of other key local authority objectives e.g. extending and enhancing green networks, enhancing biodiversity, climate change and open space targets, reducing flood risk and making provision for recreation.

There are many other measures to improve water quality which are the more direct responsibility of other authorities and partners involved in the RBMP process. Thus, in the River Kelvin catchment, the pressure of rural diffuse pollution is being actioned by the Scottish Government's Rural Inspections Directorate (SGRIP), the SEPA-led Diffuse Pollution Management Advisory Group (DPMAG), National Farmers Union Scotland (NFUS) and the Scottish Rural Property and Business Association (SRPBA). Diffuse pollution from agricultural sources is normally the result of cumulative inputs of pollutants from numerous different sources on farms within the catchments of the affected water bodies. Measures include raising awareness and developing a programme of training and guidance for farmers and land managers on required good environmental practices, with associated farm inspections to check good practices are being adopted.

Following from this the Local Plan 2 includes the following planning policies and associated guidance specifically relevant to the RBMP process:

Policies

Policy NE7 – River Basin Management Planning states *“The Council will implement ‘measures’ in SEPA’s Clyde Area Management Plan to improve the quality of the watercourses, water bodies and ground water in East Dunbartonshire and in particular, through the development process, will promote environmentally friendly SuDS options and river morphology improvements such as deculverting and reinstatement of riverine habitats.”*

DQ 2 Design Quality states *“The Council will expect high quality sustainable design and all development should be compatible with the amenity and character of the area within which it is located. There will be a presumption against development proposals which do not have regard to the following factors, including:*

- h) Arrangements for surface water drainage will require to be compatible with best available advice on Sustainable Drainage Systems (SuDS);”*

Policy OS1 Protection and Enhancement of Open Space states *“Taking account of the findings of the Council’s current open space audit and strategy, existing open space will be protected. Developments that adversely affect their scale and quality will generally not be permitted, unless replacement facilities have been provided. Through partnerships with other stakeholders the enhancement of existing open space will be encouraged where necessary.*

In particular, opportunities will be pursued through the development process to create and improve Green Network links and to ensure that Sustainable Drainage Systems (SuDS), make a positive contribution to both open space and biodiversity.”

Guidance Notes

Brownfield Sites and Non-Native Invasive Species – Highlights need to address unacceptable risk from site contamination. Appropriate remedial works must be undertaken taken to remove or reduce risks to people and the environment, including the water environment.

Also highlights legislation and procedures associated with the control of non-native plant species and provides identification guidance for Japanese Knotweed, Giant Hogweed, and New Zealand Pygmyweed. Site surveys must be undertaken and appropriate action undertaken to avoid further spread.

Natural Diversity – Promotes the sustainable use, enjoyment and improvement of the natural environment. Protected sites and species should be conserved and designated and account also taken of ecosystems and natural processes. Wildlife sites and corridors, landscape features, watercourses and open space should be linked together in integrated habitat networks, maintaining and enhancing biodiversity and allowing ecosystems and natural processes to adapt and respond to climate change. Further fragmentation and

isolation of habitats should be prevented and broken links restored. Where possible new development should benefit species and habitats, restore degraded sites and improve water quality.

Urban Design – Amongst other matters notes that open space, Sustainable Drainage Systems (SuDS), and existing topographical features provide for interesting streetscapes and design. Landscaping schemes should incorporate indigenous species and local biodiversity can be enhanced through the use of networked green spaces and green infrastructure.

Policy Guidance

These policies and guidance fully support measures set out in the both the Scotland River Basin Management Plan and the Clyde Area Management Plan. Progressive implementation through the development management process, in consultation with SEPA, ensures progressive improvements to ecological status and compliance with RBMP objectives whilst also preventing any deterioration in status.

Other services of the Council also contribute to the securing of these objectives. For example, new roads have to incorporate Sustainable Drainage Systems, and in 2009 the Greenspace Service successfully secured funding from SEPA's Restoration Fund to insert dams at Lenzie Moss to increase water retention. Joint work between the Council and Central Scotland Countryside Trust has also led to the reinstatement of riparian woodland habitats along local rivers. In 2013 the Scottish Government and Clyde Area Advisory RBMP sub-group will focus attention on increasing the quality of the Glazert Water, which is a failing waterbody.

The RBMP process ensures water body classifications are systematically monitored, and both the Scotland RBMP will be reviewed and updated on six yearly basis, assessing progressive improvements to the status of the water environment and the success (or otherwise) of the implementation of measures by RBMP partners. Account can also be taken of the effects of climate change. For example, increased water temperatures, may increase threats: some invasive non-native water plants and animals may be better able to successfully invade the water environment and otherwise benign non-native species may become invasive.

Future RBMPs will then, in turn, influence policies and guidance in the Development Plan.