



Law Society
of Scotland

Consultation Response

SEPA Working together - Statement of consultation steps for the Solway Tweed river basin district

December 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law sub-committee welcomes the opportunity to consider the Scottish Environment Protection Agency's (SEPA) consultation: "Working together - Statement of consultation steps for the Solway Tweed river basin district"¹. We do not seek to respond to the consultation questions. We have the following general remarks to make at this time and note that further opportunities will follow for consultation on the third river basin management plans in due course.

General comments

We consider it important that a holistic approach is taken by SEPA and the Environment Agency to the development of the river basin management plan for the Solway Tweed river basin district. It is important that consultation is undertaken as widely as possible, particularly with relevant stakeholders and those likely to be affected by the plans. There must be clarity on as many matters as possible within the plan.

The consultation document on river basin management planning states that "we will continue to ensure alignment of river basin management planning with many related plans and policies". We would welcome clarification at the time of consultation as to how the Solway Tweed plan interacts with the wider planning process and other statutory strategies and duties, including the land use strategy, climate change, biodiversity, forestry strategy, and others.

We note the importance of consideration of the impact upon the rural sector of the plan. It is crucial that this is fully considered by SEPA and the Environment Agency, particularly in circumstances where individuals and businesses are expected to 'go beyond' compliance. There is the potential for some measures to have greater impacts upon rural communities and businesses than on other sectors.

¹ <https://consultation.sepa.org.uk/rbmp/working-together-statement-of-consultation-steps-f/>

The programme of measures of which this and other river basin management plans are part needs to be clear as to what is required of individuals and businesses. Individuals and businesses must be able to guide their conduct based on clearly understandable and defined standards. The programme should be carefully considered in relation to the level of regulation and the expected impact of this. We are aware that cost impact is an increasing concern for businesses at the present time and the costs of regulation can be considerable. We consider it important that the programme of measures is carefully balanced between what can be competing interests, for example the interaction between marine and freshwater environments, taking account of sea lochs and estuaries.

We note that clarity is required as to the approach to derogations. In the context of environmental protection and economic use of water, we consider that further detail is required as to where derogations are justified.

We highlight the importance of the following matters being included within the management plans and look forward to commenting further on these matters in due course: treatment of transitional waters; consideration of marine water quality as natural capital as well as bathing water quality; and aquaculture beyond only salmon.

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