

River Basin Planning: North-East Area Advisory Group Findings

Executive Summary:

This paper introduces a brief overview of findings that aim to document lessons learnt whilst developing the first North-East Area Management Plan. The data comes from analysis of the papers provided, attending meetings and questionnaire responses.

The initial analysis suggests that there are three sets of issues arising from the data:

- Membership of the Area Advisory Group (AAG), their interests, roles and responsibilities (members have varying capacity to support the process and there may be a mismatch in what the members, and the lead authority, expect from one another).
- Debates over the status of water bodies, use of data and objective setting (there are different views on the current state of the environment, what or who may be causing the pressures and the best way to improve the environment).
- Concerns over implementation of the programme of measures (it is important to stimulate non-regulatory measures and gain support of the wider stakeholders, but there are concerns over how such schemes will be supported and funded).

These issues may be interrelated, as the focus of many members on representing their local interest groups may explain the debate over the implications of the data, the importance of objective setting and why there is such an emphasis on implementation. There are different opinions on who should do what and what is needed to be done, making consensus on the best way forward more difficult. The North East AAG is not unique but faces challenges common to most resource management processes involving stakeholders. It is more difficult to respond to these challenges when the Water Framework Directive (WFD) has a strict set of reporting procedures and deadlines.

1. Introduction:

This working paper presents some draft research findings to be presented and discussed at the North East Area Advisory Group (NEAAG) meeting on 21st February 2008. The purpose of this paper is to get feedback on the following from the AAG:

- does the analysis makes sense to you;
- does it captures the issues to date; and
- does it need corrections or additions?

Once I have checked these findings with you, then we can focus on learning the lessons for the future. Please note that this paper is *critical*, as my research seeks to highlight challenges and to understand why such challenges have occurred, but it is not a *criticism* of the individuals or organisations involved.

2. Purpose of the Research:

The research is documenting the lessons that the AAG and the lead authority (SEPA) are learning as they implement the first ever Scotland River Basin Plan. The main aim is to provide guidance for the 2nd River Basin Management Planning (RBMP) cycle. However, providing feedback during the 1st cycle can highlight areas to focus on in order to enable a successful planning process.

RBMP is an example of a new approach to environmental planning and management whereby government works in partnership with other interest groups to develop and implement policy. These processes take place at multiple scales (e.g. the Urie, the Don, Scotland, UK and Europe) and quickly become extremely complicated due to the interaction of different stakeholders and the integration of different issues. This can make defining and delivering a consensus on:

- what should be done;
- by whom;
- by when; and
- why it needs doing;

more time consuming and challenging although ultimately it should be more sustainable.

RBMP also shares the challenges faced by any collaborative planning process due to the difficulty in balancing the following four issues:

- Inclusion: involving all those who affect, or can be affected by, water resources;
- Integration: coordinating the different issues, scales and processes involved;
- Effectiveness: making a difference, achieving the objectives of the policy; and
- Delivery: achieving the outcomes with limited resources.

The main themes in the NEAAG data relate to inclusion, effectiveness and delivery.

The focus of the research is on who is involved in the AAG in the North-East Sub Basin; how the AAG interacts and influences the overall Scotland RBMP; what issues are raised and how these are incorporated in the plan. The research will eventually look across five groups (Tweed, Clyde, Argyll, North-East and National). It is too early to make any sensible comparisons but it appears that many of the themes emerging are similar.

Methods:

The paper focuses on the main issues arising from the first analysis of the questionnaires, field notes and documents (agendas, papers, minutes) collected from July 2006 – November 2007. The response rate for the questionnaires has been fairly low (n = 8; 19% response rate) so these results do not represent all views from AAG members. Furthermore, my data is only the tip of the iceberg as there will be a great deal of formal and informal interaction within the group, and between group members, that I have not been able to observe, or may not have interpreted accurately.

3. Results:

The process has been efficiently administrated, with material supplied on time and clearly labelled, meetings well organised and actions discharged on time. There has been an effort to make the material as user-friendly as possible despite the WFD (Water Framework Directive) jargon; to provide local examples complemented by photos; to keep the website up to date; and to facilitate bi-lateral meetings as resources allow. Despite considerable debate over the process and content regarding the development of the RBMP (as explained below), the group looks set to complete their contribution to the draft RBMP on time, which is one of their key objectives (see Fig 2 below). The paper focuses on the main issues illustrated in Fig 1 below. These can be summarised as:

- Composition and responsibilities of AAG members;
- Areas of debate; and
- Issues of implementation.

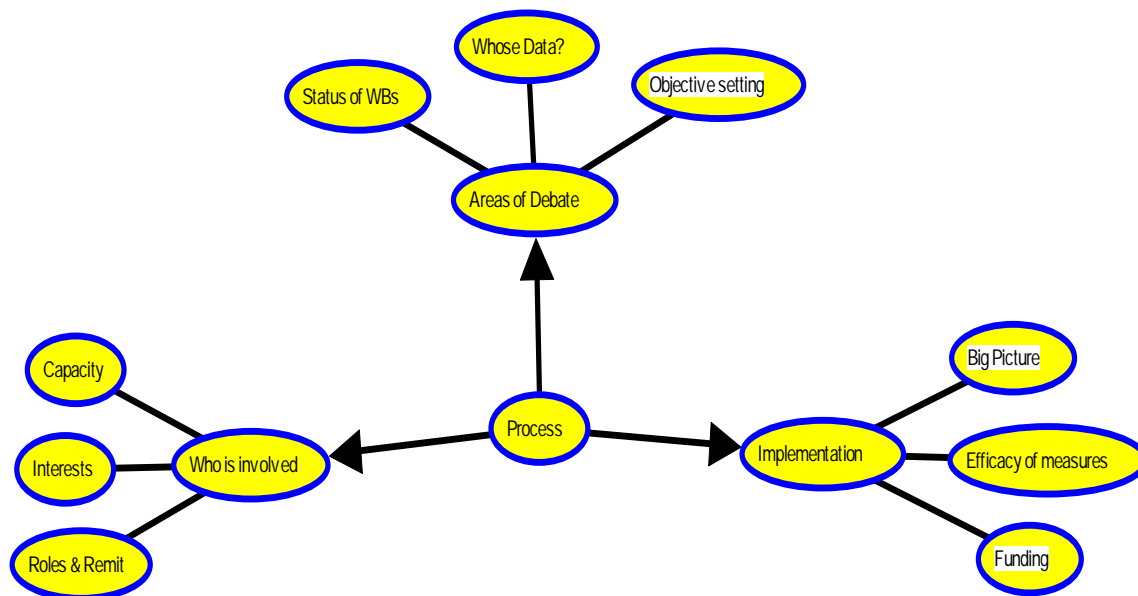


Figure 1 Overview of the Main Issues arising from the Data

3.1 Group Membership: Who is involved in the North-East AAG?

Inclusion of all relevant parties who either affect or are affected by a policy has become a principle of environmental planning. Achieving this, however, requires understanding why stakeholders want to expend time and energy on attending meetings. In answer to this question, the two most popular reasons given were:

- To represent my organisation/sector (6 of 8 responses)
- To shape the outcome of the RBMP process (4 of 8 responses)

All the respondents were asked to attend by their organisation rather than volunteering.

Forty individuals have attended at least one meeting in the data collection period; with between 14 to 23 members at each meeting (six meetings have been held to date¹). Despite requests to include more people living near, working with and managing specific water bodies, the attendance numbers for the AAG have actually fallen over time. Thus, only some of the stakeholders participate in meetings - others may participate through subgroup meetings, through correspondence or via the NAG (National Advisory Group).

These members can be categorised in different ways. Firstly, by the type of organisation they represent as shown in the table below. Secondly, by their statutory remit with regard to water i.e. whether they are regulated or a regulator - of the 40 attending representatives, 14 are regulators, 11 are regulated and 15 could be both regulated and have their own regulations. Thirdly, by their geographical focus – 14 represent a local set of stakeholders; 15 a national set of stakeholders and 11 both local and national responsibilities (e.g. RSPB represent national membership and are a local landowner). During informal discussions, it was suggested that there is also an important distinction between those stakeholders benefiting from improved water body status and those who may have to bear the cost of water improvements.

Typology	# of Representatives
Lead Agency	8
Other Public Agencies	15
NGOs & Membership Organisations	12
Single Industry Sector	5
Total	40

A key aspect of stakeholder inclusion is the capacity of different groups to attend meetings and respond to the workload in between. Data from the questionnaire shows that most (n=6) questionnaire respondents have a nominated deputy. Half of the respondents are able to act on behalf of those they represent, three need to confirm things with their organisations or members first and one felt it depended on the issue. Whilst the AAG members have considerable access to the process through group meetings; 1:1 meetings and their early consultation on key reports, there are differences in how much time representatives have (or are given by their organisations) to support these processes.

The NEAAG represents a large geographical area, which has several distinct river catchments (e.g. the Spey, Dee, Don, Ugie, Ythan, Deveron etc), many of which have their own catchment initiatives. Therefore, there are different, often self-organising, sets of stakeholders who have not traditionally been grouped into one strategic regional unit. These circumstances may have contributed to difficulties regarding who to include within the AAG and created how to access the pertinent local knowledge for these diverse sites.

The emphasis placed on ensuring the plan reflects the views of the wider stakeholders (see section 4 below) illustrates how important it is for the AAG to act as a ‘hub’ to

¹ Of these, the last four have been attended as part of the research project.

facilitate information flows between these stakeholders and SEPA. However, the data suggest that some members feel unable to support such a role. The forum is the alternative mechanism by which non-AAG members can inform the process and there has been an impressive range of potentially interested parties identified. Given that the first forum was an information giving and awareness raising event, the second forum event will be the only opportunity for wider stakeholders to inform the development of the draft plan before it goes for public consultation in December 2008.

There appears to be some confusion among AAG members about the expectations of their role and remit. The language used in meetings often suggests that members feel SEPA should undertake tasks yet increasingly, the SEPA representatives have responded by highlighting the AAG members' responsibility to take action (e.g. to contact local representatives for water body discussions). Given the context of members highlighting their limited time and resources to commit, this may suggest a mismatch in expectations. There also appears to lack of clarity regarding the process of including the NAG in decision making. Conflicts and concerns are referred up to the NAG but the generic decisions fed back to the group in information papers often leave the specific concerns unresolved. This may contribute to the sense that the RBMP process is not responding to the members' varied concerns and specific needs (as discussed below).

3.2: Areas of Debate

Over several meetings, there has been a reference to the fear that RBMP is 'trying to fix something that isn't a problem' – some members do not agree with the risk assessment that states that a water body is at risk of failing to meet good ecological status (GES) by 2015 (or an alternative objective). On the other hand, some members feel that the risk assessment may not have picked up emerging environmental problems, such as invasive non-native species. This suggests that there are different opinions regarding the current state of the water bodies in the North-East and the scale of the problem to be fixed.

Some members question the interpretation of the data that has led to the identification of a pressure. This discussion has been somewhat complicated by the changeover from the characterisation data (1a, 1b water bodies etc) to the new classification data under the new WFD monitoring strategy, whereby some elements of GES will not be classified in time for the first draft RBMP. Members have offered their own data to supplement those from the competent authority but due to problems with laboratory certification, these can not be used for classification².

Furthermore, members have sometimes questioned the way in which a pressure has been linked to an industry sector. Often members, using their local knowledge of the water body, highlight other pressures than the ones on the water body sheets. At the heart of this debate is the cost of restoring the water body to GES, so members are keen that restoration is only used where needed and that sectors are not unfairly held responsible.

² Whilst these data can not be used for classification, they can be used to better understand the problem.

The continual questioning of the risk assessment suggests a lack of trust in the process, making agreement on possible measures problematic.

Two of the first issues raised in the group were the issues of how cost-effectiveness would be calculated and how objectives would be set. The group have not had a presentation on the CEA methodology (this was postponed from the May 07 meeting) but are already applying these judgements in the sub group meetings. There is still a lack of clarity on objective setting more generally, including designation of Heavily Modified Water Bodies (HMWBs). The difficulty in providing these tools is affecting all the AAGs and the North-East have not been particularly agitated about the delay. However, given the importance of cost-effective implementation to the group, clarification will be required to allow the group to fully engage in drafting the Area Management Plans.

3.3: Implementation of the RBMP

The implementation of programmes of measures to achieve the WFD's objectives has been a feature of the meeting discussions. There has been an emphasis on recognising existing voluntary and partnership projects in the region and a desire to support non-regulatory measures to complement the existing regulations; as well as to coordinate and implement the existing legislation and codes of practice more effectively. Some members expressed dismay at the perceived separation of the regulatory measures (particularly the Controlled Activities Regulations) from the measures that the AAG discuss. This dismay relates back to the issue of objective setting and CEA as members argued that without understanding the interaction of regulatory and non-regulatory measures, they may not select the most cost-effective or sustainable measure.

As with the areas of debate, there are different views regarding what makes an effective measure. The two main themes are a need to understand how measures contribute to reducing pollution or improving ecological status; and to know if existing measures were working, or how long the water body would take to recover. These themes are related to the ability to set appropriate objectives for the water bodies if the members are unsure how long the measures will take to work or whether implementing measures would be effective. At times members were frustrated with the generic information provided on the water body sheets – for example, was it nitrogen, phosphorous, pesticides, metals or faecal coliforms being referred to by 'diffuse pollution'? Without answers to these questions, members often felt unable to adequately participate in the discussions, although input by the facilitators or other members helped to generate a more informed discussion.

Furthermore, the group have been focussed on how wider stakeholders managing water bodies might implement the measures in any proposed RBMP, particularly with regard to funding these measures (there was little support for a strictly polluter pays approach to diffuse pollution). There were references to difficulties with the agri-environmental schemes; the lack of available public money and the lack of support for partnership projects. The group were hopeful that the Scottish Rural Development Plan would provide a vehicle for implementing the programme of measures but the view at the last of

meeting was that it would be of limited support to RBMP. Therefore, some may be concerned about what this implementation deficit could mean for their organisation.

4. AAG Criteria for Success

Most questionnaire responses highlighted the need to agree and achieve a ‘practical’, ‘realistic’, ‘effective’ plan, with one response stressing the need to finish ‘on schedule’ and another arguing that the first plan should do ‘the minimum to satisfy Europe’. The graph below shows the average importance rating for 14 potential criteria by which to review progress (from the questionnaire responses) – the combined results from all five groups is shown by the column on the left and the North-East results on the right. For both, the most important criterion is having a plan that can be implemented. Ensuring the group met its original objectives and that the plan can respond to changes in the future were the two next more important criteria. The two main differences from the combined data were the relative importance that the NEAAG placed on ensuring wider stakeholders’ views were incorporated in the plan and that the group continued to work together. Whilst based on a small sample, these results reinforce the issues discussed above regarding implementation, flexible objective setting and connecting to wider stakeholders.

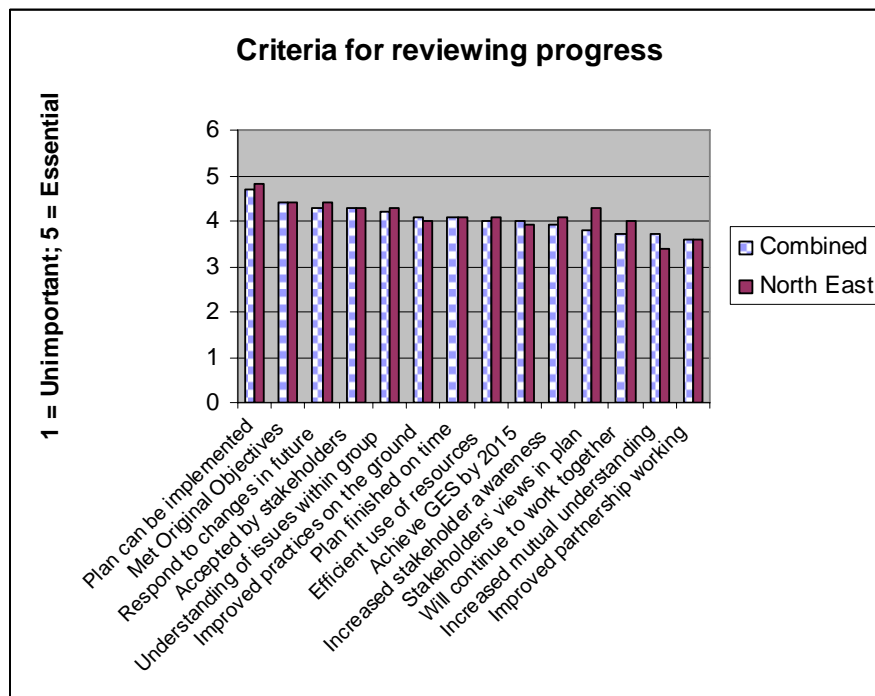


Figure 2

5. My view: learning from the literature

The challenge of how best to involve stakeholders and how to deliver complex integrated water management (inclusion and integration) are made more difficult by the demands of

effectiveness and delivery. The rationale for a group like the AAG is to promote collaborative information exchange and social learning. These processes are best used for issues where (1) the problem to be solved is still debated and (2) the means to solve the problem are also unclear. However, the prescriptive nature of the WFD and the very tight timelines for developing and approving the RBMP mean that often decisions have to be made about the nature of the problem and the best available solutions, yet the debates among stakeholders are not yet resolved. In published research, where stakeholders feel their views and concerns are not being reflected, they have tended to either withdraw from the process or promote their own interests rather than acting collaboratively.

Questionnaire respondents noted that the group functions effectively where individuals can make a 'valuable contribution' and have backing and resources to do so by their organisations. This would, one argued, be jeopardised if people believe RBMP is just a 'paper exercise for SEPA'. Informal comments made during meetings suggest that stakeholders feel they are 'watching the process', 'disengaged' and that the process is increasingly becoming 'SEPA shaped'. However, there appears to be little option for SEPA staff but to continue their attempts deliver the plan on time, given the strict process and timelines required of them.

There have been many examples where participatory methods have been used to get input from the members, such as on the significant water management issues, the forum event design and on appropriate measures. Some members were unsure whether the data they provided has been utilised - the proof will be in the draft plan. But more importantly, participation has often been limited to procedural matters rather than policy. An example of this is the fact that the group were asked about possible measures for the 'at risk' water bodies. Some of the group had raised concerns about the ability to carry out the exercise at all, given the debate over the risk assessment and implementation (discussed above). The debate over procedure meant there was insufficient time to engage with these underlying concerns.

From comments made at the last meeting, the subgroup meetings appear to have created a more relaxed and constructive group dynamic and facilitated better information exchange. However, unresolved debates may effect the successful implementation of the voluntary and partnership measures. Questionnaire responses identified the need to build and maintain trust with one another to ensure an engaged and constructive debate and to incorporate all stakeholders' views, including dealing with conflicts of interest. This may seem to contradict other complaints voiced regarding too much emphasis on procedure and not enough on outcomes. However, there is a crucial difference between process (attention to the facilitation of social relationships) and procedure (the administrative steps taken) – as many evaluations of catchment planning exercises have shown, process difficulties often undermine or block the achievement of outcomes.

6. Conclusions

This paper has introduced a very brief overview of how I have interpreted the data collected to date in order to:

- Introduce some tentative ideas about what I am observing;
- To flag up possible challenges for the future; and
- To ask your views on these ideas.

The initial analysis suggests that there are three sets of issues to be addressed:

- Membership of the AAG, their interests, roles and responsibilities
- Debates over the status of water bodies, use of data and objective setting; and
- Concerns over implementation of the programme of measures.

These may be interrelated, as the focus of many members on representing their local interest groups may explain the debate over the implications of the characterisation, the importance of objective setting and why there is such an emphasis on implementation. There are different opinions on who should do what and what is needed to be done, making consensus on the best way forward more difficult.

Existing catchment and WFD implementation case studies suggest that the North East AAG is experiencing common challenges – the group is not particularly unique in the issues they are facing. RBMP is complex and time consuming, requiring new skills, tools and methods. Working with a group like the AAG helps with the aims of integration and inclusion that should make the overall plan more effective in the long run. However, collaboration takes longer and uses more resources yet (1) there are strict time lines set out by the European Commission and (2) both the lead authority and AAG member organisations have limited resources. These challenges may mean certain trade offs between best practice and delivery will have to be made in this first cycle. However, with the benefit of these experiences, it is possible to develop more creative solutions in time for the next cycle rather than becoming ‘locked in’ to the current way of doing things.

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