

National Advisory Group Progress

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(Drawing on insights from Keith Marshall, Heather Smith, Rachel Dilley, Katrina Brown & RBMP participants)

Introduction

The research aims to capture what is being learnt about how to 'do' River Basin Management Planning (RBMP) and how the process of planning might influence the success of the plan's implementation and the achievement of its objectives.

The research started in 2006 and will continue (resources permitting) until 2011, when it will be possible to reflect on initial outcomes¹ – at this time we can only report on the process aspects as the plan is still rapidly evolving and has still to go to public consultation. We are working with five of the 11 RBMP groups in Scotland (Tweed, Argyll, Clyde, North-East and National).

The paper highlights the main themes presented to the NAG (National Advisory Group) on 20th October 2008. The findings should be interpreted in light of the fact that this is the first time Scotland has tried to deliver an integrated approach to managing all water bodies at a national scale. Indicating what needs further attention is part of the adaptive and learning planning cycle.

The purpose of presenting this paper was to get feedback:

- o does the analysis makes sense;
- o does it capture the issues to date, and
- o does it need corrections or additions?

The paper is structured around the main questions that arose from the analysis, with a summary of our views and the responses from the NAG presented in boxes below.

Questions

Q1: Does the NAG provide a level playing field for all its members?

Up until June 2008, 108 individuals had attended the five NAG meetings. Some individuals and organisations are more actively involved than others – for example, the questionnaire (for 06-07) illustrated that three respondents didn't have a deputy; one comes in their own time and four only had representative mandates (have to check back before making a decision). Some participate in more than one WFD related arena and so are better informed and more able to influence the discussions. This is important given the ongoing debate about how to set objectives in the context of balancing the consumptive and non-consumptive uses of water.

¹ The WFD cycle doesn't require the Programme of Measures (PoM) to be operational until 2012 but it will be possible to assess to what extent implementation has begun and the perceptions of those involved in the planning process after the plan is finalised.



The responses suggest that most agree the NAG process does provide equal opportunities to input but some organisations are better able and/or more willing to use these opportunities than others. Influence on SEPA and the Scottish Government is also exerted out with the NAG, so this has to be taken into account.

Q2: Is it important for NAG to have a group identity?

The data suggests individuals felt their role was to influence SEPA and Scottish Government, not to learn, network or 'do' the planning themselves. There is little evidence of the NAG functioning as a group. This may be because different members of the group have different interests and views on the water environment and because the NAG remit made it clear that the NAG is there to advise on the plan, which is authored by SEPA and signed off by the Minister.

There was considerable diversity in the responses. Some felt that a group identity was not required as it was not the objective of the group. Others felt there was not a strong group identity, but one was developing and this should be encouraged. Finally, some felt that individuals should "wear two hats"; acting as representatives of different, sometimes conflicting, sectors at times, and as a group at other times, depending on the task and phase of the planning cycle.

Q3: Is NAG influencing the process as much as members would like or had hoped for?

The previous two questions start to unpick what is the appropriate role for the NAG. Given that the NAG was set up to be an advisory body not a decision making body, one would expect that individuals will only attend if they believe the costs of attending these meetings are worthwhile.

The responses suggest that most felt they had some influence on the process. These comments were qualified – some wanted more influence than they were currently achieving and others noted that influence was possible only over certain topics. Although some recognised that expectations of influence have to be realistic, many were hopeful that their influence on SEPA would increase over time.

Q4: What is the role of the NAG and is this clear to all members? Does the NAG advise, act or both?

Our analysis suggests there are questions about the shared understanding of the NAG's objectives and goals. Most recognise the role is to help develop a plan - but what is this plan supposed to achieve? Although the remit is to advise on the plan development, it is unclear to what extent the NAG will have a role in guiding the national *implementation* of the plan and in monitoring this implementation. This raises the question, hinted at before, about the appropriate level of 'ownership' and involvement in the planning process.



The general tone of responses was that the NAG has a dual role – to advise SEPA on the plan and to work with their sector or membership group to ensure the plan is implemented and effective. However, there were different opinions on the relative balance between these two roles and whether this balance would shift over time. In short, a number were still confused about their role, and the overall remit of the NAG.

Q5: Do we need to develop a clearer 'shared' vision for the final plan?

Members of the group have learnt a great deal about what needs to be done to achieve the milestones in the RBMP cycle, but there appear to be differences on why we need a plan, what the plan should contain and what it is expected to achieve. The NAG went straight into what needed to be done and how to do it, however, discussion of the dRBMP text illustrates that there are debates over the 'appropriate level of ambition' for the plan.

Most, but not all, felt that a shared vision was important for the plan. Achieving this vision was seen to be important to deliver sustainable development, joined up delivery and to encourage acceptance by the public. However, this has not yet been achieved and many thought it would be difficult to achieve given the conflicting interests represented within the NAG. A shared vision may be easier to achieve for the 2nd cycle.

Q6: Do we need to do more to link together different types of measures, policies and planning processes?

This question relates both to the appropriate mix of statutory, voluntary and economic measures and the need to integrate water management with wider spatial planning. There have been frequently expressed concerns about ensuring relevant appropriate and proportionate measures are selected, given the lack of detail regarding the objective setting processes and the lack of socio-economic data presented to characterise water use and help with CEA analysis. The SG impact assessment will address these requests but there has been little detailed debate within the NAG about the appropriate mix of measures and how should the principles required by the WFD be implemented (e.g. using water pricing instruments and polluter pays). More broadly, the issue of policy and plan integration is covered in an Annex to the dRBMP but implementation is likely to require more attention, particularly how RBMP can link 'up' to wider initiatives at the UK and European level.

All bar one response acknowledged the need to recognise the connections between different measures, and all felt that there needed to be more emphasis on the interaction of plans and policies. The planning process needs to move from a sectoral approach to a holistic environmental management approach to achieve the outcomes. This will take time and needs to be informed by subsequent classification data results, but was seen as a high priority for the planning process.

Q7: Do we understand how the measures interact to deliver environmental improvements?

Most environmental planning and management literature now suggests working with the system as a whole. The RBMP however, is structured to report by water body and



by pressure in a way that does not directly link the various dimensions of water (e.g. surface and ground, quality and quantity). A recurring discussion has been how to take account of how different measures to fix different pressures may interact, and how long the ecology may take to respond to measures.

There was quite a diversity of opinions expressed. Some felt that the understanding was generally good enough, but most felt that there needed to be more research and more discussion of what the existing information means for RBMP. There was a plea to highlight uncertainty and to prioritise future research and discussion on measures that deliver multiple benefits.

Q8: Are delays with objective setting 'teething problems'?

The majority of the discussions have focussed on understanding the parameters for judging status classes and setting the thresholds between classes; setting objectives (including judging disproportionality) and how to select the most cost-effective programme of measures. These topics have been revisited at every meeting with SEPA updating information as it is available and illustrating their confidence levels in the data provided. The focus on improving the confidence in the data and the information systems suggests an 'information deficit' approach, whereby the problem and the solutions will be obvious and easily implemented. However, collaborative management is about agreeing a shared interpretation of what the data means and which of the possible solutions is mutually acceptable. Additionally, the notion of adaptation in a changing socio-ecological system means the data will always be partial, out of date and uncertain. Therefore, decisions will always have to be made with imperfect data – both the decision making process and the data need to be agreed.

This was not discussed at the meeting due to lack of time.

Q9: Do you all understand the complex land-water system and the way people interact with this?

Although there has been increasingly familiarity with the WFD language and requirements, there has been less focus on eliciting members' knowledge of the system and developing a shared understanding of the links between pressures, impacts, interventions and the environmental responses. There is also an assumption that members are equally familiar with the scientific processes referred to, the geographic sites mentioned and the various measures discussed, with few tools (e.g. maps and glossaries of terms) provided to aid interpretation.

This was not discussed at the meeting due to lack of time.

Q10: Do you act as a hub to reach beyond the NAG, if so, to which audiences?

The NAG is expected to function as a communications hub to a wider set of communities. It has been hard to assess to what extent this occurs, but comments at meetings in late 2007 and during 2008 suggest that the need to communicate has been recognised. The bulk of this communication however, will take place through the



consultation on the dRBMP. If voluntary action is to be a realistic measure, then engaging these stakeholders should be an important priority for the NAG group.

This was not discussed at the meeting due to lack of time.

Q11: Is the relationship between the NAG & AAGs working? What is the relationship with the Solway-Tweed?

The NAG is responsible for providing guidance to both the Scottish and the Solway-Tweed River Basin Districts (RBD) and their respective AAGs. However, it is not clear from attending the meetings to what extent the NAG actually provides national guidance for both River Basin Districts. In terms of vertical integration, the relationship between the NAG and the AAGs could be made more transparent. Despite the introduction of the issues raised by the AAG onto the NAG group agendas, there appears to be little direct guidance offered by the NAG to the AAGs. It is also unclear whether the NAG has a role to play in upward vertical integration in terms of directly responding to and influencing the UKTAG and the UK reporting body (DEFRA).

The responses suggest that the desired relationship between the NAG and AAGs, and the mechanism for achieving this, are unclear. The current situation is a flow of information from AAGs via SEPA to the NAG but this flow has not really worked in reverse, nor is the upward mechanism perceived to go beyond reporting the issues to develop guidance for the AAGs. Several believe that the NAG and AAG have very different objectives, making it difficult to improve these linkages, although others believe it is important to try to link these two levels of governance together.

Comments on what is required for this cycle and beyond (not covered above).

Messages for **this cycle** were to make better use of the NAG members' expertise and experience through deeper discussions and to illustrate how their advice has been utilised in the process. Wider stakeholder engagement is also a high priority. Most are interested in the outcomes rather than the process, although they recognise the benefits of improving the planning process through documenting lessons. Messages for the **next cycle** were to move from a sector approach to a catchment management approach and an increased focus on implementation. With regard to the group dynamics, meetings should both be more focussed, but also provide more opportunity to air disagreements and find collectively agreed solutions.

Conclusions

This research is helping to capture the methods developed and assumptions used so that the approaches can be evaluated and improved for the 2nd cycle. The analysis has focussed on areas of debate or challenge, but it is worth reiterating that Europe as a whole is finding the WFD challenging as all members states are having to make the transition to a new approach to water management. In terms of benefits, it is worth trying to imagine what the dRBMP might have looked liked without the use of these advisory groups. We believe that without this process of negotiation and collaborative working, the plan would have been much narrower, more driven by traditional regulatory



and engineering solutions. We believe that there are more open and collegiate relationships developing between sectors and particularly between the regulators and those being regulated. Stakeholders appear to be getting more access to the policy making agenda and more opportunities to explain their constituencies' perspectives. However, this does not mean that challenges do not remain. Progress is being made but the real test is the response to the final RBMP and how well the plan is implemented by the members of the NAG and beyond.

This research is just one aspect of a wider research programme on WFD implementation, particularly managing diffuse pollution – for more information please see: http://www.programme3.net/ or http://www.macaulay.ac.uk/waterquality/. The longer paper with fuller analysis and discussion is available on request: please contact k.blackstock@macaulay.ac.uk.



Annex: Post it notes from National Advisory Group 20th October 2008

Questions asked prior to the presentation

The issue you think is the most pressing to address for this plan

3) This plan - ?

6) It has taken a very long time – I am interested in the outcomes more than the process!

7) Transparency of the objective setting process, in particular how the balance between regulatory and non-regulatory measures is addressed. Also the economic assessment between costs of measures and value of the benefits achieved.

8) Meeting deadlines

9) Need clearer role for National Advisory Group (NAG)

10) Feedback to NAG on how their comments were/ were not incorporated into draft River Basin Management Plans (dRBMPs) and if not why not. I.e. to show how they have been involved.

11) Group focussed on informing stakeholders

12) Important stakeholders not turning up to meetings

13) Meaty discussion of papers e.g. draft plan available before the meeting not after.

14) Make better use of expertise and experience of NAG members.

15) Public Relations on Water Framework Directive (WFD) i.e. why, what benefits?

16) What role do groups have? Needs to be considered/agreed/confirmed.

18) Keeping as wider a group of organisations engaged as possible in what is a fairly technical process, i.e. keeping attendance / interest up.

19) NAG has a very large industry component. This is likely to have influenced the play and distorted its purpose.

21) Provide best possible process/document for subsequent cycles.

22) Spread burden of plan implementation across organisations. Make clear complimentary contributions and regulatory and non-regulatory measures.

23) Trust in the planning process – confidence in views being taken onboard.

The issue you think is most pressing address for the next cycle

3) Next plan – should focus more on implementation that the process of producing the plan

6) Streamline – have fewer meetings. Focus use of attendees' time better.

7) Process needs to be more reflective of the data rather than the old prejudices. Issues need to be identified at parameter and catchment basis and appropriate cost effective multi-sectoral solutions proposed and assessed



9) Develop sector plans from detailed Significant Water Management Issues (SWMI) sections (and should help manage key pressures)

10) Confidence that the process can actually deliver the improvements we want

11) Ability for more feedback / influencing would be beneficial.

14) More open discussion on areas of disagreement in order to reach consensus / agreement / agree to disagree.

15) For this cycle – as above but specifically to get all stakeholders (and general public) support for activities.

16) Integrate 'catchment management' more thoroughly

- 19) Getting industry to accommodate change to achieve WFD aims and principles.
- 21) Move from analysis to more pro-activity.

22) Ongoing funding mechanism for non-regulatory measures.

23) Clear understanding of the objective (And limits to the objective/expectations).

Getting the right balance

Q1: Does the NAG provide a level playing field for all its members?

1) Yes opportunities are equal, but organisations are different in taking them up

2) Yes... But not all NAG members have the same expertise or resources to make use of this – how could Scottish Environment Protection Agency (SEPA) /RBMP possibly affect this?

3) Yes but depends on an organisations capacity to get involved

4) Yes

5) Yes but can be over dominated by certain sectors/industries

6) Yes

7) All members have the same opportunity at the NAG. Not all choose to use it.

8) Yes

9) It should do, in terms of planning/inputting to plan.

10) NAG provides the opportunity for level field. But it may not be level depending on organisation's desire / reason to be involved

11) On the whole yes – corresponding members will get to see feedback through minutes

- 12) Playing field yes, everyone gets a say, but whether that advice is followed?
- 13) Provide opportunity

14) Probably not a level playing field and yes, this matters.

15) Yes participants need to take advantage of opportunity offered.



16) NAG is an opportunity to input. We all need to make it work for members and that requires constant review.

17) Organisations may be able to unduly influence because of availability of staff and resources.

18) YES – and it matters.

19) Possibly within NAG but stakeholders have enormous influence on Govt and SEPA out with NAG process. This cannot be ignored.

Group identity - working together?

Q2: Is it important for NAG to have a group identity?

1) Yes, but likely to evolve as people trust process and take sectoral hats off

2) No. We are invited to represent a sector; agency or interest. How could it be any other way?

- 3) Feel I am representing my sector
- 4) No act to represent sector. Doesn't matter.
- 5) Yes, but have to wear both hats to represent sector and make a process work.

6) Not a strong group identity. Tendency to represent my organisation. Advantage to share common issues through group.

8) Represent sector doesn't matter broad representation

 No. And that's not the expectation – they are here to <u>advise</u> SEPA about their sectors' interests.

10) Important to have both NAG identity and also represent an organisation depending on nature of issue being looked at.

11) No, here representing sector interest. This is fine and how it should be. Does allow exchange of information.

12) Mostly representing sector, but if messages from other sectors are negative / defensive, the process gets difficult.

13) Mostly representing organisation but I think there is some feeling of collective responsibility.

14) Acting as reps of organisations. Yes this matters. We don't have an NAG identity.

15) No – each sector must be able to represent its sector but accept "corporate responsibility" for any agreed outcomes.

16) Should be a 'group' should feel part of group involved in drafting / developing a plan. Only just joined process so can't really comment on whether is true.

17) Always underlying tension between reasons/views and group. It would be better if a more strategic group ethos could be employed.

18) Not particularly. Advice from different sectors for SEPA to process is most important.

19) Yes and no. It depends on context and the stage of NAG process development.



20) Represent interests of organisation. This does not matter because all the opinions of the different organisations is necessary to the NAG.

NAG influence

Q3: Is NAG influencing the process as much as members would like or had hoped for?

1) Yes but some areas cannot be open to influence in the way they might wish.

2) No. main benefit of NAG membership is to see draft docs early. Influence where we have any tends to operate outside NAG meetings / RBMP process.

3) Yes.

4) Yes

5) Certainly influences – strongly enough? Don't know.

6) Some influence although the SEPA lead in the processes is strong.

7) Influencing has been possible up to a point. Has been more of an information giving forum from SEPA to stakeholders. Some issues have seen movement. Strength in numbers.

8) Yes

9) Probably not – but I suspect expectations were too high about what they could realistically do.

10) Feel NAG is influencing but would like influence / involvement to be greater overtime.

11) I think we could have more influence, but the group does allow you access to SEPA individuals to get specific points across.

12) Influence – yes on certain aspects, no on others – national legislation can be difficult to influence through NAG (e.g. diff poll).

13) Don't feel influencing as much as could. More often seeking update from SEPA and being present with information and not in a position of influence

14) No – too large a forum. Feels more like keeping a watching brief (?).

17) Yes.

18) YES.

19) Influencing. Probably not

Role of NAG – are we clear on this?

Q4: What is role of NAG and is this clear to all members? Does the NAG advise, act or both?

1) Both more to help makers decide they want to do c.f. diverting others or NAG as a whole



2) Role to oversee implementation of WFD by SEPA (to seek wider views from stakeholder / provide advice)

3) Role - does both

4) Both

5) Confused role - advise but also sign up to act

6) Yes

8) Advisory capacity mainly

9) Legal role is to advise. But also will be important to help implement/communicate otherwise there will be gaps in delivery. So <u>dual role</u> is important

10) Role is becoming clearer over time as process develops and will become more active as move into implementation. More advisory to begin with becoming active

11) No, I have a view of what my role is but believe other will have a different opinion. – Each meeting is very different.

12) Role of NAG – both advisory, but also expected to chip in by implementing.

13) I think members want to influence and want knowledge of the process that SEPA is in charge of. Being active for actions that can deliver individually but not so much as a group.

14) No, not completely clear about role of NAG. Both acting and advising.

15) Yes and both

16) A lot of role of NAG is about informing sectors and preparing them for WFD. Comment not answer.

17) Different views and agendas both advise and act.

18) Yes. My role is to advise SEPA on WGFD and feedback info on WFD to those I represent. NAG in general should advise SEPA to act on this advice.

19) Less clear now. Hugely in the hands of / at the mercy of / lead by SEPA!

Vision for RBMPs

Q5: Do we need to develop a clearer 'shared' vision for the final plan?

1) Maybe, but I think this is becoming clearer (environment, Scotland plc etc)

2) Unrealistic. Best we can hope for is clear objectives (some looking to maximise benefits others to limit impacts)

3) Yes! – But need to make sure it achieves this vision. Need to manage expectations. Won't keep everyone happy!

4) Not important

5) Crucial to have a shared vision, but must acknowledge that there is conflict or could be in what is the plan for different stakeholders

6) Shared vision v. imp if the plan is to have wider public acceptance. It shows that partnership working has taken place.



7) Shared vision is an ideal. Not achievable as there are deliveries/operators for who WFD costs money and influencing NGOs that have no consequence from pushing it

8) Shared vision difficult – conflicting sectoral interests

9) Sustainable development – but needs to deliver improvements that is the EU requirement!

10) It will be easier to get a clearer shared vision in second round as less focus on developing new process and have a better feel for what river basin planning is all about.

11) Yes, we do need a shared vision.

12) Shared vision is needed, but will be difficult to create with many interests – SEPA to lead?

13) Would be good and I think the group has helped us share our thoughts (?) but probably still have different views.

14) Yes, need to develop a clearer shared vision - not there yet.

15) Essential to achieve a shared vision to ensure buy-in of all stakeholders.

17) Yes - but less personal interest more NAG ethos

18) Preferably, yes but consensus may be difficult.

19) Yes, very important taking that we do.

20) There needs to be an overall shared vision – each organisation can then have its own individual 'sub-visions'

Integration of Measures

Q6: Do we need to do more to link together different types of measures, policies and planning processes?

1) Yes! Most obviously regulatory measures (CAR reviews etc) and non-regulatory measures where relative contributions not clear

2) Question should not be about links but choices. How to choose between local vs. national measures to resolve a problem.

3) Yes!

4) Yes

5) No on measures, but yes for other plans e.g. local authority development plans.

6) Yes

7) SEPA has focused on sectors rather than issues and need to change approach to look at a catchment scale. They think too much like a regulator rather than an environmental manager e.g. water vs. carbon

8) Strive for more integration

9) Needs better integration / understanding of how the measures interaction and this is a <u>long term process!</u> So iterative -> 2027. Need to be <u>certain</u> (which classification system should help)



10) Yes – absolutely key to do more work on this on an ongoing basis will be a focus over coming year.

11) Yes we do.

12) Yes, i.e. a lot more work – carrying out cost effectiveness analysis (as required by WFD could be a start.

13) Really is what is missing! Had hoped that would identify measure and then step back and see how these (?) will work together / what the priorities are / what are the added benefits of plan. Maybe this is for the second cycle?

14) Needs more work, including R&D and better integrated systems for sharing data between organisations. I don't think there is an easy answer to this though.

15) More holistic view required - (but difficult to achieve?)

16) Started process, some areas better integrated then others. Still more to do.

17) Yes, difficult to assess on a catchment level

18) Yes

19) Yes, we are only taking the first steps of this.

Q7: Do we understand how the measures interact to deliver environmental improvements?

1) Not always! The dRBMP should be the clearest exposition of this to date

2) No… Basic lack of understanding for example on abstraction / flow and ecological impacts

3) Yes

4) No.

5) Yes, but understanding will be less than perfect.

6) Not enough. More empirical studies required.

8) Not fully

9) Needs better integration / understanding of how the measures interaction and this is a <u>long term process!</u> So iterative -> 2027. Need to be <u>certain</u> (which classification system should help)

10) We have a reasonable feel for this. BUT need time to actually show through data collection etc how measures are interacting

11) No and a lot of investment will come on the back of this.

12) No, certain measures deliver multiple benefits and priority should be given to those

13) We do know in some areas – just need to look at them.

14) Needs more work, including R&D and better integrated systems for sharing data between organisations. I don't think there is an easy answer to this though.

15) No – see Q6 above

16) Need to be realistic about our predictions and uncertainties.



- 18) Don't know.
- 19) Generally yes, often specifically no.

Appropriate methodologies (not addressed in the presentation)

Q8: Are delays with objective setting 'teething problems'?

1) No answer

12) Sorry, we don't get feedback about how AAGs work, there doesn't seem to be a relationship? More involvement from NAG would be appreciated?

19) No

Process learning (not addressed in the presentation)

Q9: Do you all understand the complex land-water system and the way people interact with this?

19) No

Reaching beyond the NAG (not addressed in the presentation)

Q10: Do you act as a hub and to which audiences?

1) Regular correspondence with AAG fisheries reps meetings with SEPA/fisheries reps

19) Linking to component groups and to other members of stakeholder groups.

Relationships between NAG & Area Advisory Groups (AAGs)

Q11: Is this working? What is the relationship with the Solway-Tweed?

1) Working in part, not all sections communicating up and down. S-T is represented at NAG by national bodies and Environment Agency (EA).

3) Works AAG -> NAG, but needs clearer link NAG -> AAG's

4) Don't know – not clear if it is working little communication with AAG

5) Too early to tell until we consult on the draft RBMP and draft Area Plans.

6) Relationship appears to simply be one of reporting activity up and down stream.

7) NAG and AAG are working at different levels of detail. Level of feedback at the AAG of NAG discussions is not good/consistent.

8) NAG should set framework. AAG: to deal with local issues under NAG umbrella

9) Difficult! AAGs should deal with local cases, but NAG should provide policy/sector overview to ensure consistency. Seems difficult to get clear role fro NAG in the process for quarterly meetings.



10) NAG/AAG relationships work well within some organisations but not others. Need updates to NAG. NEEDS MORE WORK. NAG is looking at both Scotland and Solway Tweed.

11) No it is not working that well in terms of leadership top-down. I thought they had very different goals. AAG only discussing pressures with multiple stakeholders

13) I feedback relevant parts to AAG representatives and provide context for discussion. We have an internal group looking at WFD that I feed in NAG thoughts/issues.

14) NAG/AAG not working that well? Sometimes confusion and potential duplication of work.

15) Don't know!! (Not an AAG member).

16) Is NAG/AAG relationship working. Each AAG is different will need to find its own vision and way forward.

17) My organisation sits on AAG but not all do, so understanding may vary. Solway Tweed - ?

18) View SEPA mostly on AAG-NAG link. Solway-Tweed – via SEPA.

19) a) Not really aware of relationship, b) Unsure.