



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Water protection | good status for all water

An overview of the Water Framework Directive, the River Basin Management Plan and the role of local authorities

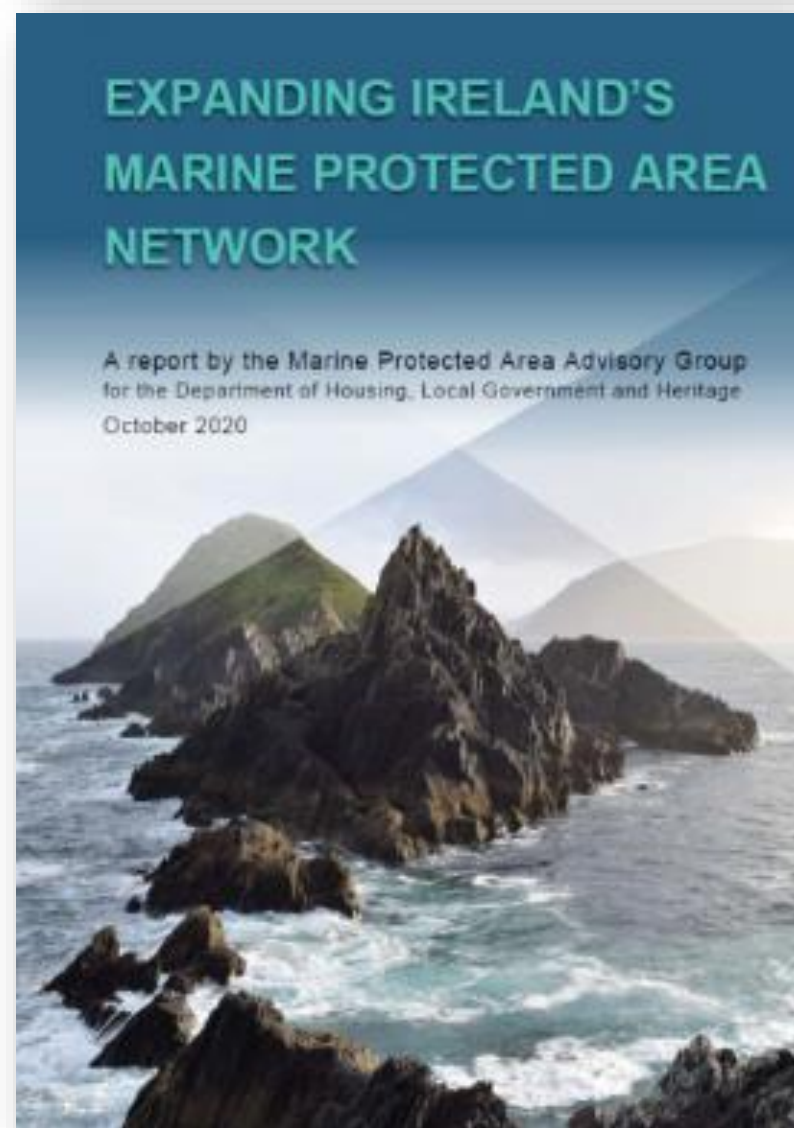
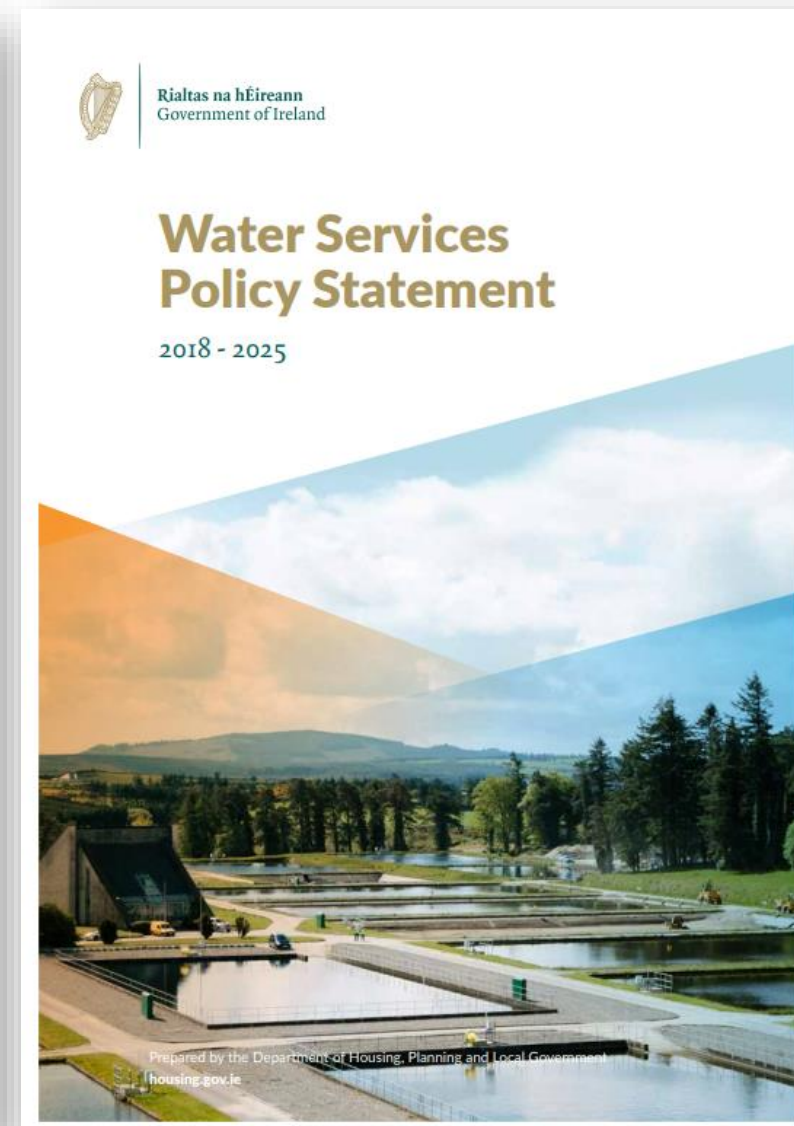
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The **Water Division** works to protect, restore and enhance our water resources.

Our vision is to deliver healthy and well protected water **catchments**; clean **seas** that are used sustainably; and world-class **water services**.



What I'll cover...




- Overview of the **Water Framework Directive**, timelines and the River Basin Management Plan making process
- Overview of the Draft **River Basin Management Plan 2022 to 2027**
- Discuss the role and importance of the local authority sector in the **protection of water**

Water Framework Directive



Framework approach – applies to all waters and based on natural management units (river basin/ catchment/ sub-catchment and water bodies): protecting aquatic ecology; habitats; drinking water resources; groundwater and bathing waters etc.

River Basin Management Plans(RBMPs) with Programmes of Measures(PoMs) in continuing six year cycles: Next is 2022 to **2027**.

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- 1. Catchment “characterisation” : what are we dealing with and what is the problem?**
 - 2. Set objectives and programmes of measures in a River Basin Management Plan**
 - 3. Implement measures**
 - 4. Monitor and evaluate**
 - 5. Report**

Effective public participation is central to the process (Art.14)

Water Framework Directive – key requirements



Surface water (*physical status + chemical status + biological status + special pollutants*)

- prevent deterioration of status;
- protect, enhance and restore surface water to good surface water status; and
- protect and enhance all artificial and heavily modified bodies of water to good ecological potential and good surface water chemical status.

Groundwater status (*= quantitative status + chemical status*)

- prevent or limit the input of pollutants and prevent the deterioration of the status;
- protect, enhance and restore to ensure a balance between abstraction and recharge; and
- reverse any significant and sustained upward trend.

Protected Areas

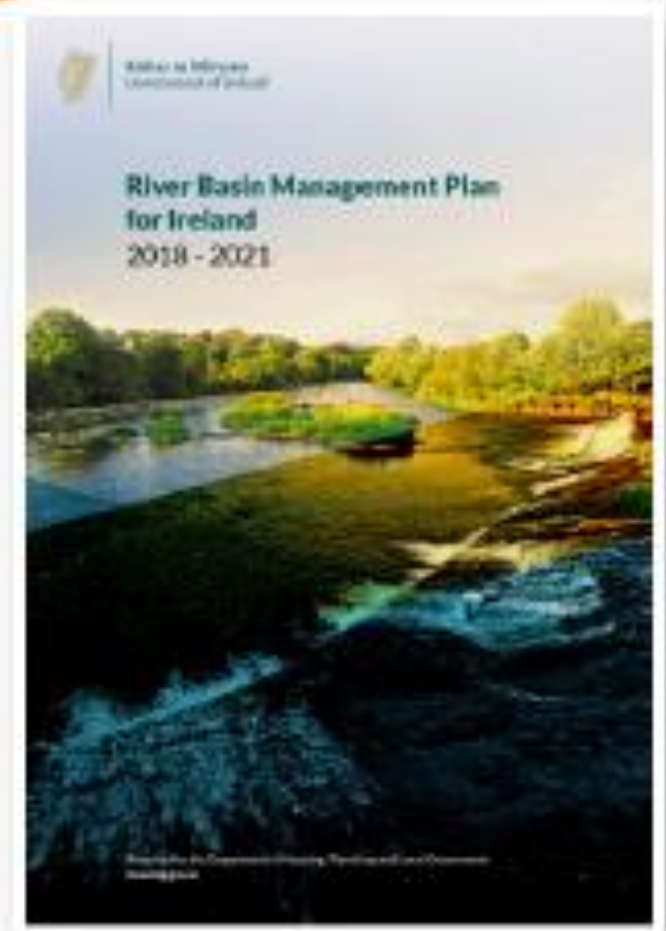
- achieve compliance with any standards and objectives
(protected Natura 2000 habitats; drinking water; bathing water; shellfish)

Water Framework Directive: River Basin Management Plans



2015

2027



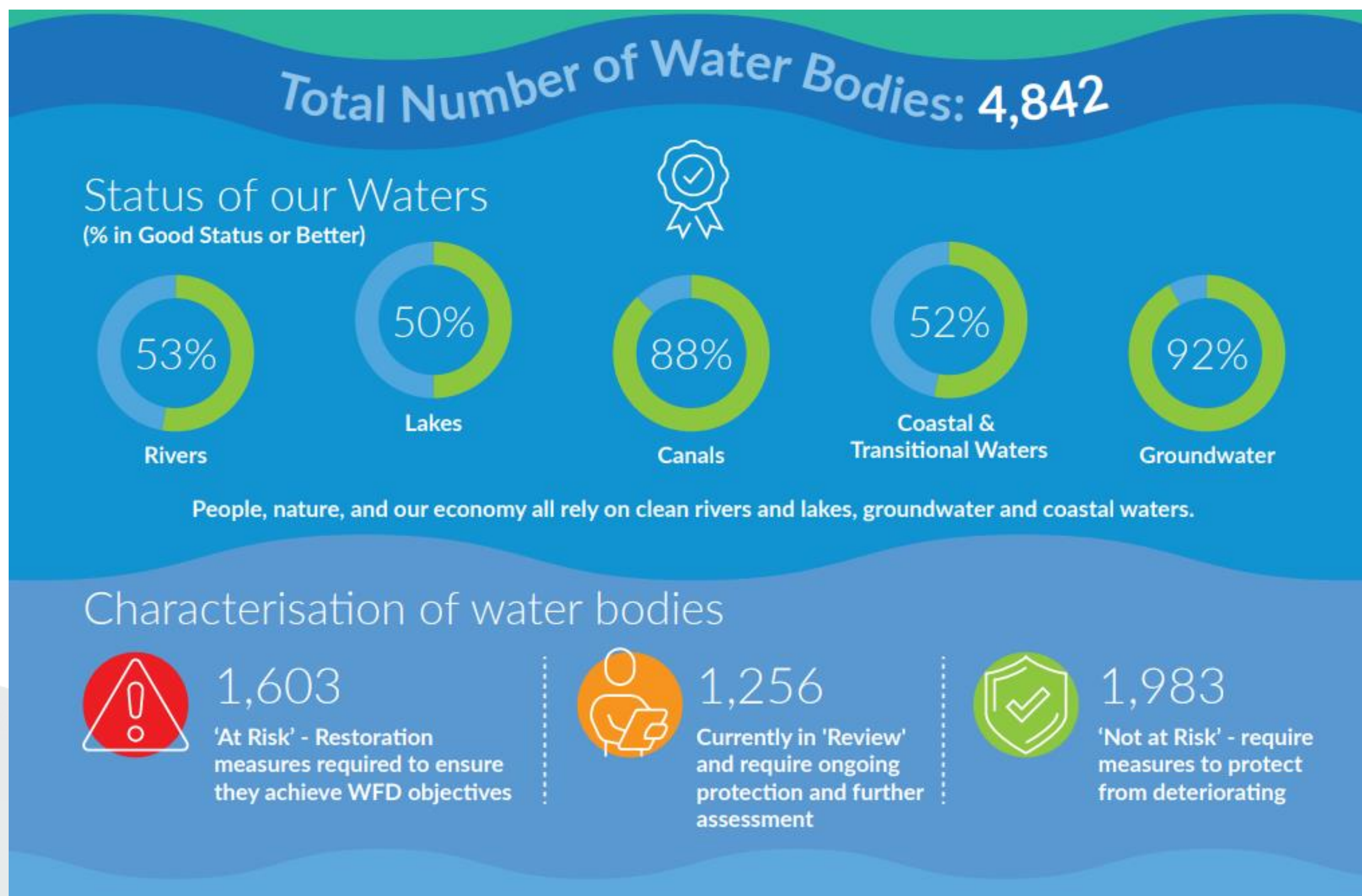
The Water Framework Directive provides a common approach to protecting: **water ecology; valuable habitats; sensitive areas; drinking water sources, and bathing water.**

The River Basin Management Plan must integrate all of these objectives.

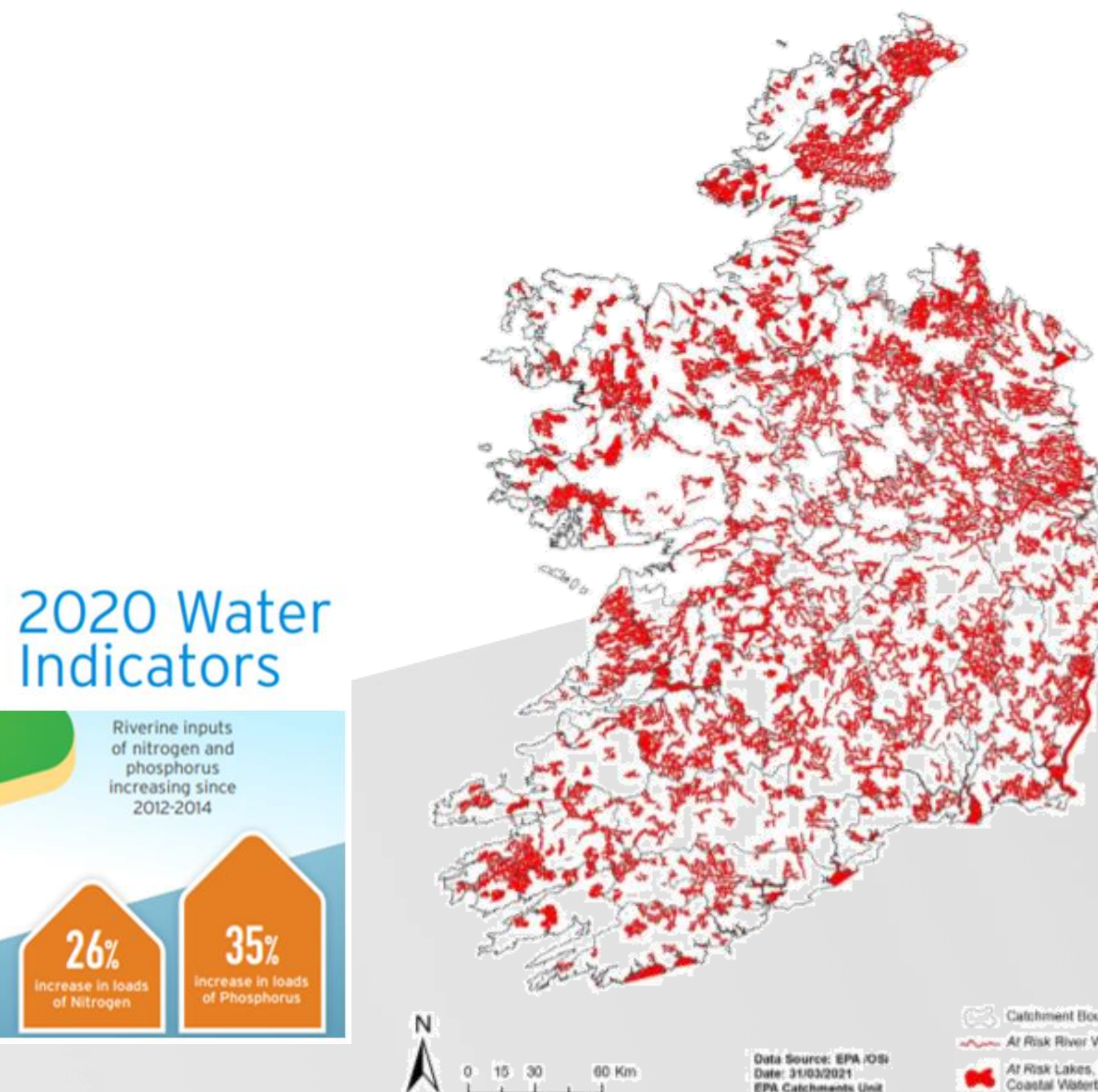
Our water is at risk of not meeting the objectives of the Water Framework Directive



Water Status and risk



Risk of not meeting surface water objectives



Consultation on Draft River Basin Management Plan



Total Submissions = 1,401 and more direct comments from:

1. Regional meetings by LAWPRO
2. Direct bilateral meetings (An Fóram Uisce and other stakeholders)



From

Individuals	677
Organisations/Community Groups	711
Unknown	13

Submission Type

By Email	1,324
By Online Survey	77

Water Quality: our most significant pressures

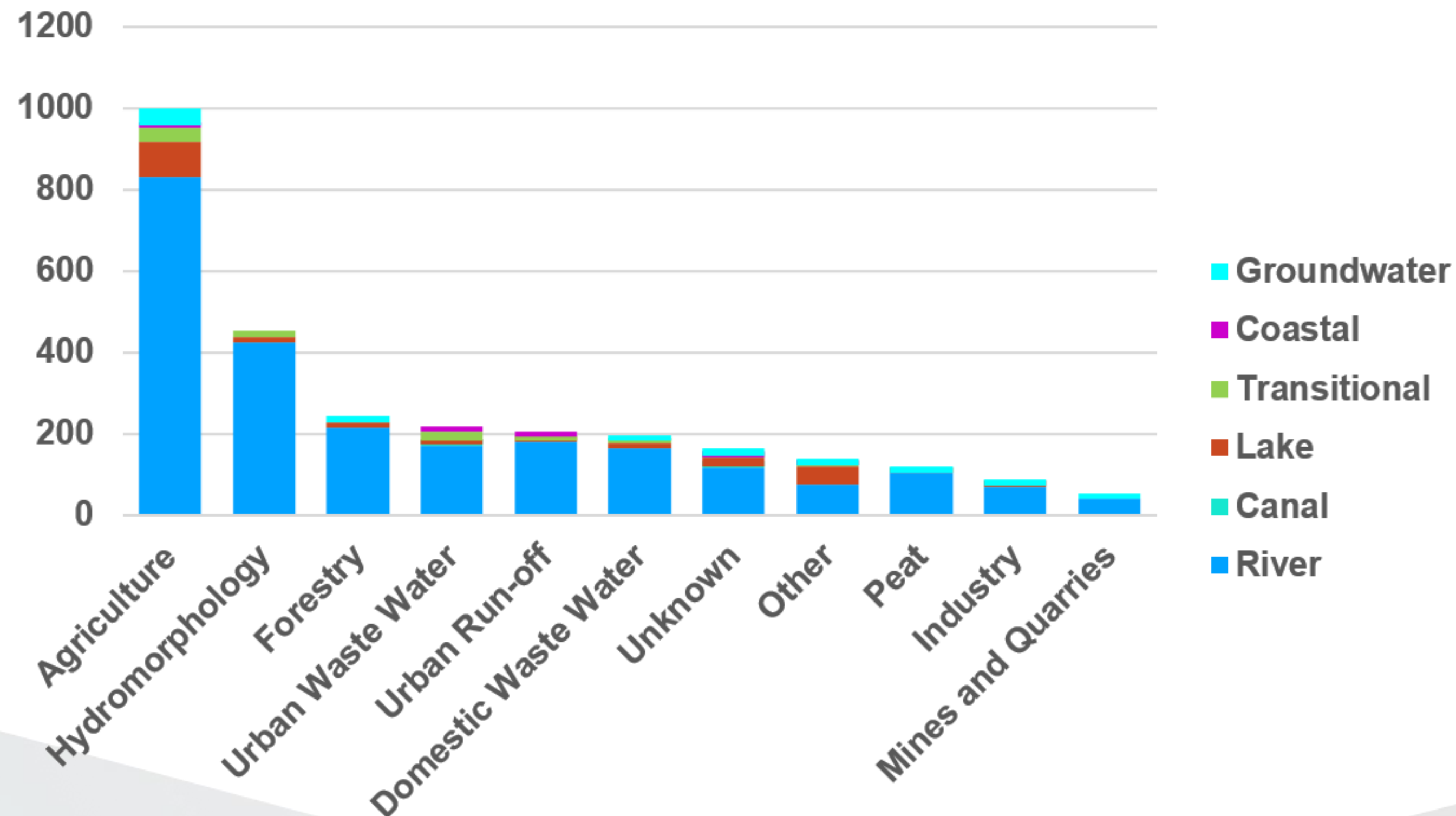


Table 6. Number of waterbodies in each waterbody type per significant pressure category.

Significant pressure category	Waterbody Type						Total
	River	Canal	Lake	Transitional	Coastal	Groundwater	
Agriculture	831		84	35	6	44	1,000
Hydromorphology	424		14	4			442
Forestry	215		14			4	233
Urban Waste Water	172	1	10	22	3		208
Urban Run-off	179		3	11	3		196
Domestic Waste Water	163		13	6		6	188
Unknown	118	1	22	2	3	18	164
Other*	75		45	2	1	16	139
Peat	103		2			1	106
Industry	70		1			18	89
Mines and Quarries	41					4	45
Total Significant Pressures	2,391	2	208	82	16	111	2,810

*Includes a range of other smaller pressures such as aquaculture, historically polluted sites and invasive species.

Programme of Measures: Agriculture



Issues:

- Too much fertiliser or slurry spread at the wrong time and/or in excess of crop requirements.
- Inadequate slurry storage and leaks from farm yards.
- Overland flow of water across soils containing phosphorus.
- Siltation of streams and rivers
- Pesticides in drinking water (*MCPA*, *mecoprop*)

Measures

1. Stronger Nitrates Action Programme
2. Review of Environmental enforcement
3. Expanded advisory services (ASSAP)
4. New CAP green architecture and payments reward environmental outcomes
5. Spray-safe pesticide programmes

Programme of Measures: Waste Water



- **Continued and increased investment in Irish Water and in rural water services**
- Supporting social needs - 'Housing for All – A new housing plan for Ireland'.
- More to do on plant compliance; 208 WFD pressures; sewer network performance and untreated sewage.
- 2023 budget provided for a record €1.56bn allocation.



Programme of Measures: hydromorphology



Hydromorphology: healthy, free-flowing waterways (e.g. a river that looks and behaves like a natural river – *think about flow; shape and connectivity; riparian vegetation; substrate gravels etc. etc.*)

Establishment of a national restoration programme

- A. 2,000 to 7,000 structures potentially requiring removal or modification (from c. 80,000)
- B. Align with Biodiversity Strategy target (potentially 950km nationally)
- C. Initial projects at Parteen, Shannon and at Annacotty, Mulkear

Enhanced regulatory and legal regime to protect waterways

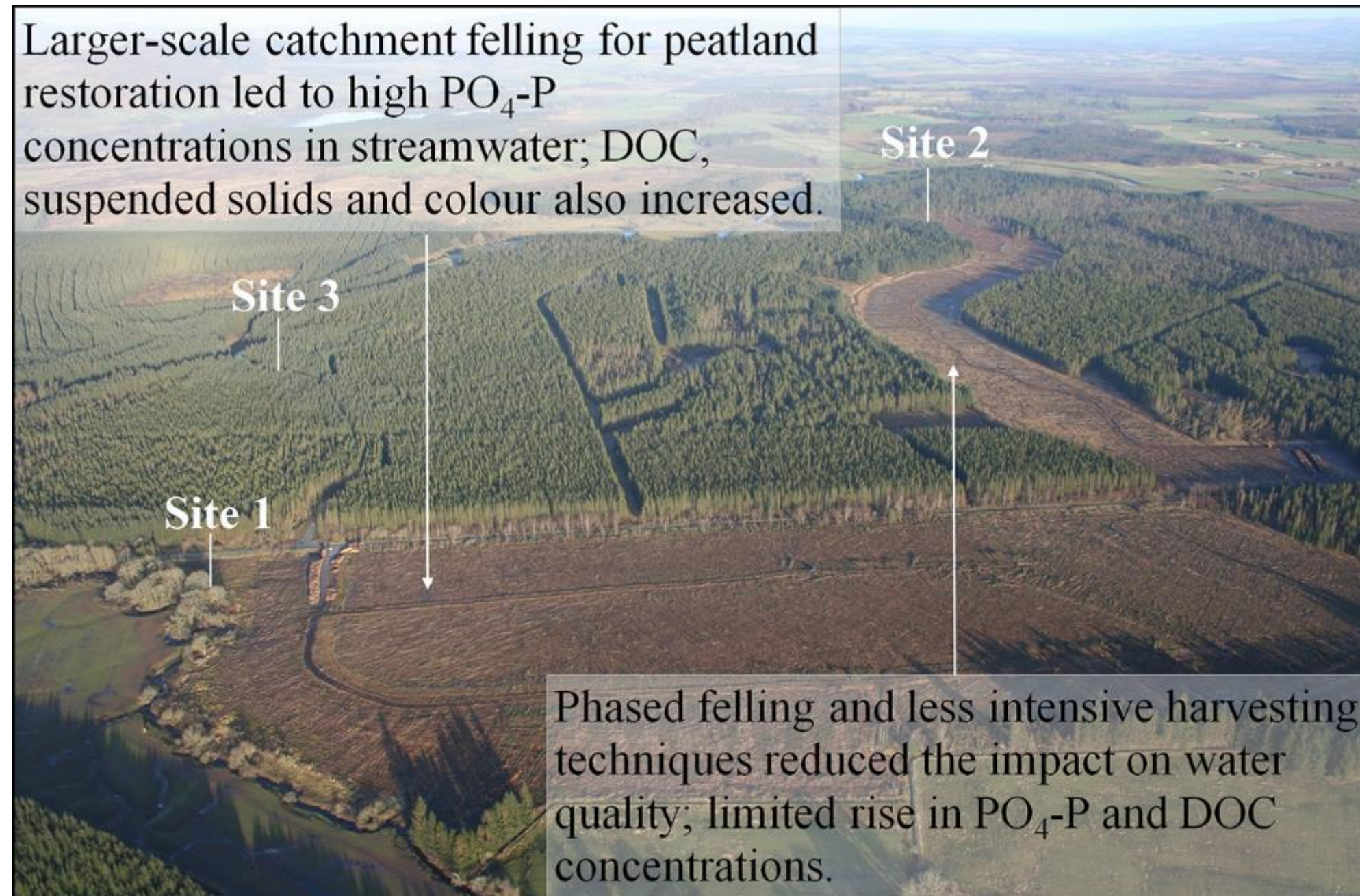
Water Environment (Abstractions) Bill and future Water Environment (Habitats Protection) legislation/ regulation.

Strengthening of controls on engineering works in or close to water

Controls on barriers and drainage activity

Restoration where necessary for WFD objectives

Programme of Measures Forestry



Significant issue in 223 water bodies

- Physical alterations of stream habitats; changes to water level/flow;
- Acidification;
- Eutrophication (excess nutrients)
- sediment loss; and
- Pesticide pollution

For new plantations: site selection and design of plantations

For existing plantations: restructure to introduce setbacks from streams and use low impact, phased harvesting

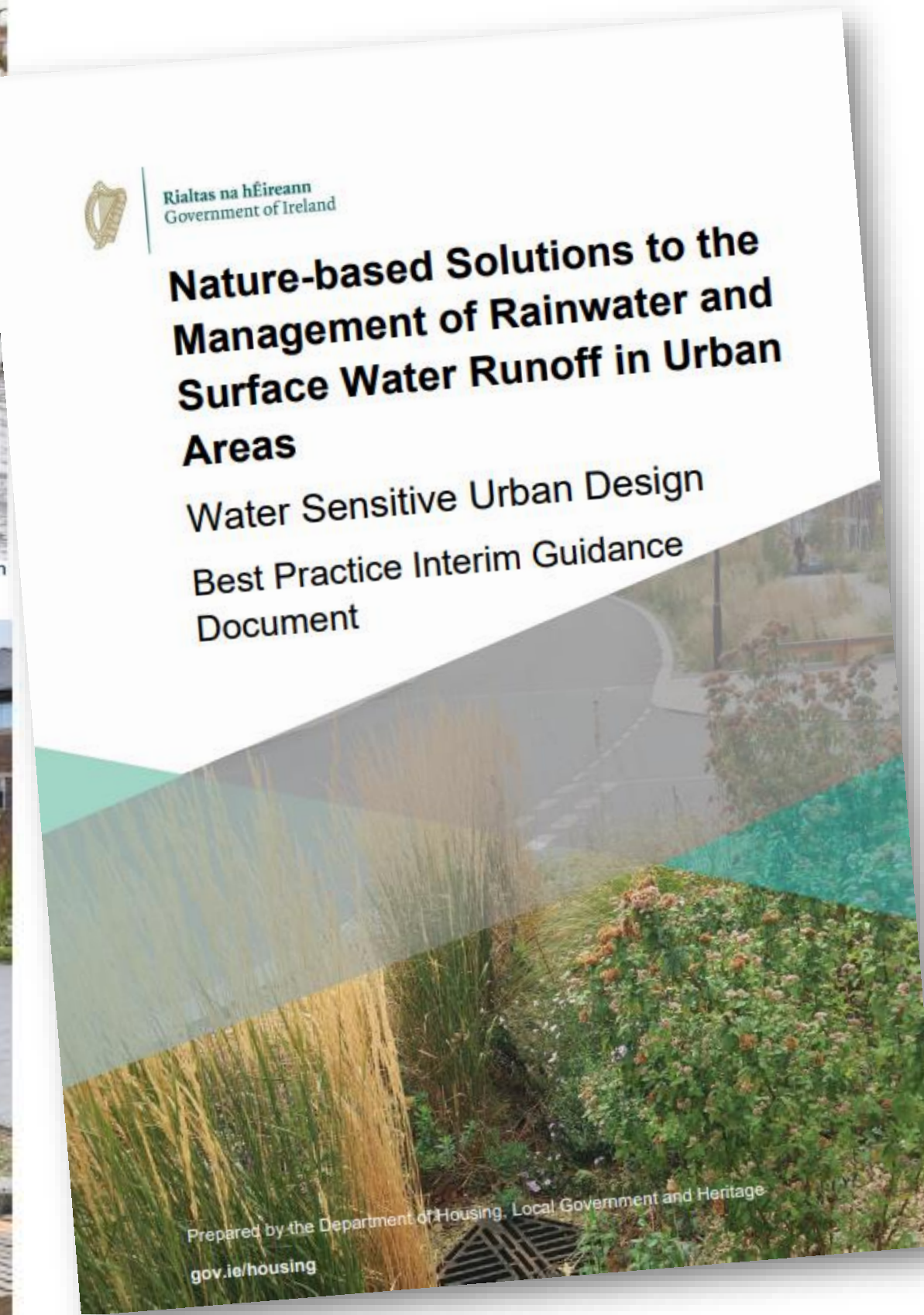
Shah and Nisbet, (2019) The effects of forest clearance for peatland restoration on water quality, Science of The Total Environment, Volume 693

Programme of Measures Urban Run-off



Road flooded after heavy rainfall

Source: Met Eireann



A series of rain gardens, footpaths and cycle ways
Source: Urban Design London

- **Urban run-off** – direct surface water run-off and sewer overflows.
- Reduces pollution (microplastics / metals); protects bathing waters; takes hydraulic pressure off combined sewers and helps prevent flooding of homes and businesses
- New Technical Guidance (interim) for water sensitive urban design.
- National implementation strategy – driven by Water Framework Directive and National Policy Objectives 57/58 in the **National Planning Framework**

Local authority and protection of water



Restoration + protection are equal requirements

Success in restoration has been overshadowed by overall net decline: need for a greater focus on the **protection** of water quality

Causes include pollution; land development and changes in land use

- 1. Inspection / monitoring of regulations** and compliance assurance activities (GAP ('Nitrates') Regulations, Water Pollution Acts etc.).
- 2. Development plans and planning decisions** have a key role in ensuring that there is proper prior assessment of new development and changes in existing land use.
- 3. 'Sponge cities' & Water sensitive urban design:** natural-based solutions and regional/local rainwater management schemes using abundant to absorb rainwater and prevent pollution.

Local authority water protection activities (abridged)



Local Authority Water Programme (LAWPRO)

- Catchment assessment and referrals
- Community work: awareness; build capacity; support training and citizen science



Inspection and investigation

- Water pollution incident and complaint investigation
- Farm inspection – Nitrates Action and the Good Agricultural Practice Regs
- Septic tanks inspections



Monitoring

- Monitoring and protection of bathing waters (incl. misconnection investigation etc.)
- Water monitoring and hydrometrics (WFD and other)

Spatial planning and Consent processes

- Section 4 discharge licencing under Water Pollution Acts
- Planning assessment and consent process
- County and local area development plans
- Management of surface water networks and integration of Blue/Green Infrastructure
- Flood protection, prevention and mitigation

Drinking water protection

Development plans & project consents



The planning system plays a critical role in the achievement of WFD environmental objectives.

A planning authority needs to consider the WFD during the making of development plans as well as to **ensure** any project granted does not imperil WFD objectives. Case law shows Member States **must say no to any project that will compromise the achievement of WFD objectives:** unless a derogation provided for at Article 4(7) has been granted.

June 2022 judgement in C525/20 removes the possibility of approving programmes or projects which cause even a transitory, short-term deterioration in status without the grant of an exemption under Article 4(7).

WFD water status assessments (and protection of water status in the consent assessment and decision making process) is increasingly a feature of judicial review applications.

Key question: Is the proposed plan, scheme or development project relevant to the significant pressures identified in the proximate or connected water bodies? Will plan, scheme or development project jeopardise the WFD Objectives

Major WFD-related CJEU cases:

C-461/13(Weser),
C-346/14 (the Schwarze Sulm)
C-535/18 (North Rhine Westphalia)
Case C559/19 (Doñana)

****new**** Case C525/20 (Association France Nature Environnement)

Thanks & acknowledgements for material included:



- Colleagues in Department of Housing, Local Government and Heritage
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- Department of Agriculture – Nitrates Team
- Teagasc