

**Quick Reference:**

Issue	Key dates / progress
Implementation Working Group	Next meeting due to take place in January
Interdepartmental Board	Next meeting due to take place in April 2009
North-South Co-ordination Group	Next meeting due to take place in February/March 2009
Catchment Stakeholder Groups	Local CSG meetings will be held Spring 2009
Article 9 – cost recovery	Water charges for domestic users deferred until April 2010
Groundwater Daughter Directive	Expect to consult on transposition in December 2008
Hydromorphological Controls	Working group to evaluate existing controls
NIEA Education & Awareness Raising Activities	Information available on NIEA Website
Abstraction & Impoundment Licensing	Charging scheme proposals submitted to Minister
Bathing Water Directive (Revised)	The Quality of Bathing Water (NI) Regulations 2008 were made on 28 May 2008
Flood Management Policy Review	Government Response to the Review “Living with Rivers and the Sea” has been published
Marine Aggregate Extraction	Consultation due shortly on level of fees
Marine Bill	UK Bill to be introduced to Parliament in December 2008
Marine Strategy Framework Directive	Directive came into force on 15 July 2008
Nitrates Directive	Amending Regulations on derogation came into operation June 2008
Non-Agricultural Diffuse Water Pollution	Evidence will be collated from issues identified through the RBMPS
NI Rural Development Programme	Agri-environment Programme was launched 4 June 2008
Planning Policy Statement 2	Review of PPS 2 underway. Drafting at an advanced stage
Planning Policy Statement 21	Draft PPS 21 “Sustainable Development in the Countryside” has been issued for public consultation
Septic Tanks	Review of Legislative Requirements & Data held is ongoing
Shellfish Waters Directive	Consultation Paper issued on 7 November and closes 6 February 2009
Sustainable Drainage Systems (SuDS)	Public Consultation on draft strategy anticipated early 2009

## **Update Paper to WFD Stakeholder Forum**

This Paper provides a brief update on a range of activities which have been ongoing since the last Forum meeting (September 2008) and highlights some areas of future work. Further information on these issues is available if required and further updates will be made for future Forum meetings.

### **1. Working with other Government Departments**

**The Implementation Working Group** (comprised of officials from various Departments with WFD interests and responsibilities) held its most recent meeting on 4 November 2008. The agenda included an update on draft River Basin Management Plans and Programmes of Measures.

The **Inter-departmental Implementation Board** met on 10 September 2008. The agenda included an update on draft River Basin Management Plans development and the Executive sign-off process. They also discussed funding for future WFD activities. The next Board meeting will take place in April 2009. Board minutes are available on the Internet. To view the minutes from the previous meeting, click on the following link: [http://www.doeni.gov.uk/index/protect\\_the\\_environment/water/water\\_framework\\_directive/wfd\\_board.htm](http://www.doeni.gov.uk/index/protect_the_environment/water/water_framework_directive/wfd_board.htm)

### **2. Co-ordination in International River Basin Districts**

The **North South Water Framework Directive Coordination Group** meets quarterly – the latest meeting was on 4<sup>th</sup> November. The agenda included a discussion on finalising draft River Basin Management Plans and updates on the North/South Technical Advisory Group, Strategic Environmental Assessments and the completion of the NS Share project.

### **3. Stakeholder / Public Participation**

CSG meetings took place during October/November 2008. The next series of meetings will take place in Spring 2009. More information can be found on the NIEA Website at:

[http://www.ni-environment.gov.uk/water/wfd/public\\_partic/catchment\\_stakeholder\\_groups.htm](http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups.htm)

### **4. WFD Activities**

#### **Article 9 – Cost recovery & Incentive Pricing**

The Executive plans to publish a consultation document on the recommendations from the Independent Water Review Panel's Strand 2 Report and the proposed charging methodology.

Until the Executive has taken a decision on how future domestic water charges will be determined, it is unclear how the requirements of Article 9 (1) on providing incentives for users to use water efficiently and the polluter pays principle will be met for domestic users.

DRD have provided the following wording to DOE in respect of article 9 based on the Executive's 'current' proposals for water pricing and how they will contribute to the delivery of the Water Framework Directive.

#### ***Water-pricing policies to provide adequate incentives for users to use water resources efficiently***

Water pricing for non-domestic users already exists and was extended by the Executive to all non-domestic consumers on 1 April 2008. The majority of non-domestic customers

included are/will be metered and charged according to usage. This meets the Directive's requirement for users to use water resources efficiently and promotes the polluter pays principle. Non-domestic water users account for around 30% of the total water consumed in the North so pricing policies in this area make a major contribution to water conservation and achieving the aims of the Directive.

The Executive agreed in October 2007 that additional household payments would be sought from domestic users from April 2009. The Executive announced in November 2008 that water charges for domestic users would be deferred for one year until April 2010. The methodology which households may make additional payments is under consideration by the Executive.

***Disaggregated contributions into at least industry, households and agriculture based on the economic analysis conducted according to Annex III and taking account of the polluter pays principle***

The contributions of different water uses can be disaggregated into industry, agriculture and households in line with Article 9(1). The majority of contributions from industry and agriculture are based on actual usage through metering and calculated according to Annex III of the Directive, taking account of the polluter pays principle.

Groundwater Daughter Directive

Under the Water Framework Directive, the European Commission proposed the introduction of specific measures to prevent and control groundwater pollution and achieve good groundwater chemical status. The Groundwater Daughter Directive (2006/118/EC), adopted on 12 December 2006, establishes criteria for assessing the chemical status of groundwater bodies and for identifying and reversing upward trends in pollution of groundwater bodies. It also requires the establishment of measures to prevent or limit the input of hazardous substances or non-hazardous pollutants into groundwater.

A consultation exercise is anticipated for December 2008 on proposals to transpose the Groundwater Daughter Directive.

Hydromorphological Controls

WFD requires control of changes to the physical characteristics of water bodies, where these changes have an ecological impact which could interfere with meeting the objectives of WFD. PEPG has formed a working group, involving other departments and agencies (e.g. Planning Service, DCAL, Rivers Agency, NIEA), to look at the current mechanisms in place for controlling these hydromorphological changes. Resulting recommendations will be made mid 2009.

NIEA Education and Awareness Raising Activities

NIEA Corporate Communications Unit produces a variety of Educational Resources. A new curriculum resource pack on the subject of Rivers will also be available soon. NIEA also runs a diverse programme of educational and informative events, including a number of small-scale activities at Christmas to encourage people to celebrate this season in a way that doesn't cost the earth. More information can be found on the Website at:

<http://www.ni-environment.gov.uk/other-index/education.htm>

<http://www.ni-environment.gov.uk/other-index/events.htm>

**5. Related Policy Issues / Legislation**

### Abstraction and Impoundment Licensing

A public consultation on proposals for a Fees and Charging Scheme for the Water Abstraction and Impoundment Licensing Regulations (NI) 2006 commenced on the 31 March 2008 and concluded on 23 June 2008. A total of 26 responses were received. The consultation paper can be viewed at:

[http://www.ehsni.gov.uk/ail\\_fees\\_and\\_charges\\_consultation\\_paper.pdf](http://www.ehsni.gov.uk/ail_fees_and_charges_consultation_paper.pdf)

These proposals were to allow recovery of the Department's costs in implementing and administering the licensing system, using HM Treasury guidance.

NIEA also produced water usage estimation tools (in association with the UFU & QPA) to assist farmers and quarry operators calculate water abstraction volumes in these sectors.

Following the consultation exercise, a submission to Minister Wilson in July 2008 proposed that application fees for abstraction and impoundment licensing be introduced with effect from 1 October 2008 and annual subsistence charges from 1 April 2009.

### Bathing Water Directive (Revised)

The aims of the revised Bathing Water Directive (2006/7/EC) (rBWD) are to preserve, protect and improve the environment and to protect public health.

It requires the monitoring, assessment and classification of bathing water quality at inland waters, and coastal and transitional waters; the development of a system of bathing water profiles; the undertaking of management measures in the event of specified pollution incidents; and the provision of appropriate, timely and standardised information to the public on water quality.

DOE has transposed the rBWD by making (on 28 May 2008) The Quality of Bathing Water Regulations (NI) 2008, which followed a public consultation on the draft Regulations. A synopsis of consultee responses and a final Regulatory Impact Assessment can be found at:

[http://www.doeni.gov.uk/index/protect\\_the\\_environment/water/bathing\\_water.htm](http://www.doeni.gov.uk/index/protect_the_environment/water/bathing_water.htm) .

There are currently 24 identified bathing waters in Northern Ireland, the most recent addition being that of Portballintrae (Salmon Rock), which was formally identified on 30 June 2008.

### Flood Management Policy Review

A Government response to the Independent Flood Management Policy Review has been published. This document titled "Living with Rivers and the Sea" provides a strategic policy framework that will guide the direction of flood risk management in Northern Ireland for the foreseeable future.

Copies of the various documents associated with the Review can be obtained using the link below.

<http://www.riversagencyni.gov.uk/index/rivers-agency-publications/flood-management-policy-review-documents.htm>

### Marine Aggregate Extraction

The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 came into operation on 1 May 2007. They aim to ensure that assessment of environmental impacts of extraction of

minerals by marine dredging is a statutory requirement and to provide the public with a greater role in decision making for projects which affect the marine environment.

The level of fees which will apply in Northern Ireland is still to be finalised and will be the subject of a short consultation, led by the Northern Ireland Environment Agency. Ministerial approval has been obtained for the consultation document and it is expected to issue shortly.

### Marine Bill

The UK Government's draft Marine Bill was published on 3 April 2008. The Bill will introduce:

- a new UK-wide system of marine planning;
- a streamlined, transparent and consistent system for licensing marine developments;
- a flexible mechanism to protect natural resources, including marine protected zones with clear objectives;
- improvements to the management of marine fisheries; and
- a new Marine Management Organisation.

The Minister obtained the agreement of the Executive in March 2008 to take forward similar proposals in Northern Ireland for those areas for which the Department has responsibility (fisheries being a matter for the Agriculture and Rural Development Minister) using a combination of the UK Bill and a Northern Ireland Assembly Bill.

Northern Ireland is included in the draft UK Bill for the provisions relating to the Marine Policy Statement, marine planning in the offshore part of the Northern Ireland zone and reformed marine licensing.

Northern Ireland legislative proposals will be developed in 4 key areas; (a) marine planning for the territorial sea, (b) marine licensing, (c) marine nature conservation; and (d) an appropriate delivery mechanism, following a period of policy development and consultation.

The proposals will be delivered in Northern Ireland in a manner which will respect fully the devolution settlement and meet local needs by providing the opportunity for the full and meaningful involvement of the Assembly and stakeholders.

An inter-departmental steering group has been established to develop the policy and legislative framework for the separate Northern Ireland draft Marine Bill and provide a composite Northern Ireland response to the UK Government's draft Marine Bill.

Consultation on the draft UK Bill closed on 26 June and Defra officials are working towards the introduction of the UK Bill into Parliament at the start of the next legislative session in December 2008.

The Department aims to consult by the end of 2009 on policy proposals for the Northern Ireland legislation with a view to introducing a Bill into the Assembly in the 2011/2012 legislative session.

### Marine Strategy Framework Directive

The Marine Strategy Framework Directive (MSFD) came into force on 15 July 2008 and must be transposed by July 2010. The Directive is the environmental pillar of the Integrated European Maritime Policy.

The objective of the Directive is to enable the sustainable use of marine goods and services and to ensure the marine environment is safeguarded for the use of future generations.

The Directive establishes a framework within which Member States are required to take the measures necessary to achieve or maintain Good Environmental Status (GES) in the marine environment by the year 2020 at the latest.

It establishes European Marine Regions (the UK and Ireland fall within the North-east Atlantic Ocean region) and requires Member States to apply an ecosystem based approach to the management of human activities. It also requires co-operation between Member States and with non-EU countries who share a marine region to develop marine strategies.

The MSFD follows a similar approach to that of the Water Framework Directive (WFD) to achieve GES. Member States must undertake the following activities:-

- undertake an initial assessment of marine waters by July 2012;
- develop a set of characteristics and comprehensive targets and indicators which guide progress to GES by 2012;
- establish and implement a co-ordinated monitoring programme for the on-going assessment of GES by 2014;
- develop a programme of measures, which are cost effective and enable Member States to achieve GES, by July 2015;
- implement the programme of measures by July 2016;
- achieve GES by 2020.

The MSFD will apply to coastal waters which fall within the scope of the WFD but only insofar as it introduces additional requirements which are not covered by WFD. It will also have an interface with a number of other Directives such as the Bathing Water, Urban Waste Water Treatment, Nitrates, Habitats and Birds Directives. One of the challenges in implementing the MSFD will be to ensure that the mechanisms adopted are complementary to and compatible with those which already apply for these other Directives.

Another key challenge will be to ensure that the Directive is implemented coherently across the UK whilst respecting the devolution settlements. To address this, a policy working group, which includes Defra and representatives from the Devolved Administrations has been established and has met twice, most recently on 6 November 2008.

Transposition in NI will be led by DOE. An outline NI transposition plan has been developed and a Project Board which will contain representatives from DOE and stakeholder Departments will be established in early 2009 to oversee the process.

### Nitrates

The Nitrates Action Programme Regulations (Northern Ireland) (the NAP Regulations) came into operation on 1 January 2007 establishing measures to control the application and storage of livestock manures for all farmers.

Following the introduction of the NAP Regulations Northern Ireland applied and achieved approval for a derogation from the statutory 170 kg N/ha/year livestock manure limit specified in the Nitrates Directive. The derogation allows individual farmers who meet specific criteria to seek approval from the Northern Ireland Environment Agency to apply up to 250 kg N/ha/year from grazing livestock manure. Amending Regulations, transposing the derogation into Northern Ireland legislation, came in to operation on 9<sup>th</sup> June 2008.

The NAP Regulations contain a temporary measure allowing the storage of poultry litter in field heaps until 31 December 2008. In the absence of an off-farm solution a group, under

DARD's chairmanship, has been tasked with producing an evidence-based paper setting out the viable options for interim measures to store and apply poultry litter within environmental requirements beyond 31 December 2008. DOE is participating in this Group and an options paper is being finalised.

### Non Agricultural Diffuse Water Pollution (NADWP)

Evidence of potential risks of Non-Agricultural Diffuse Water Pollution identified through the River Basin Management Plans across Northern Ireland will inform the development of a strategy paper to determine the possible control mechanisms that may be introduced to tackle the problems.

In addition, discussions have commenced on the introduction of Oil Storage Regulations to Northern Ireland in order to complement existing water protection legislation and to prevent pollution of the aquatic environment from inadequate storage facilities.

### NI Rural Development Programme

The NIRDP as approved by the European Commission

(see <http://www.dardni.gov.uk/index/rural-development/nirdp2007-2013.htm>)

The agri-environment measure of the NIRDP has evolved to build on the successful features of previous agri-environment schemes, while including a number of new options developed in response to consultation with stakeholders, such as:

- Farm waterways and riparian zone management
- Irish Hare habitat
- Pollen & nectar mixtures for bird and insect habitat

A new Special Environmental Projects option will support measures not currently included in the Northern Ireland Countryside Management Scheme provided they meet the aims of the scheme. This could include landscape-scale actions, with the possibility of collaborative actions especially in ASSI/Natura 2000 areas and around threatened rivers and lakes.

The Programme was launched on 4 June 2008 with the unveiling of the Northern Ireland Countryside Management Scheme and Organic Farming Scheme.

### Planning Policy Statement 2 (Planning & Nature Conservation) - Review

Drafting work is at an advanced stage on this project. PPS 2 has been included in the programme of work for 2008 – 09, which contains the following target “By 31 March 2009 to have made significant progress towards publication of Draft PPS 2 – Natural Heritage”.

### Planning Policy Statement 21 (Sustainable Development in the Countryside) – Public Consultation

Environment Minister, Sammy Wilson MP MLA, made a Ministerial Statement on 25<sup>th</sup> November 2008 advising that the Department of the Environment has issued a revised rural planning policy for public consultation through draft Planning Policy Statement, PPS 21, ‘Sustainable Development in the Countryside’.

The consultation period will end on 31 March 2009.

The Ministerial Statement also advises that draft PPS 14 and the accompanying Ministerial Statement issued by Arlene Foster in October 2007 are withdrawn and furthermore that the policy provisions of draft PPS 21 will now take precedence over the policy provisions of A

Rural Strategy for Rural Northern Ireland and should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

The Ministerial Statement and draft PPS 21 are available on the Planning Service website: [www.planningni.gov.uk](http://www.planningni.gov.uk).

### Septic Tanks

A review of the legislative requirements and responsibilities relating to on-site wastewater treatment systems and their impact on water quality is being delivered through SNIFFER. A desktop study to validate on-site wastewater treatment systems data held by Water Management Unit and other Government Agencies is being conducted through the NS Share project.

Draft PPS 21 contains a policy provision for development relying on non mains sewerage and forms part of the consultation on rural planning policy.

### Shellfish Waters Designations

The Shellfish Waters Directive (79/923/EEC) aims to protect and/or improve the quality of coastal and brackish water bodies in which shellfish live, in order to contribute to the quality of edible shellfish products. There are currently 9 designated shellfish waters in Northern Ireland.

The Department is undertaking a review of the shellfish waters designations. A consultation paper issued on 7 November 2008. The consultation period closes on 6 February and subject to responses received, the Department proposes to make additional designation by the end of March 2009.

### Sustainable Drainage Systems (SuDS)

SuDS is the practice of controlling storm water runoff from hard surfaces as close to the origin as possible before discharge to waterway or underground stratum. This will require a change from traditional piped drainage systems to a system with softer engineering (although there is a place too for hard solutions) that effectively mimic natural processes. The design target will be for the discharge from all new developments to have the same quality and volume characteristics as those from the Greenfield site.

A draft SuDS strategy has been approved by the Chief Executives of the relevant departments and agencies. The strategy is now being recast as a consultation document which will be forwarded to the Minister and subsequently to the Environment Committee with a view to going to Public Consultation early in 2009.