

N.I. WATER FRAMEWORK DIRECTIVE STAKEHOLDER FORUM
17th MEETING
1st Floor Conference Room, Calvert House, Belfast
Tuesday 15th September 2009
2:00pm

MINUTES

Attendance

Julian Smyth	DRD Water Policy
Jennifer Robinson	General Consumer Council
Claire Cockerill	Freshwater Task Force (WWF)
Roy Simpson	UAF
Gabriel Nelson	DOE NIEA
Dave Foster	DOE NIEA
William Caldwell	DOE PEPG
Philip McMurray	DOE PEPG
Anthony Courtney	DOE PEPG
Emma Neill	DOE PEPG
Laverne Bell	Quarry Products Association
Uel Irwin	AES Kilroot
Peter Archdale	CNCC
John Martin	Freshwater Task Force (RSPB)
Aileen Lawson	Ulster Farmers Union
Mark Livingstone	DOE NIEA
Linda McGoldrick	DARD Environmental Policy
Brian Ervine	DARD Environmental Policy
Angela Halpenny	NI Water
David Knott	Port of Belfast
Victoria Crone	DOE

Apologies

Gordon Best	Quarry Products Association
Robbie Marshall	UAF
Michael Bell	NI Food & Drink Association
Sean Convery	FWAG
Siobhan Bowers	DARD Environmental Policy

1. Minutes of Previous Meeting

William Caldwell (WC) welcomed everyone to the meeting. The minutes of the 16th meeting on 9th June 2009 were approved.

2. Matters arising from minutes & updates paper

There were no matters arising from the minutes and the updates paper.

Peter Archdale (PA) raised the issue of whether the Catchment Stakeholder Groups will be adapted to shift their focus going forward during the implementation phase of the first plans. It was agreed that this would be discussed during item number 6.

3. Timetable for the production of the First Cycle RBMPs

Gabriel Nelson (GN) gave an overview of the timetable for finishing the plans and their progression through the political process. The plans will be produced by the end of September, and put to the Minister and cleared through the Committees in October. They will then proceed to the NI Executive in November, and are due to be published by 22 December 2009. GN explained that it is necessary to have the plans completed by the end of September to ensure there is adequate time for the mechanics of clearing the plans through the political process, printed and published.

Philip McMurray (PMcM) then discussed the Regulatory Impact Assessment (RIA) that is taking place on the additional measures associated with the first cycle plans. Atkins Consultants have been chosen to undertake the process of completing the RIA and are currently in the process of contacting some of the external stakeholders to discuss estimates of costs and benefits associated with the additional measures. PMcM advised the Forum members to be aware that this was ongoing and may require their involvement and participation, stressing that the RIA was being completed to a tight timetable.

PA expressed the opinion that the RIA was being carried out too late in the process, adding that the short timetable would restrict the quality and accuracy of the figures being produced. He further enquired as to whether GN could provide an indication of how the figures and predictions for NI had changed based on the 2008 data. GN confirmed that a number of river bodies had dropped in status due to additional elements being used for classification. He stated that this would impact on the process of setting objectives, adding that changes in the classification of water bodies was inevitable as the assessment methodologies being used are new and the monitoring programmes started in 2007.

David Knott (DK) asked whether any of the changes to the classification of water bodies had been significant. GN responded by stating that many water bodies in the marine environment had moved up in class, while some

freshwaters, particularly rivers, had moved down in class. PA added that he felt that the updated data had to be used to inform the RIA process.

WC stated there were constraints that had prevented the RIA being conducted sooner. PMcM explained that the timetable for producing the draft plans and the public consultation had been dictated by the Directive, thus making it difficult to have had the RIA process begin any sooner. PMcM added that the RIA would identify and present different scenarios and approaches to achieving different objectives.

PA felt that it was important to have transparency around the prioritisation of investment into infrastructure by NI Water and in terms of what areas the RBMPs will address first; adding that it was difficult for stakeholders to see how decisions were reached as there was no vehicle for the visibility of prioritisation.

GN confirmed that in terms of prioritisation with respect to the RBMPs he had discussed the matter with the Freshwater Task Force (FWTF) and that the next round of CSG meetings would include an item on the process.

With respect to NI Water infrastructure investment Dave Foster (DF) advised that DRD guidance had been produced in the early part of this year setting out the finances and priorities. NI Water, NIEA and the Utility Regulator have been developing schemes and investment programmes, a report on which will be produced and consulted upon. Claire Cockerill (CC) felt that this discussion highlighted a general consensus among stakeholders that there is a lack of transparency around how decisions are being made and how their comments are being taken aboard.

PA felt that stakeholders had been disappointed by the lack of detail in the draft plans and with respect to the NI Water investment programmes. GN acknowledged that it was important to provide as much detail as possible to stakeholders, adding that NI Water had been present at some earlier CSG meetings giving details of investment programmes. GN further added that during the implementation of the RBMPs, NIEA would identify other areas as candidates for investment during the 2nd River Basin Planning Cycle.

4. RBMP – Review of consultation responses and update on how these responses have influenced the 2009 RBMPs.

GN gave an overview of the responses received during the public consultation that had taken place on the draft RBMPs from 22 December 2008 to 22 June 2009. 92 substantial responses had been received including those from the 9 CSGs. This added up to over 1000 comments. NIEA are currently analysing the comments and identifying where the plans will be amended in respect of these.

11 responses had been received from individuals, with the majority (58) of the responses coming from NGOs and environmental interest groups. Responses

from other Government Departments/Agencies totalled 18 with a total of 5 responses being received from the District Councils.

One of the main issues raised was the perceived lack of detail at a local level contained in the draft plans. GN confirmed that NIEA would address this, adding more local detail through the web mapping tool by December and also through the development of the 26 local area management plans. NIEA will also be liaising with the FWTF to identify and engage with more groups at a local level until March 2010.

71 comments were received about the level of ambition contained in the plans. Concerns were raised about the linking of objectives with measures. Other comments questioned whether resources and finances were available to carry out the measures contained in the plans. Further comments queried the level of co-ordination across Departments and with the Republic of Ireland.

Approximately 40 comments related to the cost-effectiveness of the measures described in the draft plans, with concerns being raised about the level of detail around which measures are the most cost effective. 30 comments were received in relation to agriculture, with a number stressing that there are significant action programmes in place and that it will take time to fully realise the benefits of these. Other comments related to Heavily Modified Water Bodies, water charging, sewage, waste, SuDs, alien species, and climate change.

GN explained that a spreadsheet had been created detailing all of the comments received, together with the department response and an identification of how the plans will address these. In some areas this involved providing more information about measures, while in other cases it involved identifying the linkages between other work areas and WFD more explicitly. GN confirmed that the document and spreadsheet summarising the responses will be made available on the NIEA website.

Uel Irwin (UI) commented that there had been a lack of input from industry to the plans, adding that they would be affected by changes to legislation. GN responded by stating that some comments had been received from industry representatives, but that this was an issue. DF expressed the opinion that industry will become involved in the process when directly and practically affected by it. David Knott (DK) agreed that it is difficult to get engagement with industry in respect to the process adding that it looked at the details from a different perspective. UI felt that with the changes to water abstraction costs in 2010, it was important that industries should be made more aware of WFD issues.

Aileen Lawson (AL) felt that there had been limited comments from farmers as they may not have time to comment on consultations. PA acknowledged this as a common problem amongst many groups, emphasising the importance and need for NGO's representing such groups.

DF cited the Priority Substances Directive as an example of where it is difficult to get full involvement with industry until more specific details are available and hence more indication of what effect the legislation will have and on what level.

In terms of the consultation and the production of plans GN acknowledged that the WFD process had helped to focus and push forward the integration agenda between departments. Laverne Bell (LB) commented that the level of responses from local councils had been disappointing. GN felt that this was due to the fact that the councils may not attribute a high level of importance to WFD as they do not have direct responsibility for its implementation; however following the future reform of councils it could become more important. GN added that NIEA were having discussions with Planning Service about introducing mechanisms to ensure that WFD is considered in the planning process. PA agreed that councils haven't looked at environmental responsibilities closely and felt that inter-departmental discussions were required to consider major future agriculture changes. PA added that the RBMPs should be reflected in a broad sense through the Regional Development Strategy. GN stated that NIEA had sought to do this and DF highlighted that other areas that the RBMPs need to be included in are spatial planning, rural planning and ICZM planning.

Action: NIEA to place a copy of the consultation response summary document on the web.

5. Septic Tanks – Update on Phases 1, 2 and 3 of the Septic Tank Study

ML gave an overview of the septic tank study that has been undertaken by NIEA and encouraged the Forum members to feed into the process. ML explained that there have been three strands to the project. The first part was to further establish a database of septic tanks in NI. This was carried out by NS Share. The information on the database continues to become more accurate though problems remain as prior to 1997 all records in relation to septic tanks were held on paper. Currently about 50 per cent of septic tanks in NI are not geo-located.

The second part of the project involved carrying out a review of legislation and responsibilities. Policies from UK, ROI, and Europe were studied to try and inform and generate recommendations.

The third part of the project involved examining the impact of septic tanks. The result of this was inconclusive as different studies had indicated different trends. ML felt that the impacts can vary due to local issues.

Three working documents on the different parts of the project have been produced and contribute to a planned way forward. ML distributed a paper to the group containing some ideas for recommendations and a work programme. Further copies of this document will be distributed to the group electronically.

NIEA intend to have policies and processes decided and consulted upon by March 2010. NIEA will then select specific areas of regions to trial these policies and processes and analyse their success and generate a model to use throughout Northern Ireland. Two possible approaches mentioned included mapping unsewered properties and requiring owners/occupants to apply for licences; and using GIS and the database to identify existing sights and visiting them to ensure that the septic tanks are compliant. NIEA estimate that there are 65-70,000 unlicensed septic tanks in NI.

AL enquired whether there will be resources available to carry out the necessary work. ML confirmed that a bid had been made and he was confident of this bid being successful. ML further stated that it will be easier to successfully implement a policy with regard to new systems, whereas older problems will take time to fix. DF acknowledged this, believing that the trialling of new policies will help improve matters while highlighting the question around whether the beneficial impact of improving old tanks up to a high standard warranted the investment and work that would be required.

PA welcomed the discussion on prioritisation and believed the assessment and trials can identify whether the problem is with the process or the tanks. He believed that the emptying process may be the problem and felt this should be looked at. Angela Halpenny (AH) stated that NI Water look after this task when requested, though stressed that the properties need to be suitable for the NIW tanker. LB asked whether an amnesty to allow septic tank owners to register had been considered. ML responded by saying that NIEA try to be supportive and work with people to solve problems.

ML further confirmed that from the studies and trials would emerge a code of practice concerned with the operation and maintenance of systems. DK brought up the issue of oil storage and whether Regulations and a fresh approach to dealing with the issue were on the horizon. Victoria Crone (VC) confirmed that there should be a consultation on this next year. ML concluded on the matter of septic tanks by confirming that policy and practice will be developed and consulted upon by March, with development of methods thereafter.

Action: Mark Livingstone to circulate the Septic Tanks papers to the Group

6. Discussion on the Terms of Reference of the Stakeholder Forum

WC asked the group to discuss how the Forum will move forward in the context of the RBMPs being published in December and effectively the implementation phase of the first WFD cycle beginning.

DK expressed the view that the local CSGs operated in isolation from the national forum, though accepted that this could be due to geography. WC asked if perhaps consolidated issues emerging from the CSGs need to be discussed at Forum level. GN commented that it had been decided that this would be one of the roles of the Interdepartmental Working Group, adding that national representatives of organisations represented at CSGs could escalate

issues up across a wider context at the Forum. PA expressed the view that the CSGs have been focussed on being educational and hoped that they would now focus on local important issues and use the knowledge of local groups and individuals to tackle environmental challenges. He also felt that it was important to identify suitable non NIEA individuals to chair the meetings going forward.

GN asked the group to consider whether they felt the Forum was beneficial or whether it needed to be changed or ended. Claire Cockerill (CC) felt that there was still a need to have a national forum as the process wasn't static and there was a need to have a group to have a strategic overview of matters to complement the more local CSGs. DK highlighted RPA as another major challenge in the future that the stakeholders needed to be able to have an influence on.

John Martin (JM) felt that as the plans entered the delivery phase it was an appropriate time to change the Terms of Reference for the Forum to reflect this. DK added that he felt that the Forum could play a role in monitoring the delivery of the plans. UI felt that the Forum still had a role to play in terms of review and assessment. Brian Ervine (BE) felt that it would be useful for the Forum to have more visibility with the CSGs and between the different catchments. PA felt that the forum may be strengthened with representatives from other groups/industries. DF suggested that the three catchment officers who co-ordinate the CSG meetings could add the minutes and details of the issues raised at CSG meetings onto the updates paper.

WC again asked the group to send in their responses and thoughts on the future of the Group and its Terms of Reference to PEPG, who, along with NIEA, would study these and decide the way forward

Action: Members of the Forum to send thoughts and ideas for a new Terms of Reference for the Stakeholder Forum to PEPG.

7. A.O.B. and Date of next meeting

It was agreed to have the next meeting on Tuesday 8 December.

Actions Summary

Agenda Item	Action	Responsibility
4	NIEA to place a copy of the consultation responses summary document on their website	NIEA
5	A copy of the septic tanks papers discussed at the meeting to be distributed to the group	PEPG
6	Ideas on a new Terms of Reference for the group to be sent to PEPG before	Forum members

	the next meeting.	
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