

Minutes of 13th Meeting

Northern Ireland Water Framework Directive Stakeholder Forum

River House, Belfast

16th SEPTEMBER 2008

Attendance:

George Alexander	NI Water
Michael Bell	NI Food & Drink Association
William Caldwell	DOE (PEPG) – acting chairperson
Séan Convery	Farming & Wildlife Advisory Group
Brenda Cunning	DOE (PEPG)
Brian Ervine	DARD (Environmental Policy)
Joanne Gaffney	Aquaculture Initiative
Angela Halpenny	NI Water
David Knott	Port of Belfast
Aileen Lawson	Ulster Farmers Union
Linda McGoldrick	DARD (Environmental Policy)
Jim Martin	DARD (Rivers Agency)
Robbie Marshall	Fresh Water Taskforce (UAF)
Emma Neill	DOE (PEPG)
Gabriel Nelson	DOE (NIEA)
Jenny Robinson	General Consumer Council NI
Norman Simmons	DOE (PEPG)
Julian Smyth	DRD (Water Policy)
Trevor Wright	Port of Larne

Apologies:

Gordon Best	Quarry Products Association
Andrew Frazer	British Hydropower Association
Uel Irwin	AES Kilroot
Dick James	NI Fish Producers Organisation Ltd
Fergal Kearney	NI Tourist Board
Karen McCambley	NILGA
Philip McMurray	DOE (PEPG)
Brian Murphy	CNCC
James Robinson	RSPB
Alex Scullin	NI Agricultural Producers Association
Paul Simpson	DOE
Andrew Sloan	NI Sports Council
David Wright	DCAL Fisheries

1. Minutes of the Previous Meeting

William Caldwell (WC) welcomed everyone to the meeting and gave apologies on behalf of Paul Simpson, the Chairperson. The minutes of the previous meeting (13th May 2008) were approved.

2. Matters Arising from Minutes and Updates Paper

There were no matters arising from the previous minutes or the WFD Updates paper.

3. Government Response to the Flood Management Policy Review

Jim Martin (JM) from DARD Rivers Agency gave a presentation to the group about the Government Response to the Flood Management Policy Review. The response has been approved by OFMDFM and is due to be launched in October.

JM described the drivers that have resulted in a change in approach to Flood Risk Management, which include EU changes in respect of agriculture, an increased focus on urban floods and increased environmental controls which have affected how drainage works are carried out. Because of these changes, a review of the overall Flood Management Strategy was undertaken. JM explained that this was carried out by an independent consultant and included a public consultation and detailed discussion with stakeholders. The review compared the approach of Rivers Agency to that of other similar agencies in Europe. The consultation discussion document and report are available on the Rivers Agency Website:

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

The Government has now responded to the review report and their response document will take the review forward. From that, individual policies will be developed. JM noted that the review largely endorses the existing approach but that there are some resulting proposed changes to policy and addition of extra responsibilities.

The main proposed changes include a more holistic approach to Flood Management, the introduction of Flood Risk Management Plans and Flood maps and better communication of risk, particularly to the wider public. Adjustments to existing policy also include:

- A proactive approach by Rivers Agency to giving advice to planning service relating to new developments
- Improved co-ordination in terms of emergency response (although the approach to this in Northern Ireland is already quite well focussed)
- An approach to Rural maintenance which is now more focussed on sustainability, rather than carrying out works just for the purpose of drainage
- The regulation of the safety of reservoirs by Rivers Agency
- A planned review of the responsibilities of Surface Water drainage
- A role for Rivers Agency in the regulation of coastal flood protection through the Marine Bill
- The issue of discharge consents by Rivers Agency for SuDS (Sustainable Drainage Systems)

- A planned examination of Regulation of Watercourse channel works (to comply with WFD)

Aileen Lawson (AL) asked if the flood risk maps will be available to the public. JM explained that they are due to be available online in November. He emphasised that no small individual properties would be visible on the maps – due to the scale of maps, but that they would give a general overview of areas throughout Northern Ireland. It will be recommended that owners get assessments carried out on individual properties if they wish. He explained that the 1 in 100 year expected flood measurement tool is recognised as an accepted gauge.

Robbie Marshall (RM) asked what the agreed approach is to PPS 15 – if planners, for example, could be stopped from consenting development on the side of river banks. JM clarified that Rivers Agency have no powers to “stop” planners but that the current process is that Rivers Agency are consulted on area plans and they give advice on drainage and flood risk. He explained that the issue is the vertical, rather than horizontal, proximity to rivers for any planned dwelling. RM asked for clarification about the proposed role of Rivers Agency with SuDS. JM explained that Rivers Agency will not regulate SuDS but will assess the volume of discharge into the watercourse. Gabriel Nelson (GN) elaborated that the issue of quality of discharges into watercourses lies with NIEA and stated that the policy on SuDS will go out to consultation and that the issue of how to regulate will be carefully considered. JM added that Rivers Agency currently hold no responsibility for surface water however during flooding events they will provide assistance to alleviate the problem.

Joanne Gaffney (JG) asked how the issue of retention of water in upland areas would be addressed. JM conveyed that it would not be a part of Flood Mapping. If significant flooding is occurring in catchments, this will be examined to determine how improvements can be made and should be addressed at the flood risk management planning stage.

JM detailed that the next stage in the Flood Management Policy Review process will be a structural and resources review before individual policies can be taken forward. The European Floods Directive will also be transposed into regulations. He noted that the implementation of Living with Rivers and the Sea may mean that the existing Drainage Order would be reviewed.

4. Update of draft RBMP progress

Brenda Cunning (BC) gave an update of the draft RBMP sign-off process. A working version of the draft plans was presented to the DOE, DARD, DRD and DCAL committees in June. It is hoped that the draft plans will proceed to the Executive meeting on 16th October.

GN gave a presentation on the progress of draft River Basin Management Plans (RBMPs). He reiterated the steps involved in the RBMP process, including characterisation, classification, Objective Setting and Programmes of Measures. He explained that this is a cyclical process, with 3 cycles: 2009 to 2015; 2015 to 2021 and 2021 to 2027. He stated that balance is achieved by the plans being scrutinised under the Strategic Environmental Assessment and Impact Assessment processes. He made reference to the possible need to develop Catchment Management Plans for each of the Catchment Stakeholder Group areas. The draft RBMPs will be made up of

four tiers – Tier 1 will be a summary document regarding NI and RoI co-ordination; Tier 2 will be the summary draft RBMP; Tier 3 will be made up of an interactive web map; Tier 4 will consist of background documents.

GN gave an overview of status classification – of the 667 water bodies in NI (which includes rivers, lakes, coastal waters, transitional water bodies and ground waters), 35% are “good” status or above while 65% are below good status. The general “rules” for objective setting in the first cycle are for the water body to move up one class, aside from “bad” status for which the objective is to move two classes. GN admitted that this may be more of a challenge for some water bodies e.g. Lough Neagh, which is highly hyper-nitrified. In setting the objectives, the water quality, resources and morphology have been examined, taking into account technical feasibility. GN noted that the estimated improvements from existing measures have been assessed before considering exemptions or the methods for filling the gap.

GN gave examples of the types of measures which will be included in the draft plans. These include NI Water Capital Investment Programme, a review of the polluting impact of septic tanks, the introduction of low/zero phosphorous detergents, education and awareness campaigns, targeted advisory visits, the development of best practice guidance, the promotion and adoption of SuDS, installation/upgrading of fish passes and a river restoration programme. The draft RBMPs will be published for a six month consultation. GN noted that the measures must be in place, according to the Water Framework Directive, by December 2012.

Before the final plans are published in December 2009, the classification results and objectives will be updated and further work will be carried out on the Programme of Measures – the consultation responses will feed into this process.

AL asked how realistic the objectives are, in terms of moving each water body up one classification. GN responded, stating that a number of areas will be able to achieve this and that a level of ambition is needed to drive this forward. He acknowledged that this may be a challenge for some water bodies e.g. Lough Neagh and other lakes, but that the Commission will want to see aspiration. GN conveyed that he expects significant improvement in such lakes in the next 20 years. He explained that “Quality Assurance” checks are currently being carried out on the proposed objectives and measures within the draft plans.

Séan Convery (SC) recommended being clear about which water bodies will not achieve good status. GN agreed, saying that it is important to match aspiration with reality and that this will be reflected in the draft plans. However, he reiterated that there are a number of areas where a difference can be made. RM agreed, but said he felt that the existing procedures may not currently be working. Norman Simmons (NS) stated that, because WFD involves the pulling together of measures, the Commission will examine those existing measures carefully to ensure that each member state is achieving what is required. GN added that the measures within existing directives are extensive and that status classification is more comprehensive leading to greater transparency– whereby 30 biological/chemical parameters are now examined, whereas previously 6 parameters were examined.

RM stressed that existing measures need to be properly controlled and gave the example of an audit trail and proper storage of chemicals. GN agreed that regulation does have a key part to play. He also stated that NIEA bring forward prosecutions

when they can – the courts decide how to levy fines, and fines are increasing. He emphasised that environmental protection is a societal responsibility involving all sectoral groups. He also noted that to some degree it may be too soon to quantify the impact of existing measures.

GN expressed that suggestions for additional measures to be considered should be submitted during the consultation period.

David Knott (DK) enquired about the designation of Heavily Modified Water Bodies. GN stated that workshops would take place regarding HMWB with the relevant sectors involved.

5. Awareness Raising Activities / Draft RBMP Consultation events

GN explained that individuals can get involved in the 6 month consultation process through the Stakeholder Forum, Catchment Stakeholder Groups (CSGs), by submitting a written response or through one of a series of information days which will be held in February and March 2009. Awareness of the consultation will be raised through these information days, newspaper adverts, the Website and a launch in January 2009. The information sessions planned for February and March 2009 will include interactive exhibits e.g. to show what a healthy river looks like – these sessions will take the place of the CSG meetings for that period.

BC made reference to the Awareness Raising activities spreadsheet which was developed in order to obtain a stock take of current activities and asked for input from members to be submitted. She also noted that members had been circulating information on events to the Stakeholder Forum through PEPG – this information can be sent not only to active members, but to a wider group of Stakeholder contacts.

Action

- Members to submit inputs for the Awareness Raising Activities spreadsheet to Emma Neill or Brenda Cuning

6. Catchment Stakeholder Group Membership

GN explained that NIEA are in the process of reviewing the participation in Catchment Stakeholder Groups to ensure that there is comprehensive and cross cutting representation in all groups. GN noted that there appears to be more representation by government officials at CSGs than by other groups or sectors. NIEA plan to issue invitations to local government representatives and GN asked Forum members to encourage local participation from their groups and sectors in order to widen out representation. He also mentioned that NIEA plan to engage further with planners, both bilaterally and by encouraging CSG attendance.

AL suggested that the meetings take place at 8pm, as this is a more suitable time for farmers. Michael Bell (MB) stated that there may be a resource issue. SC affirmed that attendees should be rewarded for giving up their own time, in terms of feedback and making resulting changes. He also stressed that sectoral meetings continue to be important. MB stated that the Civil Service in both NI and GB should interface more effectively with trade associations.

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

The group discussed the format of documents for consultation. MB suggested that the information be in a much more concise format and that there could perhaps be different documents per sector, giving specific sectoral information about the impacts. GN noted that the tiered approach to the development of draft RBMPs means that further information will be available should the consultee wish to access it.

MB mentioned the issue of permits for Grey water systems. Julian Smyth (JS) stated that this may be relevant to the proposed Water Fittings Regulations and that he would examine further.

It was proposed that the next meeting take place on **Tuesday 16th December 2008.**