

Minutes of 2nd Meeting

Northern Ireland Water Framework Directive Stakeholder Forum

7 October 2005

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Room 601C Clarence Court

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Attendance: Forum Members

David Babington	General Consumer Council NI
Sean Convery	Farming & Wildlife Advisory Group
Joanne Gaffney	Aquaculture Initiative
Ian Gibney	NILGA (Omagh)
Samuel Irwin	AES Kilroot
John Johnson	Quarry Products Association
Ian Morrow	NI Chamber of Commerce & Industry
Marcus McAuley	DCAL
Nigel McCormick	DRD Water Reform Unit
Newell McCreight	Fresh Water Taskforce (UAF)
Alex McGarel	Fresh Water Taskforce (WWF)
Gabriel Nelson	DOE (EHS)
Stephen Peover	DOE
David Small	DARD
Aileen Smith	UFU
Claire Vincent	DOE (EPG)
Trevor Wright	Port of Larne

Secretariat: Felicity Boyd DOE (EPG)

Apologies:

Andrew Fraser	Harper Power Ltd
Dick James	NI Fish Producers Organisation Ltd
Geoff McCormick	Arena Network
Alex Scullin	NI Agricultural Producers Association
Michael Bell	NI Food & Drink Association
Andrew Sloan	NI Sports Council
Bob McMillen	NI Tourist Board
David Sterling	DRD

Presentations:

Nigel McCormick	DRD – Water Reform Unit
Peter Barbour	DRD – Water Reform Unit
George Alexander	DRD – Water Service
Gabriel Nelson	DOE – Environment & Heritage Service
Claire Vincent	DOE – Environmental Policy Group
Gerry Madden	DOE – Environmental Policy Group

1. Welcome

Stephen Peover (SP) welcomed members and speakers to the second meeting of the Forum. He outlined in brief the forthcoming presentations, and the background of the presenters on the Water Reform Process, Introduction to Environmental Standard Setting, Significant Water Management Issues, concluding with the current position on proposed Water Abstraction Licensing. He also explained that the planned presentation from the Scottish Stakeholder Representative had to be postponed due to the packed agenda and a clash of dates with the Scottish Group meeting. As there is continuing interest in Scottish Stakeholder development we are seeking to re-arrange the presentation as soon as possible at a future meeting.

2. Minutes of Previous Meeting

The minutes of the 1st Meeting on 30 June 2005 were approved.

3. Matters arising not covered by Agenda

3.1 Linking WFD targets with Sustainable Development targets

James Robinson of Freshwater Task Force asked at the first meeting if the WFD targets could be directly linked into SD Targets. EPG is currently developing the Sustainable Development Strategy for Northern Ireland, which will include WFD targets.

3.2 Review of Public Administration

Following the presentation at the first meeting on the Review of Public Administration (RPA), ongoing discussions are taking place between EPG and OFM/DFM (Dr Debbie Donnelly - RPA) to ensure, where possible, co-terminosity between the designated River Basin Districts and the boundaries and functions of the new local authorities. It has been agreed with OFM/DFM that if the intention is to devolve water or water related planning functions to local authorities, then it is essential that catchment areas are taken into account in the Review.

3.3 Regional Development Strategy

Ongoing discussions have been taking place with DRD Regional Development Strategy (RDS) colleagues on incorporation of WFD targets towards the next review. Further to David Small's question as to whether the RDS applies to public bodies – the Strategic Planning (NI) Order 1999 refers to NI Government Departments and Departments of the Government of the UK.

3.4 Sustainability And Agriculture Follow-Up:

Agri-Environment Schemes and the Water Framework Directive

Discussions have been initiated between DOE and DARD towards ensuring that monies for Rural Development are used to contribute to the implementation of the WFD. DS explained that during this process DARD will seek to target problem areas, alongside EPG/EHS, through the new Agri-Environment regime.

3.5 Diffuse Pollution Strategy

The primary focus over the last few months has been on the delivery of the measures required by the Nitrates Directive. However, EHS and EPG are now turning their focus to the next stage, which is the development of a diffuse pollution strategy and how this is to be taken forward.

4. **Presentations** by Nigel McCormick – Director, DRD Water Reform Unit and George Alexander – Head of Crown Immunity Issues, Water Service

NI Water Reform Proposals

4.1 Nigel McCormick outlined the background and detail of the proposals which are being driven by the requirement for higher EU regulatory standards for Water Service. He explained why water reform is considered necessary, and what the proposals will mean overall with the removal of crown immunity in the creation of the GoCo. He also provided details of the substantial cost of bringing standards up to EU requirements over coming years and the phasing in of charging to cover such substantial investment over a 3-year period.

Questions/Comments: The Group raised the issue of introduction of additional metering as part of the charging and control process.

Response: Metering is already in place for commercial and industrial users. As to consideration of introduction of metering for the domestic sector, this is complex and the current policy is that it will be phased in after the introduction of charges.

4.2 George Alexander presented the impact of the removal of crown immunity from Water Service, detailing the size and extent of existing sewage works and explaining that upgrades are being completed at a rate of one a week. A major part of his brief is to ensure there is an agreed set of discharge consents in place for all Water Service discharges prior to the creation of the GoCo.

He explained how EU Water Directives, including the WFD, are now impacting more on the settings of consents, how compliance is assessed and how Water Service plans to move towards full compliance.

Future Directives, such as the proposed revised Bathing Waters Directive, will also change Water Service's ability to comply with changing standards year on year. Those improvements together with increased monitoring costs will also require further substantial investment in the supply of services.

N McCr (FWTF-UAF) expressed concern that the current reform proposals will remove the entitlement to a free empty of septic tanks once a year. He felt this is totally unacceptable and will lead to increased water pollution particularly in rural areas.

N McCo responded that in respect of the charging element only those connected to a sewer will be paying for that service.

M McA (DCAL) felt that this would encourage increased proliferation of septic tanks to avoid that element of water charges. This together with poor maintenance of tanks could compromise water quality improvements anticipated from the Water Service capital investment programme and would, therefore, necessitate costly inspection and enforcement.

SC (FWAG) expressed particular concern on the proliferation of septic tanks alongside Lough Neagh, and in regard to the lack of incentive for wise water use in the proposed charging scheme.

GA responded that the impact of compliance with the UWWT Directive should improve the quality of Lough Neagh especially regarding the eutrophication problem.

DB (GCCNI) asked what assurances will be made to ensure compliance with Article 9 which requires that water -pricing policies provide adequate incentives to domestic users to use water resources efficiently.

SI (Kilroot) asked what incentives will be provided for large users by means of process monitoring, metering and check processes systems i.e. providing an onus to run the water system efficiently.

N McCo responded that wider discussions are taking place on the incentives issue for wise water use. Such issues are quite complex and involve economic aspects.

SP agreed that this is a complex area and accepted that a practical policy will need to be produced.

Action: SP asked **DRD (Peter Barbour)** –WRU to provide a paper on DRD proposals for compliance with Article 9 for the next meeting in January 2006.

Regarding pollution from septic tanks GN responded that a conditional Discharge Consent System is in operation and if such conditions are not met then enforcement options exist. N McCr responded that that system is not effective and asked how many prosecutions had taken place in the last ten years and how effective were they.

Action: EHS to provide the number of prosecutions made in the last ten years as result of septic tank pollution incidents.

The Group also expressed concern that there are no controls in place to ensure that any existing or new developments are connected to sewer where available. There are currently incidences where housing development which has access to sewer are granted permission for disposal by septic tank. GN explained that there are no powers available to direct developers to use the sewer available. SP also added that the Regional Development Strategy is seeking to concentrate new housing in existing areas and limit development in the countryside.

Action: DRD -WRU /EPG to investigate the possibility of introducing appropriate powers to ensure connection to sewer where available.

5. Presentation - Gabriel Nelson

Introduction to Environmental Standard Setting

Gabriel Nelson's presentation provided a background to the UK Environmental Standards and Classification Schemes being developed towards compliance with the WFD. He explained that EHS marine and freshwater teams are in the lead in the development of the biological classification tools, which in conjunction with intercalibration, will define 'good ecological status' across Europe. He further explained how the biological standards link to

the environmental standards, which need to be set to protect the water environment. They form the basis upon which environmental conditions can be measured to prevent deterioration from pressures such as over abstraction and damaging engineering works. The environmental standards are central to the delivery of the WFD objectives and form the basis of identifying measures for the first cycle of river basin management planning.

Questions/Responses:

DB (GCC NI) asked have we started to work with Agencies in the ROI.

GN explained that under the North South Ministerial Council a North South Water Quality Working Group meets quarterly to discuss WFD issues and arrangements. EHS routinely holds operational meetings with their counterparts over the border including local authorities representatives (waterways know no international boundaries). ROI colleagues observe on a number of key WFD UK Groups such as the UK Technical Advisory Group, the Economic Steering Group, the UK Economic Collaborative Research Group. They also work alongside EHS on the North South Share Project (North South Shared Aquatic Resource) funded by Interreg. The project is designed to strengthen inter-regional capacity for environmental monitoring and management; to improve public awareness and participation in water management issues, and to develop International River Basin Strategies.

M McA (DCAL) raised the issue of the need for further discussions/debate on the hydromorphological aspects with the Rivers Agency. GN recognised the need for engagement with all relevant agencies and these aspects will be addressed through the EHS Working Group which has been constituted for this purpose. The next meeting of the EHS WG is scheduled for the 10 November 2005.

6. Presentation – Claire Vincent

Significant Water Management Issues (SWMI)

Claire Vincent explained the WFD requirement to produce a report on 'Significant Water Management Issues' by the end of December 2007 after public consultation. The Department is very keen to involve the Forum members as early as possible as it recognises that they have a major role to play in identifying SWMI issues within each of the NI river basin districts and catchments.

CV provided possible examples of issues such as absence of controls on water abstraction, the public being unaware of the real cost of providing drinking water and disposal facilities to every establishment, and lack of incentives for less polluting practices and wise water use. She also provided background and examples to the kind of regulatory controls available.

Comment: JG (AI) explained that there are a number of useful sources of information/studies and reports which have been carried out at community level which may prove valuable.

CV then introduced a draft SWMI Issues Exercise using a pilot questionnaire designed to provide the Department with a better understanding of stakeholder views on such issues in Northern Ireland. The exercise was carried out by 3 groups and proved very successful in identifying a number of changes/additions which would benefit the gathering of such information. Members were asked to take the exercise out to their various groups and return with any changes or suggestions for improvement as soon as possible.

Corresponding members will then receive the questionnaire for completion. A copy is attached including suggestions discussed after the syndicate exercise.

7. Presentation – Gerry Madden

Abstraction Licensing

GM explained that one of the basic measures, which must be introduced as part of the Habitats and Water Framework Directives is a water abstraction/impoundment licensing scheme in Northern Ireland. His main task at the moment is to draft, consult on and introduce appropriate legislative controls.

The key objective is to ensure that rivers and waterways are not compromised. The Regulations will provide effective controls based on an assessment of the risk to the water environment, and will be WFD compliant in sensitive areas. The proposed licensing system will not confer any additional rights to water but will introduce, as required, controls over the exercise of existing rights. He detailed how the regulatory controls will operate through a system of general binding rules, registration or licensing depending on the risk to the environment. The greater the risk, the greater the level of control. Charging proposals will be covered by a separate consultation.

Questions/Comments: A McG (Freshwater Taskforce (WWF)) asked what sort of review cycle is being considered for registration or licensing.

GN explained this is currently being considered in the context of retrospective 'licensing' of all qualifying abstractions. It is envisaged that all registrations and consents would be timebound, the Department retaining the right to review at any time on the basis of pressures on the environment.

SP accepted that as the Hydropower sector was not available for this meeting, the presentation on water abstraction licensing proposals would be re-arranged, as required, to cover that sector.

Action: Gerry Madden will arrange additional presentations required.
gerry.madden@doeni.gov.uk

8. AOB/Agenda Items Next Meeting

8.1 Letter from the Freshwater Taskforce – SP endorsed the content of the letter and thanked the ENGOs for their valuable input. As to the reference in the letter that the FWTF believes that the Forum should play a major role in overseeing the structural arrangements for the river basin management process etc., he pointed out that the Department's vision is not of the stakeholder group having an overseeing role, but rather that it be actively involved in the development of the timetable, workplan and the reports that have to be produced.

8.2 Agenda items for Next Meeting

It was agreed that a Timetable and Draft Workplan for the production of River Basin Management Plans would be presented for discussion at the next meeting. The next meeting is scheduled to take place in January 2006. Potential dates will be identified towards the end of the year.