

**Quick Reference:**

<b>Issue</b>	<b>Key dates / progress</b>
POMs subgroup Implementation Working Group	Next meeting 21st May 2008
Inter-Departmental Board	Next meeting June 2008
North-South Co-ordination Group	Next meeting 3 <sup>rd</sup> June 2008
Catchment Stakeholder Groups	Local CSG meetings held February to April 2008
Article 9 – cost recovery	Independent Water Review Panel second report published in January – consultation planned
Environmental Standards	Reports produced for specific pollutants, Groundwater & Surface Water
Groundwater Daughter Directive	Expect to consult June 2008 on regulations
Hydromorphological Controls	Ongoing inter-agency discussions
Priority Substances	European negotiations ongoing – at Second Reading Stage
Significant Water Management Issues report	Digest of comments received due May 2008
Abstraction & Impoundment Licensing	Charging scheme consultation open until 23 June 2008
Bathing Water Directive (Revised)	Consultation on draft Quality of Bathing Water (NI) Regulations 2008 open until 9 May 2008
Flood Management Policy Review	Executive Paper expected June 2008
Integrated Coastal Zone Management	CMF Website now live. Major conference was held 10-11 April 2008. Report to follow
Marine Aggregate Extraction	Consultation due on level of fees
Marine Bill	UK Bill published 3 April, along with Ministerial announcement
Nitrates Directive	Regulations scheduled to be in operation June 2008
Non-Agricultural Diffuse Water Pollution	Evidence will be collated from issues identified through the RBMPS
NI Rural Development Programme	Agri-environment scheme launch scheduled for early June
Planning Policy Statement 2	Drafting at an advanced stage. Delay due to priority of PPS 14
Planning Policy Statement 14	Currently under review by an Executive Sub-Committee
Septic Tanks	Review of Legislative Requirements & Data held is ongoing
Shellfish Waters Directive	Consultation Paper due June 2008
Sustainable Drainage Systems (SuDS)	Consultation on draft strategy anticipated 2008

## **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 (February 2007) 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** and **Programmes of Measures Group** (comprised of officials from various Departments with WFD interests and responsibilities) held its most recent meeting on 16 April 2008. The agenda included discussion on the next steps in the objective setting process, draft River Basin Management Plan progress and SWMI consultation feedback. The next meeting will be held on 21 May 2008.

The **Inter-departmental Implementation Board** met on 22 April 2008. The Board discussed progress of the draft River Basin Management Plans and the sign-off process of the plans through the Executive. They also reviewed SWMI consultation feedback and received an update from the Coastal and Marine Forum. The next Board meeting will take place in September.

### **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> March, with the next scheduled for 3<sup>rd</sup> June 2008. The agenda included a discussion regarding progress of draft River Basin Management Plans including the process for Ministerial sign-off, an update on the NS Share Project and Strategic Environmental Assessments, and updates on INTERREG IV funding and public participation.

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

The facilitators' report from the Catchment Stakeholder Group (CSG) evening meetings is due to be posted on the NS Share Website. Specific local issues raised are being addressed through the local CSG meetings, the first series of which was held February to April 2008.

### **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 was already exists and was extended by the Executive to all non-domestic consumers on 1 April 2008. The majority of customers including 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 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.

Environmental Standards

The final reports on Environmental Standards and Conditions for specific pollutants, groundwater, and surface water standards, along with summaries of comments received during the technical review are available on the UKTAG Website:

[http://www.wfduk.org/UK\\_Environmental\\_Standards/](http://www.wfduk.org/UK_Environmental_Standards/)

EHS has been involved in the UKTAG process and is currently considering adoption of the standards, and where possible, harmonisation of standards within the International River Basin Districts.

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, adopted on 12 December 2006, establishes criteria for assessing the chemical status and for identifying and reversing upward trends in pollution of groundwater bodies.

A consultation exercise is anticipated for June 2008 on Regulations 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. EHS and PEPG are looking at the current mechanisms in place for controlling these hydromorphological changes, which to date has involved discussions with other departments and agencies (e.g. Planning Service, DCAL, Rivers Agency).

Priority Substances Daughter Directive

Under Article 16 of WFD, the Commission was required to put forward proposals by December 2006 for measures to address pollution by 'priority substances'. This will result in the adoption of a 'daughter directive', which will be then be transposed into national legislation.

The detailed progress in the negotiations can be followed through [Pre-Lex](#). The Council has agreed a common position on the daughter directive and the Commission has issued an opinion, accepting the common position. The negotiations are now at Second Reading Stage.

### Significant Water Management Issues Report (SWMI)

A digest of comments received in response to the publication of the Significant Water Management Issues report has been drawn up – this is due to be published in May 2008.

## **5. Related Policy Issues / Legislation**

### Abstraction and Impoundment Licensing

A public consultation on a Fees and Charging Scheme for Abstraction and Impoundment Licensing is currently taking place – the consultation period will run until 23 June 2008.

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

In addition, the transitional period that was introduced along side the Regulations ended on the 31<sup>st</sup> January 2008. Some 300 abstraction/impoundment activities applied within this period. Best practice guidance is also being worked up along with IPPC and Industrial consents for the Quarrying Industry.

A Ready Reckoner has been produced for Agriculture (in association with the UFU) and the Quarry Products Association (NI). These application aids helped to resolve many of the problems associated with determining volumes of abstracted water in these sectors.

### 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.

There are currently 23 identified bathing waters in Northern Ireland, with another one to be identified formally shortly.

The DOE will transpose the rBWD by making the Quality of Bathing Water (NI) Regulations 2008. The draft Regulations and partial Regulatory Impact Assessment are currently subject to public consultation which commenced on 15 February 2008. The consultation period runs until 9 May 2008. For more information, see:

[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)

### Flood Management Policy Review

Rivers Agency commissioned consultants (RPS) to carry out an independent review of Flood Management Policy for Northern Ireland. Following a public consultation exercise RPS produced their final report in March 2007. In response to this independent report it is intended that the Government collectively will make a response which will provide a Policy Framework for the future delivery of Flood Risk Management in Northern Ireland. The process of drafting the Government Response is expected to culminate with an Executive paper during early June 2008. This strategic policy framework will guide the direction of

flood risk management in Northern Ireland for the foreseeable future. The document will be published following clearance by the Executive.

Copies of the Review Consultation and Discussion Documents and the Final Report can be obtained using the link below to publications.

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

### Integrated Coastal Zone Management (ICZM)

In December 2007, the Northern Ireland Coastal and Marine Forum published the first in what it hopes to be a series of CMF booklets covering the many and varied important issues which face the coast of Northern Ireland. The first booklet, entitled 'Integrated Coastal Zone Management – Striking a Sustainable Balance', relates the background to ICZM leading to the formation of the CMF. The publication of a second booklet, which will provide a snapshot of Northern Ireland's Maritime Heritage, is expected by the end of June 2008.

Also in December 2007, the CMF web site went live ([www.coastalmarineni.com/](http://www.coastalmarineni.com/)). The existence of a dedicated website should assist the CMF in its role of raising awareness on ICZM and other coastal issues.

The Forum also hosted a major conference on 10–11 April 2008. This was a joint venture with I-CoNet, The Irish Coastal Network. The main theme of the conference was sea bed mapping and was used as a vehicle to present interim results of a Joint Irish Bathymetric Survey (JIBS) being carried out by the Marine Institute of Ireland and the Maritime and Coastguard Agency from the UK. The project which started in April 2007 with fieldwork commencing in October 2007, covers a 40 mile stretch of the seabed from Malin Head in Ireland to Torr Head in Northern Ireland out to 3 nautical miles. It is part of a larger mapping project around the coast of Ireland. The project is due for completion at the end of June 2008. A report on the conference will follow shortly.

The Forum will become involved in several projects relating to the coastal zone and the DOE is presently involved in seeking funding through several sources including Interreg IV for these projects. One such project is looking to employ an ICZM Officer to coordinate activity geared towards sustaining the population on Rathlin Island through sustainable tourism and environmental projects.

### 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 Environment and Heritage Service, 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 she 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 and reformed marine licensing.

Northern Ireland legislative proposals will be developed in 4 key areas; (a) marine planning, (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 closes 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 November 2008.

The Department aims to consult in autumn 2009 on policy proposals for the Northern Ireland legislation with a view to introducing a Bill into the Assembly in the 2010/2011 legislative session.

### Nitrates

The Nitrates Action Programme Regulations (Northern Ireland) 2006 came into operation on 1 January 2007 establishing measures to control the application and storage of livestock manures for all farmers.

Under the Nitrates Directive, Member States with a compliant action programme may apply for derogation from the statutory 170 kg N/ha/year livestock manure limit specified in the Directive. The terms and conditions of the derogation are set by the European Commission and must be compatible with achieving the objectives of the Nitrates Directive.

Northern Ireland's derogation application was approved by Commission Decision 2007/863/EC on 14 December 2007. The derogation allows individual farmers who meet specific criteria to seek approval from Environment & Heritage Service to apply up to 250 kg N/ha/year from grazing livestock manure. Regulations, transposing the derogation into Northern Ireland legislation, are scheduled to be in operation on 9<sup>th</sup> June 2008.

### 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

A new Special Environmental Projects option will support landscape-scale actions, with the possibility of collaborative actions especially in ASSI/Natura 2000 areas and around threatened rivers and lakes.

Local legislation to implement the agri-environment measure comes into operation in early May 2008, with scheme launch scheduled for early June.

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

While drafting work is at an advanced stage on this project, work has been delayed due to the priority associated with the DOE Ministerial commitment to draft PPS 14.

### Planning Policy Statement 14 (Sustainable Development in the Countryside) – Review

PPS 14 is currently under review by an Executive Sub-Committee, which the DOE Minister chairs. The DOE Minister aims to develop a policy based on the principles of sustainability which will support rural communities and allow the rural economy to flourish, both socially and economically, whilst at the same time protecting the countryside from unnecessary development. The Minister published a paper on the findings emerging from the review of Draft PPS 14 on 11 February 2008. This paper can be viewed at:

[http://www.planningni.gov.uk/AreaPlans\\_Policy/PPS/pps14/draft\\_pps14\\_findings\\_review\\_150208.htm](http://www.planningni.gov.uk/AreaPlans_Policy/PPS/pps14/draft_pps14_findings_review_150208.htm)

Officials from the Department engaged with key stakeholders on this paper between 15-22 February 2007 and the independent report of these events has helped and will continue to help inform the rest of the Sub-committee's work which will finish soon. The revised policy will be subject to a four month period of public consultation.

### 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 14 already contains a policy provision for development relying on non mains sewerage and forms part of the review 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.

DOE officials met representatives of the Aquaculture Initiative on 22 November to discuss shellfish waters designations, in particular in Belfast and Carlingford Loughs. Officials confirmed the Department's intention to review the current Shellfish Waters designations during 2008. The Department aims to issue a consultation paper for this review by June 2008 with a view to making additional designations in autumn 2008.

### 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 consultation on a strategy for promoting the use of Sustainable Drainage Systems within Northern Ireland is anticipated in 2008.