

**Quick Reference:**

<b>Issue</b>	<b>Key dates / progress</b>
WFD Implementation Working Group	A meeting is due to take place 16th September 2009
Interdepartmental Board	A meeting is due to take place in October 2009
North-South WFD Co-ordination Group	A meeting is due to take place 9 <sup>th</sup> September 2009
Stakeholder/Public Participation	Local CSG meetings were held in April/May 2009
WFD Article 9 – cost recovery	Water charges for domestic users deferred at least until April 2010
Groundwater Daughter Directive	Regulations were made on 2 July 2009 and came into operation on 10 August 2009
Hydromorphological Controls	An evaluation of existing controls has been carried out – for consideration at IWG. Recommendations to be included in RBMP
NIEA Education & Awareness Raising Activities	More Information available on NIEA Website
Priority Substances Directive	(Related to Art 16 of WFD). Transposition deadline is 13 <sup>th</sup> July 2010
Abstraction & Impoundment Licensing	Minister has agreed the introduction of a Fees and Charges scheme
Bathing Water Directive (Revised)	Initial preparations for formal “Review of identification of NI Bathing Waters 2011” are to be completed by 30 September 2009
Floods Directive	The public consultation period on the Draft Floods Directive Regulations is now active, and responses are required by 2 <sup>nd</sup> October.
Marine Bills	A Marine Policy and Legislation seminar was held at Stranmillis College on 16 June 2009.
Marine Strategy Framework Directive	UK-wide transposition agreed by Ministers. Public consultation on draft Regulations scheduled for end October 2009.
Nitrates Directive	A review of the Nitrates Action Programme and derogation has recently commenced.
Non-Agricultural Diffuse Water Pollution	Position Paper drawing from evidence identified through the RBMPS being prepared.
NI Rural Development Programme	Agri-environment Programme ongoing
Planning Policy Statement 2	Review of PPS 2 underway. Drafting at an advanced stage
Planning Policy Statement 21	Draft PPS 21 consultation complete.
Septic Tanks	Review of Legislative Requirements & Data held is ongoing
Shellfish Waters Directive	The Department classified new or modified existing areas by means of a Legal Notice under Article 6 of the Water (Northern Ireland) Order.
Sustainable Drainage Systems (SuDS)	A consultation on proposals to produce a strategy to promote SuDS in NI remains open until 16 October.

## **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 (June 2009) 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 24 June 2009. The agenda included consideration of a bilateral report relating to the Programmes of Measures, a discussion on project funding for INTERREG IV A and a discussion on the prioritisation of local management areas.

The last **Inter-Departmental Implementation Board** was held on 22 April 2009. The agenda included consideration of the Marine Bill and Marine Strategy Framework Directive, an update on the draft RBMP consultation phase and a discussion about funding for programme of measures. 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 Co-ordination Group** meets quarterly – the latest meeting was on 25<sup>th</sup> June. The agenda included an update on the stakeholder feedback received during the consultation on draft River Basin Management Plans, the programme for finalisation of RBMPs and an update of economic aspects of WFD.

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

CSG meetings took place during April / May 2009. The main focus of these meetings was the provision of feedback on draft River Basin Management Plans. More information on the CSG meetings can be found on the NIEA Website at:

[http://www.ni-environment.gov.uk/water-home/wfd/public\\_partic\\_3/catchment\\_stakeholder\\_groups.htm](http://www.ni-environment.gov.uk/water-home/wfd/public_partic_3/catchment_stakeholder_groups.htm)

NIEA also held a series of Water Information Days which were open to the public. These information days provided an opportunity for those attending to speak with NIEA staff about the proposals contained in the draft plans.

### **4. WFD Activities**

#### River Basin Management Plan Regulatory Impact Assessment

PEPG has engaged Atkins consultants to undertake a strategic Regulatory Impact Assessment of the additional measures proposed as part of the River Basin Management Plans. The project will produce an assessment to accompany the final plans due to be submitted to the Minister by the end of September 2009. The main aim of the consultancy project is to provide information on the range of potential costs and benefits associated with implementing the additional measures. Atkins proposes to contact stakeholders during the project lifetime to gather evidence on costs and benefits of the proposed additional measures. PEPG will project manage this exercise.

## 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 will provide revised 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 requirements.

### ***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 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. The bulk of non-essential or discriminatory water use is by non-domestic water users account for around 30% of the total water consumed in the North. The rolling out of metering in that sector will incentivise efficient use of water resources and achieve the aims of the Directive.

A number of additional measures are being taken to achieve the environmental objectives of the Water Framework Directive. Foremost is the major investment to upgrade water and sewerage infrastructure. The prioritisation of this investment is set out in draft Ministerial Social & Environmental Guidance. This will be reflected in the final WFD Programme of Measures amongst other things. The Water and Sewerage Services (NI) Order 2006 also places a duty on Northern Ireland Water (NIW) to promote the efficient use of water by customers. The Northern Ireland Authority for Utility Regulation (NIAUR) has the power to enforce this duty.

### ***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***

Ministers have not yet agreed proposals for the funding of household water and sewerage consumption. However, the cost of providing water and sewerage services to each of the customer groups (including households) is apportioned in the NIW tariff model and can, therefore, be identified.

The contributions of different water uses can, therefore, 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. Trade effluent charges are based on the Modgen formula which takes 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. The Department transposed the Groundwater Daughter Directive by making the Groundwater Regulations (Northern Ireland) 2009 on 2 July 2009. These came into operation on 10 August 2009. A copy of the Regulations, consultation paper and summary of responses paper can be found on the DOE Website at:

[http://www.doeni.gov.uk/index/protect\\_the\\_environment/water/groundwater\\_.htm](http://www.doeni.gov.uk/index/protect_the_environment/water/groundwater_.htm)

### 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 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. The result of the review including recommendations will be included in the final River Basin Management Plans.

### NIEA Education and Awareness Raising Activities

The Northern Ireland Environment Agency Website, "Wonderful NI" has inspirational ideas for days out in Northern Ireland, including countryside walks, family adventures and exploring nature first-hand.

More information about NIEA education and awareness raising activities can be found on their Website at:

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

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

### Priority Substances Daughter Directive

The Priority Substances Daughter Directive (relating to article 16 of WFD) was published on 24 December 2008. This Directive must be transposed into national legislation by 13 July 2010. Work is ongoing to prepare a set of draft Regulations, which will transpose the Priority Substances Directive. It is proposed that these Regulations will also include detail defining classification schemes and environmental standards to be used under the Water Framework Directive. Public consultation on the Regulations is anticipated by the end of the year

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

### Abstraction and Impoundment Licensing

The introduction of a Fees and Charges Scheme for the Water Abstraction and Impoundment (Licensing) Regulations (NI) 2006, which includes minor changes to the banding of chargeable volumes, was agreed by the Minister in June 2009.

It is anticipated that application fees for new applications and annual subsistence charges for licence holders will be applied before the 2010-2011 financial year.

NIEA (Water Management Unit) is planning to raise awareness of the new Fees and Charging Scheme with the relevant sectors with the intention of implementing a billing process in 2009/2010.

### 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 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.

The Department is committed to undertaking a "Review of Identification of NI Bathing Waters 2011" and initial preparations for the review have started. The Department sought nominations for candidate sites from key stakeholders by the end of May, and initial usage surveys of selected candidate sites, and existing identified bathing waters, have been taking place during the bathing season in 2009. This will be followed by a verification survey in 2010 (of those selected candidate sites, and existing identified bathing waters where low usage numbers were observed during the initial usage survey in 2009); and the formal review documentation will be issued in early 2011 for public consultation.

### Floods Directive

The EU Floods Directive requires transposition into domestic law by 25 November 2009. The Draft Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 have been produced in order to implement this Directive. The public consultation period on these Draft Regulations is now active and the relevant consultation documents can be accessed via the link below. Responses to the consultation are being sought by **2 October 2009**.

[http://www.riversagencyni.gov.uk/index/rivers-agency-publications/rivers\\_agency\\_publications-consultations/rivers\\_agency\\_publications-consultation-on-eu-floods-directive-transposition.htm](http://www.riversagencyni.gov.uk/index/rivers-agency-publications/rivers_agency_publications-consultations/rivers_agency_publications-consultation-on-eu-floods-directive-transposition.htm)

The Preliminary Flood Risk assessment has commenced and the Rivers Agency has developed a methodology for considering the adverse consequences of flooding on human health, economic activity, the environment and cultural heritage. The outcome of this exercise will identify the areas at potential significant flood risk in Northern Ireland. The Preliminary flood risk assessment is programmed for completion this financial year.

Rivers Agency is undertaking a pilot study of Belfast to assist in the development of a methodology to produce flood risk management plans. Most of the Data gathering has taken place and modelling of Belfast Lough is underway to inform the study. The Agency has also commenced a separate pilot study for surface water flood hazard and flood risk mapping in Belfast.

The strategy for coastal and fluvial flood mapping is being piloted in Newtownards with a fluvial flood mapping pilot also being piloted in Omagh.

To assist in the implementation of this cross cutting Directive in NI, Rivers Agency has established the Floods Directive Steering Group. The second meeting of this Group was held on the 29th May 2009 and a further meeting will be held later this year.

Engagement and communication and public participation is a key requirement of the Floods Directive. Rivers Agency has established the NI Stakeholder Group which held its inaugural meeting on the 24th June 2009.

More information in relation to the Floods Directive can be assessed via the Rivers Agency website [www.riversagencyni.gov.uk](http://www.riversagencyni.gov.uk)

### 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.

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.

The draft UK Bill was introduced to Parliament in December 2008 and a Legislative Consent Motion, approving its extension in part to NI, was passed by the Northern Ireland Assembly on 2 March 2009. The draft UK Bill completed its Commons Committee stage on 14 July 2009. It will enter Report stage after the summer recess, followed by a Third Reading. Amendments made to the Bill in the House of Commons will go back to the House of Lords for consideration. It will then proceed to Royal Assent (by the end of 2009) once both Houses agree to the content of the Bill.

Separately, the Minister obtained the Executive's agreement 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 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 draft Northern Ireland Marine Bill.

The Department aims to consult on policy proposals for the Northern Ireland legislation by the end of April 2010 with a view to introducing a Bill into the Assembly in the 2011/2012 legislative session.

The Department held a Marine Policy and Legislation Information seminar at Stranmillis College from 9:30am to 1:00pm on 16 June 2009.

### 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.

The MSFD is unusual because of the regional seas approach which it requires. The Directive places the UK in the North East Atlantic Ocean region which in turn is broken down into a number of sub-regions, the most relevant for NI being the Celtic Seas region. In addition, the Directive requires transposition by “bio-geographic specificities” as well as a coherent and coordinated approach at sub-regional level.

DOE staff are working closely with colleagues in Defra and the other devolved administrations to develop UK-wide transposing Regulations, draft Regulatory Impact Assessment and consultation document. The process is also being informed by input from members of the interdepartmental Marine Steering Group which is responsible for overseeing transposition of the Directive in NI. The group includes representatives from other government departments and public bodies with responsibility for the marine environment.

DOE initiated stakeholder participation in the transposition process at the Marine Policy and Legislation Information Seminar held at Stranmillis College on 16 June 2009. A MSFD newsletter which provides information on the Directive at a European level is available from the DOE website <http://www.doeni.gov.uk/msfd-news200907.pdf>

It is anticipated that a consultation paper will be issued at the end of October 2009, which will focus primarily on the transposing legislation. Additional opportunities for public participation and consultation will be available at key stages of the implementation process including; preparation of the initial assessment due by July 2012, determination of good environmental status also to be completed by July 2012, the establishment of environmental targets and indicators due by July 2012, establishment and implementation of a monitoring programme due by July 2014, and development of the programme of measures due by July 2015.

### 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. Key Action Programme measures include a closed period for spreading livestock manure during the winter months; a minimum

livestock manure storage capacity requirement for farms; and a limit on the amount of livestock manure that can be applied to land of 170kg/nitrogen/hectare/year.

A derogation came into operation in Northern Ireland on 9 June 2008. This 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 which is above the statutory 170 kg N/ha/year limit.

The Poultry industry has brought forward the Rose Energy project as an alternative to land spreading of poultry litter. The Rose Energy proposal is under consideration by Planning Service. Currently, in the absence of an off-farm technical solution to process poultry litter, managed land spreading in accordance with the NAP Regulations is the predominant use of poultry litter in the interim. Therefore, as a cost effective means of managing the process of land spreading while the Rose Energy proposal is under consideration, EU Commission agreement has been secured to extend the provision for storage of poultry litter in field heaps until the end of the current Action Programme in 2010.

An amendment to the NAP Regulations to extend the provision for the temporary storage of poultry litter in field heaps until 31 December 2010 is currently being made jointly by DARD and DOE.

A review of the Nitrates Action Programme and derogation has recently commenced. The review will collate the scientific evidence necessary to evaluate the effectiveness of the current Action Programme. This will inform if there is a need for any revision in the next 4 year period, 2011-2014 and support a new derogation application. NI proposes to apply to renew the nitrates derogation for 2011 – 2014. The renewal application will be taken forward in parallel with the review of the Nitrates Action Programme. It is the intention that both Departments will engage later in the year with stakeholders on the review process.

### 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 position paper. The delivery of possible control mechanisms will be progressed in liaison with other Departments and Agencies in the development of Programme of Measures.

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. It is the Departments intention to consult on draft Regulations by the end of March 2010.

### NI Rural Development Programme

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

Currently some 13,000 farmers are in agri-environment schemes. This represents approximately 40% of all agricultural land in Northern Ireland.

There has been a high level of interest in the Northern Ireland Countryside Management Scheme (NICMS) which opened in 2008. 4500 applications were received in the first application window in 2008 and from this approximately 1000 agreements will be signed. The Minister of Agriculture has announced that NICMS will reopen for applications in early 2010. Applications which did not progress to agreement stage in the last window will be automatically resubmitted.

More information on the NIRDP is available at:

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

An updated version of DARD's code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil was published in 2008. The code is activity based and provides practical advice for farmers. It is available at the following link:

[http://www.ruralni.gov.uk/code\\_of\\_good\\_agricultural\\_practice\\_2008\\_cmb-3.pdf](http://www.ruralni.gov.uk/code_of_good_agricultural_practice_2008_cmb-3.pdf)

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

Significant progress has been made in updating Planning Policy Statement 2 – Planning and Nature Conservation. It is anticipated that a public consultation draft will be published in the Autumn.

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

Former 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 ended on 31 March 2009 and a report of the responses was considered by the Executive Sub-Committee on Rural Planning at its meeting on 30 June 2009.

The November 2008 Ministerial Statement also advised 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).

In support of this publication the Department held a series of public information days throughout Northern Ireland during January and February, finishing on 25 February 2009. These were very well received and very well attended.

An Independent Working Group (on Non-Farming rural dwellers) chaired by Mr Jim McKinnon (Chief Planner for Scotland), was established to look at options for 'non farming rural dwellers', and had its first meeting on 3<sup>rd</sup> February 2009.

A further meeting of the Executive Sub-Committee is arranged for late September when the report on the Independent Working Group will be considered.

### 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.

These projects are due to be finalised shortly. Work is currently underway to plan the next steps for the revision of current domestic consent policy and application processes in consideration with the outputs of these projects. Meetings have been planned with Stakeholders for inputting into the delivery of impacts analysis and resolution planning for small problem catchments on a prioritised/risk basis.

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 has undertaken a review of the shellfish waters designations. A consultation paper was issued on 7 November 2008. The consultation period closed on 6 February. Fifteen responses were received. A synopsis of these responses was sent to the Environment Committee on 23 February and officials provided further briefing at the meeting of 19 March. The Department has now classified new or modified existing areas by means of a Legal Notice under Article 6 of the Water (Northern Ireland) Order 1999 which was published on 26 June 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.

NIEA has published a consultation paper on proposals for a strategy to promote the use of SuDs within Northern Ireland. The Strategy has been developed by a Northern Ireland SuDs Working Party consisting of representatives of government departments, agencies and local authorities.

The consultation remains open until 16 October 2009 and the full document may be viewed at:

<http://www.ni-environment.gov.uk/index/publications/consultations.htm>