

WFD 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 (May 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.

Please note that Environmental Policy Division (EPD) has now become **Planning & Environmental Policy Group** (PEPG) with 2 divisions – Planning & Natural Resources Division, and Climate Change & Waste Management Division.

1. Working with other Government Departments

The **Inter-departmental Implementation Board** met for the 5th time on 16 May 2007. Agenda items included progress on the SWMI overviews, the outcomes of the economics workshop and a presentation by Rivers Agency on the Floods Directive. The Board was also be updated on the activities of the IWG and Forum, and agreed to review the Board's terms of reference to include marine and coastal issues.

The **Programmes of Measures (POMs) Sub-group** met for the first time on 4 July 2007. The terms of reference for the sub-group were discussed and agreed, and members were asked to provide information on current measures, and to contribute to the assessment of the effectiveness of these measures. The next meeting is due to be held at the start of September.

The **Implementation Working Group** met for the 9th time on 8 August 2007. The IWG was updated on the establishment of the POMs sub-group, on the publication of the SWMI reports, and on plans for future stakeholder engagement. IWG members were asked to support the planned catchment-based stakeholder events, and the preparation of the event for 2008. The group also discussed the ongoing UKTAG technical review of environmental standards, and the draft RBMP timetable.

2. Co-ordination in International River Basin Districts

The **North South Water Framework Directive Coordination Group** meets quarterly – the latest meeting was on 5 June, with the next scheduled for 4 September 2007. The group received an update on activities under the NS SHARE project, and discussed a possible extension of the project (currently due to finish in March 2008). The group also discussed co-ordinating the publication of SWMI reports within IRBDs, and the timetable for consultations on environmental standards (in both jurisdictions). The proposals from FWTF and SWAN were discussed on the agenda item covering public participation, along with details of events being planned north and south.

3. Stakeholder / Public Participation

Following discussions at the previous Forum meeting, a special meeting was held on 15 June with Forum members to plan the annual WFD event for 2007. It was agreed that 9 evening meetings would be held, one in each catchment group area, to encourage the participation of as many local individuals and groups as possible. The meetings will be used to promote engagement through the Catchment Stakeholder Groups, and to

encourage comments on the SWMI reports. The events will be publicised under the title of the SWMI reports: “Water Matters, Have your say!”, and will run weekly from 27 September to 21 November.

Three of the **Catchment Stakeholder Groups (CSGs)** have been established (Lower Foyle, Upper Foyle and Erne & Melvin), and discussions have taken place with existing groups in the other catchment areas. The evening events described above will act as ‘extraordinary’ meetings of the established CSGs and as the initial meeting of the remaining 6 CSGs. This will be followed by a round of CSG meetings from April to May 2008.

At the meeting on 15 June, it was also agreed that the WFD event for 2008 should be held earlier in the year, perhaps in May, to preview the draft River Basin Management Plan, and to increase public awareness of the wider water environment. This would sit alongside increasing messages to key sectors (including the public) on water issues.

In Ireland, the **Advisory Councils** continue to meet in each river basin district, and representatives from the WFD Stakeholder Forum are encouraged to attend the IRBD Advisory Council meetings.

4. WFD Activities

Environmental Standards (Phase 1 and 2)

UKTAG are currently carrying out a stakeholder technical review for the Phase 2 environmental standards, which opened on 28 June. This was originally planned to close on 8 August. However, UKTAG has extended the deadline for comments. More information is available on the UKTAG website. In addition, Forum members can register with UKTAG as a website respondent, in order to receive information directly from UKTAG <http://www.wfduk.org/>.

Rather than issue two separate consultations on standards, we are intending to issue one consultation covering both Phase 1 and 2 standards. We were expecting this to take place over the summer. However, changed progress on the phase 2 standards will push this back to autumn 2007.

Significant Water Management Issues Report (SWMI)

The SWMI reports, under the title “Water Matters, Have your say” were published on 22 June 2007, and have been circulated electronically and in hard-copy. Advertisements were placed in newspapers and summary leaflets have been produced, to encourage as much feedback as possible on the reports. Forum members are asked to highlight the SWMI reports through their websites, publications and offices. Additional copies of the reports, and the leaflets are available.

Article 9 – Cost recovery & Incentive Pricing

Adequate incentives for efficient water use and apportionment of costs for water services are required under WFD by 2010. In January 2006 DRD Water Reform Unit put forward a paper on the compatibility of the forthcoming water and sewerage charging proposals. In summary, DRD considered that placing the provision of water and sewerage services onto

a fully self-financed basis will fully meet the requirements of WFD by ensuring that all categories of water user contribute directly for the services received, and that widespread metering of non-domestic and domestic users would be used as a means of meeting long-term environmental and sustainability objectives.

DRD has issued information on the charging scheme, which was to take effect from 1 April 2007. However, with the return to devolution, the introduction of water charges has been delayed.

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.

DOE expects to consult early next year on Regulations to transpose the Groundwater Daughter Directive.

Priority Substances Daughter Directive

In July 2006 the European Commission published a proposal for a new Water Framework Directive Daughter Directive on Priority Substances. Defra have issued a UK wide consultation on the proposed directive and a partial Regulatory Impact Assessment, which is available at www.defra.gov.uk/corporate/consult/wfd-prioritylist/index.htm. The deadline for consultation responses was 16 March 2007.

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 EPD 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).

5. Related Policy Issues / Legislation

Nitrates

The Nitrates Directive is aimed at preventing and reducing water pollution by nitrates from agricultural sources. The Department of the Environment and the Department of Agriculture and Rural Development have joint statutory responsibility for implementation of the Directive.

To meet those aims Northern Ireland adopted a total territory approach to implementing the Directive in October 2004 through the Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004. This, in effect, required the establishment of an action programme applicable to all farmers across Northern Ireland. On 1 January 2007, the Nitrates Action Programme Regulations (Northern Ireland) 2006 and the Phosphorus (Use in Agriculture) Regulations 2006 came into operation. This combination

of measures will help to reduce nutrient losses and combat eutrophication in Northern Ireland's waters. Eutrophication is an excess of nutrients (nitrates and phosphorus) in the water leading to algal blooms, scum, deoxygenation and loss of biodiversity.

One of the key requirements within an action programme is the land application limit of 170kg Nitrogen/ha/year from livestock manure. However, the Directive provides the opportunity, once a compliant action programme is in place, to seek approval from the European Commission to apply an amount exceeding the 170kg N/ha/year limit subject to specific conditions - this is known as derogation.

Northern Ireland is currently seeking approval from the European Commission to apply up to 250kg N/ha/year in relation to grazing systems on grassland farms. The scientific case based on objective criteria and demonstrating that the higher amount will not prejudice the achievement of the environmental aims of the Directive has been presented and Northern Ireland is awaiting the outcome.

Abstraction and Impoundment Licensing

DOE is introducing a licensing scheme (by regulations) to control abstraction and impounding of water to meet the requirement of the Habitats Directive and the WFD. The Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 were made on 27 November and came into operation 1 February 2007 (SR 2006 No. 482).

http://www.opsi.gov.uk/sr/sr2006/nisr_20060482_en.pdf

There has been considerable interest in this from 'non-consumptive' users such as small hydropower operators and fish-farms who abstract water but then return it to a waterway. In addition to a consultation paper (May – August 2006), DOE also held an information seminar on the proposed scheme in March.

DOE has published a summary of responses received on the consultation paper. In brief, 23 responses were received (out of approximately 350 organisations and individuals consulted), with 15 being generally supportive of the scheme. Common themes in responses concerned exemptions, the duration of a licence and charges. The Department's responses to these issues are outlined in the summary paper.

http://www.doeni.gov.uk/abstraction_consultation_responses_document_.pdf

A separate consultation paper on the proposed charging scheme will be issued by EHS. In addition, an awareness raising strategy is currently being implemented by EHS, to publicise the new licensing scheme.

Review of Planning Policy Statement 2

Planning Policy Section of Planning Service was moved to the new Planning and Environmental Policy Group on 2 April 2007. This team is continuing with the review of Planning Policy Statement 2 (planning and nature conservation). An inter-departmental working group has been established and is working on a new draft of the PPS2, with the aim of seeking Ministerial and Environment Committee clearance in the autumn of this year. On 12 October 2006, EPD (as it was known then) circulated the current version of PPS2 to the WFD Stakeholder Forum members (active and corresponding) asking for their views on how the PPS should be revised in light of the WFD. Two responses were received from Forum members, and forwarded to Planning Service. These responses are

currently being considered by PEPG in finalising the public consultation draft of the document.

Sustainable Drainage Systems (SuDS)

A cross-organisational steering group, led by Environment & Heritage Service, to address sustainable drainage has been meeting regularly (most recently 9th May) and is currently drafting a Strategy for the use of Sustainable Drainage Systems in Northern Ireland. This strategy is required under the NI Sustainable Development Strategy.

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.

UK Marine Bill

Consultation on *A Sea Change, a Marine Bill White Paper* closed on 8 June 2007. Consultation resulted in approximately 300 individual responses including 10 from Northern Ireland, and 8,000 postcard and letter responses in support of the NGO campaign for a Marine Bill. The detail of the consultation responses is now being considered by Defra officials.

The Northern Ireland Minister of the Environment met with the Defra Secretary of State in June 2007 and confirmed her support for the thrust of the proposals in the Marine Bill White Paper. However, she also indicated that she was reserving her position until she had given the matter further consideration and discussed with ministerial colleagues what represents the best solution for Northern Ireland.

It is anticipated that the way forward will become clear in late Autumn.

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, in the autumn.

Marine Works Regulations

The Marine Works (Environmental Impact Assessment) Regulations 2007 came into operation on 24 June 2007. The Regulations apply UK-wide, in respect of Part II of the Food and Environment Protection Act 1985 (FEPA) and in GB only for Part II of the Harbour Works (Environmental Impact Assessment) Regulations 1999 and the Coast

Protection Act 1949. The latter legislation does not extend to Northern Ireland. The Harbour Works (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2007 were made separately by the Department for Regional Development and came into operation on 6 August 2007.

In Northern Ireland, the Marine Works Regulations have put in place a statutory framework which requires environmental impact assessment to be carried out when regulatory approval is sought by a person to make deposits on the seabed. Such an assessment is already required informally where appropriate. The Regulations also enable the public to have a greater role in decision making for projects which affect the marine environment.

Integrated Coastal Zone Management (ICZM)

The Strategy for ICZM for Northern Ireland was launched on 28 June 2006. A key aspect of the implementation of the Strategy was the establishment of a Northern Ireland Coastal and Marine Forum (CMF).

http://www.doeni.gov.uk/iczm_document-2.pdf

The Coastal and Marine Forum is an independent, non-statutory body made up of a cross-section of interests ranging from local government, business, agriculture, fishing and environmental bodies. Prof. Andrew Cooper, co-director of the Centre for Coastal and Marine Research and Centre for Maritime Archaeology at the University of Ulster in Coleraine, is the first Chairman of CMF. The inaugural meeting of the CMF was held on Friday, 17th November 2006.

A workshop on developing performance indicators to determine the “State of the Coast” was held on 28 March 2007. The main speaker and facilitator at the event was Clive Gilbert, a member of the EU ICZM Expert Working Group on Indicators and Data. A report on his findings is expected shortly.

A PR/Publicity Sub Group has been established to consider methods for raising ICZM awareness both within Government and the wider community. Work is currently at an advanced stage on the publication of two booklets. The first relates the background to ICZM leading to the formation of the CMF. The second is snapshot of Northern Ireland’s Maritime Heritage. These booklets and any future publications will carry the Northern Ireland Coastal and Marine Forum’s own logo.

The development of a dedicated CMF website was recently been approved and an initial working version has been produced for consideration. The existence of a dedicated website will assist the Forum in its role of raising awareness on ICZM through information exchange and as an up to date source of information on the many and varied important issues, such as WFD, which face the coast of Northern Ireland.

The Forum is also in the process of preparing a ‘CMF Work Programme’. One of the initial ideas being considered is ‘A Review of Coastal Erosion Policy in Northern Ireland.’ Another project under consideration is the development of an ‘ICZM Communication Strategy’.

It is also envisaged that the Forum will become involved in several projects relating to the coastal zone and Planning and Natural Resources Division is presently involved in seeking INTERREG IV funding 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.

Non Agricultural Diffuse Water Pollution (NADWP)

The Water Framework Directive sets objectives to prevent the deterioration in status of water bodies and to aim to reach 'good status' in all water bodies by 2015.

As part of this process DOE is developing a strategy paper to identify the main causes of NADWP across Northern Ireland and to determine the possible control mechanisms that may be introduced to tackle the problems identified. It is DOE's aim to consult on proposals in early 2008.

In addition, consideration is being given to 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 NIRD as approved by the European Commission

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

The structure and measures have been developed to build on the successful features of previous agri environment schemes, while including a number of new measures 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, especially in ASSI/Natura 2000 areas and around threatened rivers and lakes.

The aim now is to finalise measure delivery details and amend local legislation to enable new applicants and existing agreement-holders to take advantage of these new options, and the associated revised payment rates.