

## **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 (November 2006) and highlights some areas of future work. Further information on any of 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**, chaired by Environment & Heritage Service and attended by representatives from across departments, agencies and non-departmental bodies, has continued to meet (6 times to date), with the next meeting scheduled for 2 March 2007. The Group has considered information on a range of topics (e.g. administrative arrangements for WFD implementation within NI, economics aspects of WFD, development of environmental standards etc.), has provided an opportunity for feedback / updates from the organisations represented, and has discussed the formation of sub-groups in the coming year to tackle specific issues (e.g. programmes of measures).

The **Inter-departmental Implementation Board**, chaired by Environmental Policy Division and attended by senior officials from relevant departments, met for the fourth time in December 2006.

DOE is taking forward the co-ordination of WFD implementation through the organised structure (Board / Working Group / Stakeholder Forum) and through ongoing **bilateral meetings** across departments and agencies. EPD and EHS representatives have also continued to participate in fora which have been established to ensure coordinated implementation in the International River Basin Districts.

DOE has arranged an inter-departmental workshop for Friday 23 February to outline the Collaborative Research Programme on **WFD economics** to assist NI departments and agencies in preparing their contributions to the River Basin Management Planning process. Speakers from DEFRA and SEPA will discuss the work that has been ongoing with the programme and consider the implications for WFD implementation.

Early in 2006, the “**WFD Implementation Strategy**” was circulated to Board, Working Group and Forum members. The purpose of this paper is to outline the main steps in the ongoing implementation of WFD enabling the further development of work plans. The paper attempts to demonstrate the linkages between work areas to ensure clarity of responsibilities.

The document has been revised following the comments received, and through discussions at the bilateral meetings. There are still several areas within the document which need to be resolved or amended. Once these are resolved, DOE will recirculate the document (including to a wider stakeholder audience via the DOE website) and engage with the other departments and agencies to keep it updated regularly, with an updated version being ‘published’ in each year.

Please note that the “Strategy” is not an end in itself. It is simply a working tool indicating necessary steps and agreed actions. It is a “living” document subject to change and updating as we progress through the WFD timeline.

## 2. Stakeholder / Public Participation

As part of our commitment to public participation, DOE organised an **annual WFD event** in the previous 3 years, open to a wide range of stakeholders and government bodies. The most recent, on 2 October 2006, was a workshop style event, providing an opportunity to discuss local-level engagement and significant water management issues at a local level.

The basis of the morning session at the October event was EHS's proposal to establish **Catchment Stakeholder Groups** to look at water issues on a local basis, involving operational staff from statutory bodies and stakeholders in the area. EHS has drafted a proposal for the establishment of these groups and will be rolling out their establishment through to June 2007.

The Lower Foyle group is now well established and a first meeting of the upper Foyle Group is currently being planned. Progress has been made with integrating the proposed work of catchment stakeholder groups with existing management groups where they exist (e.g. the Lough Erne Management Committee, and discussions have either been held or are scheduled in the near future for a number of other areas ( including Lough Neagh, Strangford Lough and the Causeway Coast).

It is expected that this year's event (September 2007) will focus on the SWMI report, which will be published for consultation in June, and the next steps to River Basin Management Plans. Input on this would be very welcome from Forum members.

Going forward, the Forum has asked to look at how **wider public participation** in WFD can be achieved, using these catchment groups or other initiatives. In this context, World Wildlife Fund (WWF) has made a proposal for increasing public participation. Environmental Policy Division will be taking forward this area, not just with stakeholders but also through bilaterals / Working Group in asking other departments / agencies to factor in the need for more public participation into initiatives.

The **DOE website** has been re-launched, with a section entitled "Protect the Environment". There are specific topics listed under this heading, including Water, which links to pages on abstraction, bathing water, marine bill, WFD etc. Suggestions for additional content on the WFD pages would be very welcome.

## 3. WFD Activities

### Work Programme & Timetable publication

The Department published a document (on 15 December) outlining the proposed work programme, key deliverables and deadlines, and a statement of the consultation measures to be taken, in relation to the production of River Basin Management Plans. The document is available through the DOE website (web-link below), has been advertised in newspapers, and notified to stakeholders by letter or email. Comments are invited from interested parties and can be made in writing for up to six months from the date of publication (from 15 December 2006 to 15 June 2007). To date there have been 13 requests for hard-copies of the document.

[www.doeni.gov.uk/wfd\\_work\\_programme\\_timetable.pdf](http://www.doeni.gov.uk/wfd_work_programme_timetable.pdf)

### Monitoring Programme

Environment & Heritage Service, in conjunction with other relevant departments and agencies has designed and made operational a WFD monitoring programme, as required by 22 December 2006. This is based on the EHS monitoring strategy 2006-2007 document published in March 2006. EHS are currently working to submit a summary report of the programme to the Commission via the Water Information System for Europe (WISE) by 22 March 2007. Information and maps illustrating the Northern Ireland monitoring networks will subsequently be made available on the EHS website [www.ehsni.gov.uk/water/wfd](http://www.ehsni.gov.uk/water/wfd).

#### Environmental Standards (Phase 1 and 2)

Environmental standards to meet the requirements of the WFD are being developed on a UK basis by the UK Technical Advisory Group (UKTAG). The first phase of the standards was released for a technical review in February 2006, and a consultation was expected to issue in the summer. However, further work on the regulatory impact assessment (RIA) by DEFRA has delayed the consultation.

The Scottish Executive decided to consult on the Phase 1 standards ahead of the revised RIA, as their own legislation requires the standards to be in place sooner than in the rest of the UK.

Rather than issue two separate consultations on standards, we are intending to issue one consultation covering both Phase 1 and 2 standards. We expect this to take place over the summer. However, this will depend on progress with the RIA and the phase 2 standards.

UKTAG are currently preparing a stakeholder technical review for the Phase 2 standards. We are expecting this in April 2007, and will notify Forum members when the review opens. In addition, Forum members can register with UKTAG as a website respondent, in order to receive information directly from UKTAG <http://www.wfduk.org/>.

#### Significant Water Management Report (SWMI)

The WFD requires that we publish a report on 'significant water management issues' within each river basin district by December 2007. These reports will be published by June 2007, to allow more time for the next phase (publication of draft river basin management plans which are due by December 2008).

The work is being carried out by consultants under NS SHARE, a cross-border project funded by INTERREG III to ensure co-ordinated implementation of the WFD within the INTERREG area. It has been agreed that joint SWMI reports will be produced for the international (cross-border) river basin districts.

A workshop-style session on the SWMI report was held at the last meeting of the Implementation Working Group in January. There will be a SWMI presentation at the Forum meeting on 21 February, and ongoing discussion at further meetings.

#### 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 have now issued information on the charging scheme to take effect from 1 April 2007. With regards to the introduction of domestic metering, from April 2007 meters will be installed in new build properties, properties connecting to the water supply for the first time, and in pensioner households upon application.

#### Groundwater Daughter Directive

Under the Water Framework Directive, the European Commission was required to propose specific measures to prevent and control groundwater pollution and achieve good groundwater chemical status. These measures include criteria for assessing the chemical status of groundwater and for identifying trends in pollution of groundwater bodies. The groundwater daughter directive was adopted on 22 November 2006.

DOE expects to consult later this year on proposals to implement 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](http://www.defra.gov.uk/corporate/consult/wfd-prioritylist/index.htm). The deadline for consultation responses is **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).

### **4. 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. The combined measures will help to reduce nutrient losses to water 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 limit of 170kg Nitrogen/ha/year from livestock manure. However, to reduce to this limit from 1 January 2007 would prove difficult for some sectors, mainly the dairy sector. In recognition of this 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 - this is known as derogation.

Northern Ireland is currently in the process of seeking approval from the European Commission to apply up to 250kg N/ha/year in relation to grazing systems on grassland farms. This involves presenting a scientific case justifying a derogation based on objective criteria and demonstrating that the higher amount will not prejudice the achievement of the aims of the Directive.

#### 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](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](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 being planned by EHS, to publicise the new licensing scheme.

#### Review of Planning Policy Statement 2

Planning Service is reviewing 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 issuing a consultation in March 2007. On 12 October, EPD 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.

### Sustainable Drainage Systems (SuDS)

A cross-organisational steering group, led by Environment & Heritage Service, to address sustainable drainage has been meeting regularly (10<sup>th</sup> meeting due to be held 21 February) 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

A UK-wide consultation on strategic direction of the proposed bill was held from 29 March – 23 June 2006, and a summary of responses was published in October 2006 (please see Defra website:

<http://www.defra.gov.uk/corporate/consult/marinebill/index.htm>)

A further consultation on the Bill, in the form of a White Paper, is scheduled to commence in March 2007. The White Paper will consolidate the considerable progress on policy development made since the initial consultation and will move the public debate forward on the changes the Government is seeking to implement through the Bill. Those changes will cover marine spatial planning, marine licensing, improving marine nature conservation, marine management organisation and marine fisheries management.

Proposals for Northern Ireland will be included in the White Paper. However, since marine management will be an issue on which incoming Ministers will have a view, final decisions will rest with them.

### 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).

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 and a workshop on developing performance indicators to determine the “State of the Coast” is scheduled for 28 March 2007.

[http://www.doeni.gov.uk/iczm\\_document-2.pdf](http://www.doeni.gov.uk/iczm_document-2.pdf)