

Quick Reference:

Issue	Key dates / progress
WFD Implementation Working Group	Next meeting due to take place in June 2009
Interdepartmental Board	Next meeting due to take place in October 2009
North-South WFD Co-ordination Group	Next meeting due to take place in June 2009
Stakeholder/Public Participation	Local CSG meetings were held in April/May 2009
WFD Article 9 – cost recovery	Water charges for domestic users deferred until April 2010
Groundwater Daughter Directive	A 12 week consultation exercise closed on 6 th May 2009
Hydromorphological Controls	Working group evaluating existing controls and bringing forward a Paper
NIEA Education & Awareness Raising Activities	More Information available on NIEA Website
Priority Substances Directive	(Related to Art 16 of WFD). Transposition deadline is 13 th July 2010
Abstraction & Impoundment Licensing	Minister agreed scheme of fees and charges November 2008, currently with Environment Committee for consideration
Bathing Water Directive (Revised)	Initial preparations for formal “Review of identification of NI Bathing Waters 2011” are to be completed by 30 September 2009
Flood Management Policy Review	Government Response to the Review “Living with Rivers and the Sea” has been published
Marine Aggregate Extraction	A new fees and charges scheme was introduced on 1 April 2009.
Marine Bills	A Marine Policy and Legislation seminar is to be held at Stranmillis College on 16 June 2009.
Marine Strategy Framework Directive	UK-wide transposition agreed by Ministers. Consultation on draft regulations scheduled for end October 2009.
Nitrates Directive	Options paper regarding poultry litter due soon from working group.
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 Environment Committee is considering its response to the synopsis of responses to the consultation.
Sustainable Drainage Systems (SuDS)	A draft consultation document has been produced and will be submitted to the Minister and Environment Committee shortly

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 (March 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 8 April 2009. The agenda included consideration of practical implementation relating to Programmes of Measures, an update on the hydromorphology legislative review and a discussion on bids for measures.

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

2. Co-ordination in International River Basin Districts

The **North South Water Framework Directive Coordination Group** meets quarterly – the latest meeting was on 4th March. The agenda included consideration of approaches to 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/wfd/public_partic/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 aims to engage consultants under the Central Procurement Division Environmental Consultancy Framework to undertake a strategic Regulatory Impact Assessment of the additional measures proposed as part of the River Basin Management Plans. The project will run throughout the summer with an assessment being produced to accompany the final plans due to be submitted to the Executive by the end of September 2009. Departments responsible for undertaking individual measures over the lifespan of the plans will be required to complete RIAs as those measures are brought forward. In so doing Departments may of course draw on the preliminary work within the strategic RIA if

appropriate. The main aim of the consultancy project is to inform Ministers of the range of potential costs associated with implementing the additional measures.

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 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/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 Executive announced in November 2008 that water charges for domestic users would be deferred for one year until April 2010. The methodology by 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.

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.

A 12 week consultation exercise closed on 6 May 2009. Thirteen responses were received, eight provided nil comment whilst five were substantive. In general the five substantive responses were supportive of the Department's proposals to transpose the Groundwater Daughter Directive. A synopsis of the responses is being prepared and will be available on the DOE website as soon as possible.

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

WFD Information Days were held in Spring 2009 during the draft River Basin Management Plans consultation period. As well as speaking with NIEA staff about draft River Basin Plan proposals to improve the water environment, participants had the opportunity to search interactive web maps to find out more about their local river, lake, coastal waters and groundwater, collect water education factsheets and identify insects to see how they can be used as indicators of water pollution.

More information about NIEA education and awareness raising activities, including details about the NIEA Sustainable Ireland Awards, can be found on the 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

Under Article 16 of WFD, the Commission was required to put forward proposals for measures to address pollution by 'priority substances'. This resulted in the adoption of the Priority Substances Directive, which was published on 24 December 2008. This Directive must be transposed into national legislation by 13 July 2010.

5. Related Policy Issues / Legislation

Abstraction and Impoundment Licensing

Proposals for a Fees and Charging Scheme for the Water Abstraction and Impoundment Licensing Regulations (NI) 2006 were agreed by the Minister in November 2008.

These proposals were to allow recovery of the Department's costs in implementing and administering the licensing system, using HM Treasury guidance.

Officials from NIEA (Water Management Unit) appeared before the NI Assembly Environment Committee on 22nd January 2009. A number of comments, recommendations and queries have been received from the Committee; these have all now been considered and a response to the Committee has been issued.

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.

DOE has transposed the rBWD by making (on 28 May 2008) The Quality of Bathing Water Regulations (NI) 2008, which followed a public consultation on the draft Regulations. A synopsis of consultee responses and a final Regulatory Impact Assessment can be found at:

http://www.doeni.gov.uk/index/protect_the_environment/water/bathing_water.htm .

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, with a view to an initial usage survey of selected candidate sites, and existing identified bathing waters, 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 issued in early 2011 for consultation.

Flood Management Policy Review

A Government response to the Independent Flood Management Policy Review has been published. This document titled “Living with Rivers and the Sea” provides a strategic policy framework that will guide the direction of flood risk management in Northern Ireland for the foreseeable future.

Copies of the various documents associated with the Review can be obtained using the link below.

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

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 Marine Minerals consultation on revised application fees went out on 23 January with approval to carry out a short, 3 week, technical consultation with comments to be received by 16th February. The Environment Committee considered the synopsis of responses and has approved the new fees and charges. These came into operation on 1 April 2009.

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 is currently at Report Stage in the House of Lords, with no date yet set for Third Reading, prior to its introduction to the House of Commons. The aim is to achieve Royal Assent by the end of 2009.

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 is to hold a Marine Policy and Legislation Information seminar at Stranmillis College from 9:30am to 1:00pm on 16 June 2009. It will, *inter alia*, raise awareness of the Marine Bills, and provide an opportunity for initial discussion on the future of NI's marine environment.

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 co-ordinated approach at sub-regional level.

The Minister along with Minister Gildernew in her capacity as Fisheries Minister met with his counterparts in Defra and the Scottish and Welsh administrations on 4 March 2009 to discuss how the UK can best ensure that the provisions for coherence and co-ordination are delivered. The Minister agreed in principle, subject to Executive approval, to UK wide transposition. The Minister obtained a commitment from the Defra Minister that the NI issues would be given full consideration and that the transposition timetable would allow adequate time for consultation with local stakeholders including relevant Assembly Committees. UK wide transposition has been agreed by Ministers. Consultation on draft regulations is scheduled for end October 2009.

Members of the marine inter departmental steering group which is responsible for overseeing transposition of the Directive in NI have been asked to comment on outline Defra proposals for mechanisms to ensure coherence and co-ordination. This group has also been asked to contribute to the debate on the choice of Competent Authorities for the purposes of implementing the Directive. Meetings have been held between PEPG and NIEA, DARD, AFBI and Loughs Agency staff to consider the choice of Competent Authorities and implementation of the Directive in the off-shore area.

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.

To help farmers comply with the Action Programme, DARD provided grant aid for investment in slurry and manure storage facilities through the Farm Nutrient Management Scheme (FNMS). It is the largest Capital Grant scheme that DARD has ever delivered and when it closed at the end of 2008 nearly 4,000 projects had been completed. The average project cost per farm is approximately £50,000. Total investment in farm infrastructure through the FNMS exceeded £200 million with grant aid of £120 million. The number of projects completed is at the top end of expectations and demonstrates farmers' commitment to the environment, sustainable good farming practice and compliance with EU standards.

During the development of the NAP Regulations it became evident that off-farm solutions as an alternative to land spreading needed to be advanced. A working group recommended the development of a poultry litter fired generator for the poultry sector. This recommendation helped persuade the European Commission to allow a temporary measure for the storage of poultry litter in field heaps until 31 December 2008 only.

Progress has not been made with the off-farm solution on the timescale originally envisaged and poultry farmers have had to continue with the practice of storing poultry litter in field heaps prior to land spreading. Agreement was secured from the European Commission to extending the temporary measure, whilst continuing to meet the built storage requirements

of the action programme, so that poultry farmers would not be in breach of the NAP Regulations.

The Departments are currently considering amending legislation to bring forward the extension of the provision for the temporary storage of poultry litter in field heaps until 31 December 2010.

A review of the Nitrates Action Programme will be undertaken during 2009. The review will evaluate the effectiveness of the current Action Programme providing the scientific evidence necessary to help inform if there is a need for any revision in the next 4 year period, 2011-2014.

In 2009 DARD has introduced the Manure Efficiency and Technology Scheme (METS). This Capital Grant scheme assists farmers to invest in advanced slurry spreading systems which will improve nutrient efficiency and reduce environmental impact. DARD has secured funding of 3.25m for the scheme over a 3 year period.

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.

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 Countryside Management Scheme which opened in 2008. 4500 applications were received in the first application window in 2008 and from this approximately 1000 agreements will be signed. It is anticipated that the Scheme will reopen in summer 2009. 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

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 September.

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

Environment Minister, Sammy Wilson MP MLA, made a Ministerial Statement on 25th 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 responses are currently being considered.

The Ministerial Statement also advises 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.

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

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 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 is undertaking 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 Environment Committee is currently considering this information.

The Department proposes to make additional designations following receipt of the Environment Committee's response to the consultation.

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 draft SuDS strategy has been approved by the Chief Executives of the relevant departments and agencies. The strategy has now been recast as a consultation document which will be forwarded to the Minister and subsequently to the Environment Committee. Because of its cross cutting nature it will probably have to go to the Executive Committee and other Departmental committees. The draft strategy has been screened for social, economic and environmental impacts and the need for a full impact assessment has been ruled out.