

Quick Reference:

Issue	Key dates / progress
Implementation Working Group	Next meeting due to take place in April 2009
Interdepartmental Board	Next meeting due to take place in April 2009
North-South Co-ordination Group	Next meeting due to take place on 4 March 2009
Catchment Stakeholder Groups	Local CSG meetings will be held Spring 2009
Article 9 – cost recovery	Water charges for domestic users deferred until April 2010
Groundwater Daughter Directive	A 12 week consultation commenced on 11 February 2009
Hydromorphological Controls	Working group to evaluate existing controls
NIEA Education & Awareness Raising Activities	Information available on NIEA Website
Priority Substances	The Directive was published on 24 December 2008
Abstraction & Impoundment Licensing	Minister agreed scheme of fees and charges November 2008, currently under scrutiny by Environment Committee
Bathing Water Directive (Revised)	The Quality of Bathing Water (NI) Regulations 2008 were made on 28 May 2008
Flood Management Policy Review	Government Response to the Review “Living with Rivers and the Sea” has been published
Integrated Coastal Zone Management	Coastal and Marine Forum Conference November 2008
Marine Aggregate Extraction	Technical Consultation on revised fees carried out during January
Marine Bill	UK Bill was introduced to Parliament in December 2008
Marine Strategy Framework Directive	NI Project to transpose Directive initiated 18 February 2009
Nitrates Directive	Options paper regarding poultry litter due soon
Non-Agricultural Diffuse Water Pollution	Evidence will be collated from issues identified through the RBMPS
NI Rural Development Programme	Agri-environment Programme was launched 4 June 2008
Planning Policy Statement 2	Review of PPS 2 underway. Drafting at an advanced stage
Planning Policy Statement 21	Draft PPS 21 “Sustainable Development in the Countryside” has been issued for public consultation
Septic Tanks	Review of Legislative Requirements & Data held is ongoing
Shellfish Waters Directive	Consultation Paper issued on 7 November and closed 6 February 2009
Sustainable Drainage Systems (SuDS)	Public Consultation on draft strategy anticipated March 2009

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 (December 2008) 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 28 January 2009. The agenda included a discussion on the practical implementation of the draft Programme of Measures and the development of a strategic impact assessment.

The last **Inter-departmental Implementation Board** was held on 10 September 2008. The Board will meet again on 22 April 2009. 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 November. The agenda included a discussion on finalising draft River Basin Management Plans and updates on the North/South Technical Advisory Group, Strategic Environmental Assessments and the completion of the NS Share project.

3. Stakeholder / Public Participation

CSG meetings took place during October/November 2008. The next series of meetings will take place in Spring 2009. More information can be found on the NIEA Website at:

http://www.ni-environment.gov.uk/water/wfd/public_partic/catchment_stakeholder_groups.htm

4. WFD Activities

Article 9 – Cost recovery & Incentive Pricing

The Executive plans to publish a consultation document on the recommendations from the Independent Water Review Panel's Strand 2 Report and the proposed charging methodology.

Until the Executive has taken a decision on how future domestic water charges will be determined, it is unclear how the requirements of Article 9 (1) on providing incentives for users to use water efficiently and the polluter pays principle will be met for domestic users.

DRD have provided the following wording to DOE in respect of article 9 based on the Executive's 'current' proposals for water pricing and how they will contribute to the delivery of the Water Framework Directive.

Water-pricing policies to provide adequate incentives for users to use water resources efficiently

Water pricing for non-domestic users 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 commenced on 11 February 2009 on proposals to transpose the Groundwater Daughter Directive.

Hydromorphological Controls

WFD requires control of changes to the physical characteristics of water bodies, where these changes have an ecological impact which could interfere with meeting the objectives of WFD. PEPG has 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. Resulting recommendations will be made mid 2009.

NIEA Education and Awareness Raising Activities

NIEA Corporate Communications Unit produces a variety of Educational Resources. This includes a number of factsheets on the subject of water management. NIEA also funds and supports the Environmental Education Forum which aims to enhance the profile of environmental education in the Northern Ireland Curriculum. More information 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 and queries have been received from the Committee and these are currently under consideration by NIEA.

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.

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.riversagencyni.gov.uk/index/rivers-agency-publications/flood-management-policy-review-documents.htm>

Integrated Coastal Zone Management (ICZM)

The Northern Ireland Coastal and Marine Forum supported a one day conference on 27 November 2008, 'The Coast - Are we Managing?', organised by the Strangford Lough Management Advisory Committee. This conference was aimed at those decision makers managing the coast or developing activities along it. Practical examples of different

management approaches from around the Irish and UK coasts and also from the United States of America.

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

Marine Aggregate Extraction

The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 came into operation on 1 May 2007. They aim to ensure that assessment of environmental impacts of extraction of minerals by marine dredging is a statutory requirement and to provide the public with a greater role in decision making for projects which affect the marine environment.

The 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 January. Following the Environment Committee meeting on 4 December 2008, members have requested a synopsis of responses to this consultation and for NIEA officials to brief the Committee on this at a future meeting.

Marine Bill

The UK Government's draft Marine Bill was published on 3 April 2008. The Bill will introduce:

- a new UK-wide system of marine planning;
- a streamlined, transparent and consistent system for licensing marine developments;
- a flexible mechanism to protect natural resources, including marine protected zones with clear objectives;
- improvements to the management of marine fisheries; and
- a new Marine Management Organisation.

The Minister obtained the agreement of the Executive in March 2008 to take forward similar proposals in Northern Ireland for those areas for which 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 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.

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 separate Northern Ireland draft Marine Bill and provide a composite Northern Ireland response to the UK Government's draft Marine Bill.

The draft Bill was introduced into Parliament in December 2008 and a Legislative Consent Motion is due to be debated in the Northern Ireland Assembly on 2 March 2009. The

Assembly's approval is required before the final amending stage in the first House of the Bill's passage through Westminster.

The Department aims to consult by the end of 2009 on policy proposals for the Northern Ireland legislation with a view to introducing a Bill into the Assembly in the 2011/2012 legislative session.

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.

A policy working group which includes Defra and representatives from the Devolved Administrations has been established to ensure that the Directive is implemented coherently across the UK whilst respecting the devolution settlements. The group which is also responsible for coordinating the development of the Marine Policy Statement has met three times, most recently on 22 January 2009.

A UK wide stakeholder workshop which was well attended by Northern Ireland stakeholders was held on 16 January 2009. The workshop initiated the policy debate on issues including determination of Good Environmental Status, the identification of Competent Authorities and the division of the UK's seas for the purposes of the Directive. A workshop where the UK's scientific community debated the implications of Good Environmental Status was held on 5 November 2008.

The Northern Ireland project to transpose the Directive was formally initiated on 18 February 2009 at a meeting of the Marine inter-departmental steering group. This group was established primarily to develop the policy and legislative framework for the separate Northern Ireland draft Marine Bill and to provide a composite Northern Ireland response to the UK Government's draft Marine Bill. The group's remit will now include responsibility for overseeing the transposition of the MSFD.

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.

Following the introduction of the NAP Regulations Northern Ireland applied and achieved approval for derogation from the statutory 170 kg N/ha/year livestock manure limit specified in the Nitrates Directive. The derogation 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. Amending Regulations, transposing the derogation into Northern Ireland legislation, came into operation on 9th June 2008.

The NAP Regulations contain a temporary measure which allowed the storage of poultry litter in field heaps until 31 December 2008. In the absence of an off-farm solution a group,

under DARD's chairmanship, has been tasked with producing an evidence-based paper setting out the viable options for interim measures to store and apply poultry litter within environmental requirements. DOE is participating in this Group and an options paper is being finalised.

Non Agricultural Diffuse Water Pollution (NADWP)

Evidence of potential risks of Non-Agricultural Diffuse Water Pollution identified through the River Basin Management Plans across Northern Ireland will inform the development of a strategy paper to determine the possible control mechanisms that may be introduced to tackle the problems.

In addition, discussions have commenced on the introduction of Oil Storage Regulations to Northern Ireland in order to complement existing water protection legislation and to prevent pollution of the aquatic environment from inadequate storage facilities.

NI Rural Development Programme

The NIRDP as approved by the European Commission

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

The agri-environment measure of the NIRDP has evolved to build on the successful features of previous agri-environment schemes, while including a number of new options developed in response to consultation with stakeholders, such as:

- Farm waterways and riparian zone management
- Irish Hare habitat
- Pollen & nectar mixtures for bird and insect habitat

A new Special Environmental Projects option will support measures not currently included in the Northern Ireland Countryside Management Scheme provided they meet the aims of the scheme. This could include landscape-scale actions, with the possibility of collaborative actions especially in ASSI/Natura 2000 areas and around threatened rivers and lakes.

The Programme was launched on 4 June 2008 with the unveiling of the Northern Ireland Countryside Management Scheme and Organic Farming Scheme.

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

Drafting work is at an advanced stage on this project. PPS 2 has been included in the programme of work for 2008 – 09, which contains the following target "By 31 March 2009 to have made significant progress towards publication of Draft PPS 2 – Natural Heritage".

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 will end on 31 March 2009.

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 have been 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 issued on 7 November 2008. The consultation period closed on 6 February. Fifteen responses were received. The Department proposes to make additional designations following detailed consideration of those responses.

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 with a view to going to Public Consultation in March 2009.