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Mr Fintan Towey
Chairperson
WPAC
Custom House
Dublin 1

3rd November 2022.

Re: National Water Forum response to the Draft Programme of Measures & the draft River Basin Management Plan 2022-2027

Dear Mr Towey,

The Water Forum welcomes the recent engagement with the Department on the draft Programme of Measures of the River Basin Management Plan (RBMP) and the opportunity to offer further advice to the Water Policy Advisory Committee in relation to finalising of the Plan. The Forum wants to be in a position to support the new Plan when published, so that it can then assist through advice on the implementation of the Plan. However, based on the information provided thus far, Forum members have deep misgivings about the measures proposed in their current form and how they will deliver the transformational change required to reverse the declines in water quality over the previous two RBMP cycles and prevent further deterioration. There is a lack of evidence of the necessary systems and processes that will guarantee improvements in water bodies where they are required, and the protection of those at good or higher status. Overall, Forum members fear there is insufficient evidence that differentiates this plan from previous failed plans. Given the importance of this third plan should it be necessary to take some additional time to arrive at a plan which has broad societal & stakeholder support then the forum is of the view that additional time should be taken.

This is not just about compliance with the Water Framework Directive, but also about showing the rest of the World that Ireland is fully committed to protecting and restoring one of its most important economic, social and environmental assets. This next River Basin Management Plan therefore, requires a much higher level of ambition than previous cycles and the advice provided by the Forum below is designed to help strengthen the Plan to increase its level of ambition and to make it more implementable and transparent.

The recent EPA Water Quality Report reported a net decline in water quality between 2016 – 2021, with nearly half of surface waters in unsatisfactory condition. Furthermore, alarming trends of nitrogen and phosphorus flowing into our estuaries were reported, which have increased by 20% and 37% respectively, over the last decade, resulting in a 15.7% decline in the status of transitional waters. These increasing trends of pollutants and overall decline in water quality indicate that the last two River Basin Management Cycles (RBMP) have failed at delivering the requirements of the Water

Framework Directive (WFD), which states that all water bodies should be at least good status, and there should be no further decline in water quality in any water body. There have been considerable improvements in the scientific data and knowledge of the catchments during the second cycle to target measures for water quality improvements and protection. The Forum is of the view that the 3rd RBMP should build on this knowledge to accelerate the identification and delivery of the right measures in the right places, as soon as possible. Following the presentation to the Forum of the draft Programme of Measures (POM), the consensus and concern among all members is that the draft Key Actions are not adequate to achieve the WFD objectives and will not result in the timely identification and delivery of the right measures in the right places. It is not a matter that one solution fits all; there is a strong need for targeted and prioritised responses. It is absolutely imperative that the next EPA Water Quality Report shows overall improvement and a significant reversal of current trends and this will only happen through the identification and implementation of the right measures in the right places. Indeed, the Forum is particularly concerned that, in the absence of clarity in the Plan as to how the right measures in the right places will be identified and implemented, there is a high risk of continuing overall deterioration of water quality and a waste of both public and private time and money.

Following a review of the Key Actions developed by the Department for the Catchment Plans and the top four pressures on water quality (Agriculture, Hydromorphology, Forestry and Urban Wastewater), members of the Water Forum have an agreed position on recommendations which they believe will greatly improve and target efforts to meet the requirements of the WFD.

The Forum has made the following observations/recommendations:

- The Forum is of the view that the draft POM is not adequate to achieve the right measures in the right places in a timely manner, to meet the requirements of the WFD.
- While the Forum is supportive of the Sectoral Plans being developed by Pressure owners, the RBMP is the primary legal document outlining Ireland's programme of measures. The final RBMP must therefore outline clear targeted measures for waterbodies to meet their WFD objectives.
- In its submission on the draft RBMP, the Forum recommended an outcomes-based approach, focusing on water bodies and the implementation of the right measures in the right places (where specific measures will depend on landscape/soil conditions, local pressures and significant issues). Members are concerned that this approach has not been incorporated into the draft POM. Catchment plans must start with the waterbody (which are the management units of the WFD) and not addressing "waterbody over time", as outlined in the document sent to the Forum on the draft POM. This does not mean that measures are not to be considered and implemented also at higher levels of sub-catchment, catchment or nationally, but that the starting and end point for identifying and implementing measures and tracking their impact, must be at water body level. Otherwise, there is a high risk of water bodies being left behind

and a continuation of the trend over recent years of hard won improvements being off-set elsewhere by deteriorations.

- On page 9 of the Forum’s submission on the RBMP, the Forum recommended inclusion of a table to include the following information;

Waterbody Name / code	Waterbody Type	Current WB Status	Current Risk Situation	Protect / Restore Objective	Significant Pressures	Significant Issue	Soil Type (Free / Poorly Draining)	Targeted Measures	Timelines
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The Forum notes that some of this information is already available in catchment reports available on catchments.ie (columns shaded in green above). The Forum recommends that this table needs to be expanded to include the additional columns (shaded yellow above). This table would support identifying a suite of measures for different significant pressures (such as Agriculture, Forestry, etc.) and significant issues (such as Nitrogen, Phosphorus, Sediment), taking account of the contrasting soil types, which could fast track the process of putting the right measures in the right places. The Forum acknowledges that the landscape and targeted measures focussed on the significant issues and significant pressures, would be estimates based on EPA modelling. Despite this, they would still give a general view of what is required to put the right measures in the right places and, just as importantly, identify the gaps where they exist at a water body level.

- Additional information should also be presented (at waterbody level) to indicate what initiatives/programmes/policies will support the implementation of the right measures in the right places, for example Areas for Action, EIPs, CAP, NAP, etc, and the implementing body who will lead any actions. The above table is **absolutely critical** for the success of the 3rd cycle, for transparency in roles and responsibilities, accountability, and realistic expectations, as it will not only highlight where targeted measures will occur, it will also indicate where there are gaps for progress. To increase transparency and confidence in the RBMP, this table needs to be kept up to date during the cycle and should be made publicly available on catchments.ie. This table, together with information available in catchment reports, could be the basis of the 46 new catchment plans.
- Every action in the POM must state what the desired outcome would be, including if it will act to protect or restore waterbodies. In the draft POM, it is not clear how many of the proposed actions will have an outcome for water quality. This is particularly important for the array of national policies and plans which are cited as tools to meet the WFD objectives (for example in Agriculture and Forestry), where it is unclear what the expected outcomes they will have on waterbodies.
- The Forum welcomes the increase in Areas for Action for the third cycle, with nearly 47% of waterbodies to be included (or 74% of At Risk waterbodies). The Forum recommends that the

final RBMP includes all relevant details of these (numbers of waterbodies, lead organisation, etc). While the EPA Water Quality Report indicated net improvements in river water quality in these priority areas for action is higher than the improvements seen nationally, improvements were still modest (22%), and the rate of decline in waterbodies was similar within and outside of Areas for Action (14% and 15%, respectively). An assessment should be done to determine the cause for decline in Areas for Action in the second cycle, to identify the challenges that need to be overcome in the 3rd cycle. The RBMP should outline how many waterbodies are expected to be restored in the 3rd cycle.

Agriculture

- While the Forum welcomes that DAFM will produce a Sectoral Plan for Agriculture at catchment level, the Forum recommends that the final RBMP should have a clear focus on how it will address the 1000 water bodies at risk from Agriculture and give a clear indication of what measures, under which policies/initiatives (e.g. NAP, CAP, EIPs, etc) will be implemented to address these in a targeted manner. This is in line with the gap analysis the Forum recommended in its submission on the RBMP, reiterated here, which should highlight where the gaps are to meet the different regional requirements for meeting the WFD objectives.
- While the national policies (CAP and NAP) will support tighter controls on pressures from agriculture at a national level, they alone will not be sufficient to fully address some of the regional nutrient reductions required. For example, EPA modelling has indicated that Nitrogen reductions of over 50% are required in some catchments, e.g. the Slaney and the Barrow. The draft Programme of Measures does not outline how it will address these catchments of concern. The RBMP must outline how the Government will support or compensate farmers for the measures required in these catchments of concern.
- The Forum welcomes the new EIP for Waters which proposes to specifically focus on water protection and restoration. The final RBMP should outline how this EIP will be administered and how the measures will be targeted to ensure that the right measure is established in the right place as the means of achieving the required water quality outcome. The Forum recommends that a key focus of this EIP should be to establish the 2500km of interception measures which have been estimated by the EPA to mitigate the phosphate and sediment issues in poorly draining soils.
- While the Forum welcomes the proposed measure for a revised and targeted National Farm Inspection Plan; any inspection plans must be developed based on what the desired outcomes for water quality will be. However, it is not clear to the Forum that the proposed DAFM inspections are sufficiently risk-based, by utilising for instance the EPA Catchments Unit/LAWPRO characterisation approach, to achieve the required water quality outcomes, particularly for nitrate. The Forum understands and fully supports that the EPA are developing

new targeted inspections for water quality using evidence-based catchment science and recommends that this should be initiated as soon as possible. The Forum supports sanctions for instances where there are clear breaches of the GAP Regulations that impact on water quality. The Forum recommends a four-step approach to inspections:

1. A desk-based assessment undertaken in advance of inspections in the relevant sub-catchment to understand the local conditions and significant issues, thereby enabling inspections to be focused on the possible measures that are suitable to implement the right measures in the right places.
2. An initial visit to the farm should focus on awareness and advice on water quality protection/restoration.
3. Any technical assistance where possible to support the implementation of the required mitigation measures.
4. A follow up inspection for compliance monitoring, with enforcement and potential sanctions, if required.

The Forum believes that this approach is more likely to achieve the required desired outcomes than current practices.

Forestry

- The final RBMP must include a table of the 233 waterbodies at risk from Forestry, outlining what forestry activities are the cause of the significant pressure (similar to Irish Water's list of 208 waterbodies) and the measures to address these. The Forum also recommends that a sectoral plan be prepared for Forestry whose focus should be on eliminating this significant pressure on water quality and enhancing forestry's potential for positively impacting on water quality, for example, through the planting of riparian zones, agro-forestry and other measures that can help improve and protect water quality.
- Every action for Forestry outlined in the POM must indicate what the projected water quality outcome will be, including any relevant forestry policies and schemes. Where there are conflicting policies which prevent actively addressing the pressures from forestry, they too must be clearly outlined, with a commitment in the RBMP to address them.

Hydromorphology

- The Forum recommends that there is urgency around the development of the new Controlled Activities for the Protection of Waters regime to address the pressures on the physical condition of waters, as there have already been significant delays with this legislation. There should be a commitment in the final RBMP that the Bill and necessary secondary legislation is completed within the next 1-2 years. The urgency for this legislation is crucial considering hydromorphology is now the second largest pressure on waterbodies in Ireland.

- The National River Restoration programme should be broadened to not only address the removal of barriers (which impacts only 5% of waterbodies at risk from hydromorphology), to include the wider drainage related hydromorphology issues. For example, the 3rd cycle needs to have a clear focus on reducing the negative impacts from sediments from drainage and land

Urban Wastewater

- The Forum welcomes that details of the 208 waterbodies at risk from urban wastewater is now available and will be included in the final RBMP and Sectoral Plan. However, the Forum is gravely concerned over the length of time it will take to address urban wastewater as a significant issue on water quality.
- The Forum recommends that priority is given to the 22 waterbodies where urban wastewater is the sole pressure, and that these works should be completed in the 3rd cycle. Furthermore, the Forum question the timeline provided by Irish Water for the remaining 73 assessments, which they estimate will take until 2029. There must be a level of urgency given to removing urban wastewater as a pressure on Ireland's waterbodies and therefore these assessments must be started and completed much sooner. As a minimum, all assessments must be completed by 2025-2027.
- Irish Water's RC4 must prioritise the requirements of the WFD to remove urban wastewater as a significant pressure.

Resources / Governance

- The Forum recommends that establishing a full-time project management secretariat for the 3rd RBMP is essential, in line with recommendations made by the Institute of Public Administration¹, which would ensure successful implementation and monitoring of the Plan and support the required engagement and cooperation between the different tiers of governance. It would also ensure there is continuous engagement within and between government departments to ensure policy coherence and alignment with national and EU policies.
- The Forum welcomes the proposed additional resources for LAWPRO, ASSAP and Local Authority staff which are required for the increase in Areas for Actions and the Catchment Plans. The Forum is of the view that this is essential for the third cycle and recommends there are no delays in securing this funding.
- The Forum recommends that the RBMP provides a clear outline for the role and responsibilities of local authority staff, outlining the number of waterbodies they will have responsibility for either protecting or restoring. This is essential to ensure that Local Authorities have sufficient

¹ [Water Governance in Ireland: Towards the Third-Cycle River Basin Management Plan, 2022–2027 \(ipa.ie\)](https://www.ipa.ie/publications/water-governance-in-ireland-towards-the-third-cycle-river-basin-management-plan-2022-2027)

staff to carry out the required catchment assessments and relevant environmental inspections and to deliver the objectives of the 46 catchment plans.

- While the Forum acknowledges there is currently a review of the Local Authority Resources, there is concern that this will not be complete for another two years. The Forum recommends that every Local Authority are given the resources to appoint a Water Framework Directive Officer who can co-ordinate the implementation of the RBMP and strengthen alignment between the Local Authority work programmes to the WFD objectives, while also considering multiple benefits, and identifying trade-offs where necessary.

Public Participation

- In our submission on the draft RBMP, the Forum recommended that a new national approach is required to include meaningful public engagement in the 46 catchment areas. While we support the development of catchment fora and the piloting of public participation in the catchment plans, the Forum recommends that this needs to be more than to “communicate proposed action plans/templates for local catchments.”, as outlined in the draft Programme of Measures. The Forum recommends that there is a commitment in the RBMP to put structures in place that will support catchment action planning and project co-creation with communities and landowners for a combined (top down and bottom up) approach to catchment management.

The Water Forum is continuing to engage with the Department officials in finalising the River Basin Management Plan and would welcome the opportunity to continue do so during its implementation. We would also welcome the opportunity to discuss our recommendations further with WPAC and to provide any additional information the Committee may request.

Your sincerely,



Matt Crowe
Chairperson

C.c. David Flynn, Colin Byrne & Roland Gowran