

Policy Brief for An Fóram Uisce

A review of water
and marine related
commitments within
Ireland's Programme
for Government:
Progress, challenges for
implementation, and gaps
in existing commitments

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Looking after Ireland's
water resources

Executive Summary

Ireland's 2020 Programme for Government (PfG) (Department of the Taoiseach, 2020) set out 297 environmental commitments by the current Government, 28 of which relate to water quality or water services and 20 of which relate to the marine environment.

The aim of this report was to provide an analysis of progress made to date implementing these water and marine commitments. In addition, the research identified barriers preventing successful achievement of these commitments along with emerging water and marine issues that should be considered for future Government programmes.

Overall, the analysis showed progress varied across commitment categories, with progress on drinking water and wastewater scoring highest, while progress on water quality and conservation has been poor.

Key barriers impeding progress across commitment categories included financial and staffing resources, government structure, planning delays, and conflicting sectoral policy priorities. Emerging issues of concern were also noted, with climate change and agriculture most frequently highlighted by stakeholders.

A set of recommendations are presented to improve progress in Government commitments by addressing systemic barriers to provide multiple benefits.

Policy Recommendations are presented under the following headings;

- Address constraints in relation to financial and staffing resources
- Support greater cross-sectoral and cross-departmental collaboration on water and marine policy
- Explore the potential for more innovative policy implementation tools
- Identify administrative barriers that are impeding progress on commitments
- Prioritise action on water quality and water conservation commitments
- Support future report card assessments of the Programme for Government commitments.



1. Background

While development of environmental policies has increased as part of efforts to address the global climate and biodiversity crises, implementation of environmental policies has been highlighted across EU Member States as a significant obstacle in moving towards a more sustainable society (e.g., Burns et al. 2020; Smith et al. 2022). Independent assessments of government performance are part of the toolbelt of civil society groups and other organisations and can act as a powerful mechanism in the evaluation of government policy implementation in a wide range of areas. The use of such assessments has increased due to their ability to maintain accountability and their use as trustworthy beacons to identify problem areas in policy implementation (Martin & Sanderson, 1999; De Lancer Julnes & Holzer, 2001; Wu et al, 2018).

Since 2021, Friends of the Earth Ireland’s annual Environmental Report Card of Government Commitments (FoE, 2023) has annually assessed the Government’s own commitments related to environment and climate as part of the 2020 PfG, including 297 environmental commitments divided across nine categories. Their assessment formed the basis for the analysis presented here in relation to the 28 water quality / services commitments and the 20 marine environment commitments set out in the 2020 PfG. The analysis in this report also includes additional data from interviews with stakeholders in the water and marine sectors carried out in Autumn 2023.

The 48 commitments were divided into 3 categories for scoring purposes:

- 1 **Drinking and wastewater infrastructure (16 commitments)**
- 2 **Water quality and conservation (12 commitments)**
- 3 **Marine sustainability (20 commitments)**

Progress within each category was assessed based on three criteria:

- 1) the extent of actions achieved over the three-year period;
- 2) the quality of the processes undertaken to achieve those actions; and
- 3) the quality of the outcomes achieved within the three-year period to achieve each Government commitment.

A list of the commitments is provided in Table 2 of the main report accompanying this policy brief and a more detailed description of each commitment and specific progress on each is contained in Appendix 1 of the same report.

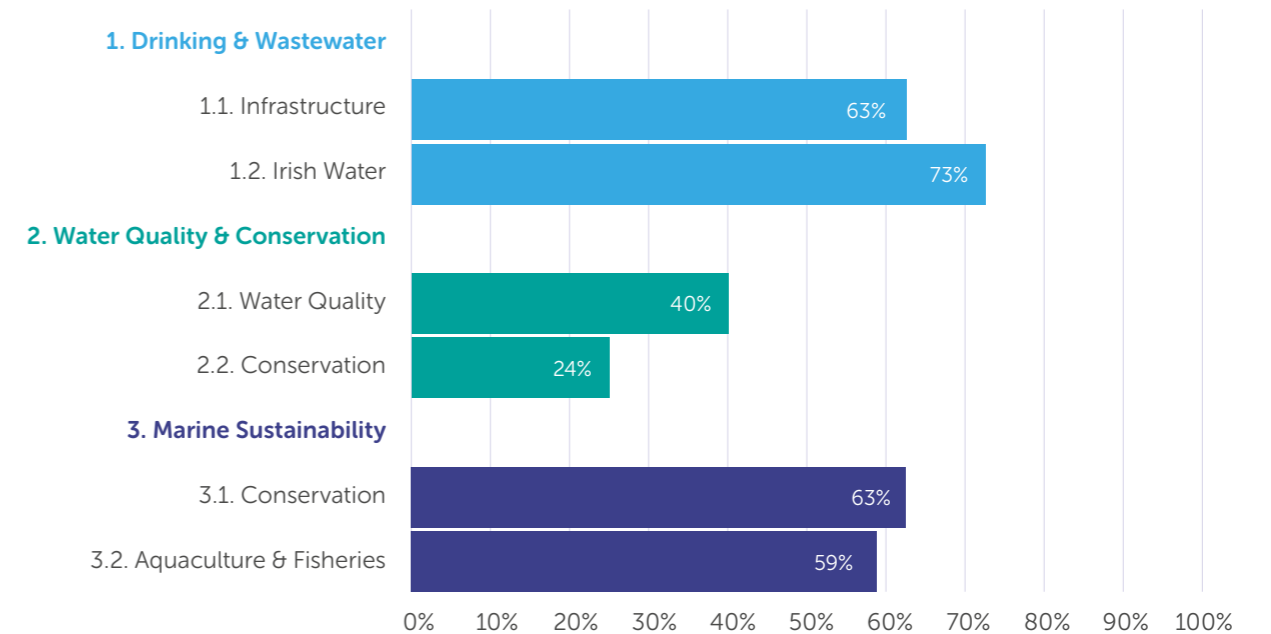


2. Summary of progress on water and marine commitments

A summary quantitative assessment of progress for the 6 categories of commitments is presented in Figure 1, assessing the progress of each commitment. This assessment reflected the fact that the current Government has been in effect for three years out of up to five years established as the intended duration of the PfG.

Overall, significant progress was demonstrated in the Government’s commitments related to Uisce Éireann (formerly Irish Water), while low levels of progress were demonstrated in the areas of water quality and conservation.

Fig 1: Assessment of progress in water and marine commitments within the 2020 Programme for Government, as of October 2023



2.1. Commitments on drinking and wastewater infrastructure

There has been a significant level of action regarding commitments in drinking and wastewater infrastructure, particularly with respect to investment in wastewater treatment plants, leak reduction efforts, and community water schemes.

However, action has not been matched by the necessary process and quality outcomes to support achievement of the specific commitments. Thus, this category received a 63% assessment score in terms of its overall progress.

Concerns were also expressed by stakeholders about the risk posed for urban wastewater infrastructure in relation to predicted climate change impacts such as flooding. More successfully, stakeholder interviews and media reports demonstrated that installation of drinking fountains and water refill stations were increasing, as per the relevant commitment.

In contrast, there has been little progress on the commitment to fund well upgrades, with stakeholders expressing the need for a review of upgrade grant conditions and a view that a lack of resourcing of local authorities was a primary barrier to achievement of this commitment, particularly due to the expectation that local authorities take the lead role in implementing water management legislation at the local level. In addition, administrative barriers were identified as a significant impediment to the adoption of new programmes and policy schemes such as those related to well upgrades. The large number of key players requiring approval for such programmes was highlighted as one such administrative barrier.

Similarly, cumbersome regulatory frameworks were identified as an area which prevented stakeholders from expanding certain policies or schemes which had been demonstrated as effective. More generally, delays in achieving commitments related to drinking and wastewater infrastructure were attributed to a lack of specialist resources across departments, with numerous specialist positions remaining vacant.

The most successful water and marine-related area of Government commitments was with respect to the nine commitments related to Uisce Éireann, which received a score of 73% for overall progress. Uisce Éireann's capital investment plan continues until 2024 (Dáil Éireann, 2022b). However, it was noted by stakeholders that the organisation requires a steady flow of funding to maintain the capacity for wastewater treatment and management and the annual budgeting structure of the Government makes such long-term funding difficult to guarantee.

Progress was less successful in relation to some Uisce Éireann commitments. For example, the review of its proposed approach to the Water Supply Project for the Eastern and Midlands Region is not expected to be completed until the first quarter of 2024. Progress has also been slow in reducing the number of public water supply schemes listed for remedial action as the overall number of listed schemes increased from 53 in 2021 to 58 in 2023. However, work has been completed or is underway on some of these. In addition, action and outcomes have been poor in relation to the development of drinking water safety plans and reducing trihalomethane (THM) exceedances in treatment plants with an infringement case for non-compliance with THM standards in the European Court of Justice.

2.2. Commitments on water quality and conservation

Government progress in the areas of water quality and conservation lags far behind other water and marine commitments, receiving overall progress scores of 40% and 24% respectively in this assessment.

The commitment to ensure the State complies with the EU Water Framework Directive (WFD) is far from being achieved, with Ireland being referred to the European Court of Justice in January 2023 for non-compliance. Several barriers are viewed as impeding action on this commitment. At a practical level, these include Ireland's lack of an integrated catchment management approach; an historic under-resourcing of water quality management efforts; and the fragmented, cross-departmental nature of water legislation. Failure to meet the requirement for treating domestic wastewater, as required under the EU Water Framework Directive, was considered a significant problem among stakeholders, in part due to issues regarding inspection of wastewater treatment systems and septic tanks.

There was a failure to publish the revised River Basin Management Plan (RBMP) in 2022 as per the Government's commitment, though a draft plan was published in 2021 and a draft of the final plan published by the end of 2023. Numerous stakeholders expressed concern about the delay of publication, feeling the focus should be on implementation by now and that delay would cause Ireland to fall short of its 2027 targets. Similar to other commitments, a key barrier to achieving timely publication of the plan was attributed to a lack of capacity regarding the human resources to complete all the necessary parts of the RBMP within a certain time frame.

In addition, stakeholders felt there was a lack of political will to tackle meaningful water conservation legislation and commitments.

2.3. Commitments on marine sustainability

While the level of action in achieving the Government's marine-related commitments has been relatively good to date, the quality of processes and outcomes has been less successful, resulting in overall progress scores of 63% and 59% for both marine conservation commitments and aquaculture and fisheries commitments, respectively.

In terms of positive progress, structures are now in place for marine planning and development, with the National Marine Planning Framework established in July 2021. However, significant concerns about the framework have been highlighted by NGOs, including concerns regarding delays in implementation. There has been some progress on Marine Protected Areas with the establishment of the new Maritime Area Regulatory Authority (MARA), which is expected to accelerate developments in this area. In relation to implementation of the Common Fisheries Policy (CFP), overfishing continues but there have been improvements in enforcement.

Stakeholders expressed concerns about the lack of discussion and clear objectives regarding the Government's commitment to examine the establishment of an offshore maritime area as Ireland's seventh national park, and Government commitments to legislate for and develop MPAs remain plagued with delays.

Ireland is nine years late delivering on the obligation to provide for MPAs under the EU Marine Strategy Framework Directive (Joint Committee on Housing, Local Government and Heritage, 2023). Civil society groups have strongly criticised the Government for failing to publish legislation to protect Irish waters by designating 30% of Ireland's ocean as Marine Protected Areas (MPA), including 10% as strictly protected areas (GreenNews.ie, 2023).

Overall, insufficient planning regimes and inadequate designation of MPAs were identified by stakeholders as the main components for slow progress in the marine protection sector. Similar to the barriers achieving water conservation commitments, a lack of political will and momentum were seen as barriers to enacting sufficient new marine protection laws. Additionally, there was an acknowledgement that relevant Government departments lacked sufficient resources, particularly low team capacity, to progress marine related commitments.



3. Overarching barriers to achieving water and marine commitments in the Programme for Government

Research exploring the barriers to environmental policy implementation is relatively limited, even though failure to implement existing environmental policies is considered a significant contributing factor to the continued decline of environmental health and sustainability.

Thirty-eight of the 58 stakeholders (65%) interviewed in 2023 for this research shared pertinent responses to the question regarding the identification of barriers in achieving the Government's environmental commitments. These responses resulted in five primary themes emerging in the data regarding key overarching barriers, including:

Internal and external capacity:

Half of all stakeholders highlighted issues relating to staffing resources as a barrier to progressing PfG commitments. This is especially problematic in relation to the need for more local authority water staff, catchment scientists, and specialist marine sector staff. A related issue highlighted by stakeholders was the prevalence of short-term contracts affecting staff retention.

Government structure:

Fragmentation of water and marine sector management was regarded as a key barrier, with stakeholders of the view there is a lack of policy coherence and integration across the sectors. Another barrier highlighted by stakeholders was a failure to draft legislation to fit conflicting department interests, as well as challenges maintaining strong lines of communication.

Planning issues:

Approximately one-third of stakeholders highlighted aspects of the Irish planning and development control system impacting policy progress, such as lengthy planning process requirements and staffing resource issues, particularly in the marine area. The Planning and Development Bill published in November 2023 aims to provide, amongst other things, increased certainty across the planning system but may also further increase the resource constraints facing local authorities in relation to the availability of suitably qualified planning staff.

Financial constraints:

Approximately one-third of stakeholders were of the view that the amount of water and marine policy targets and commitments have increased without the necessary resources to complete them. The availability of finance is regarded as a key issue impacting public engagement with water policy commitments such as well upgrades, where sufficient support in the form of grants and other supports is usually necessary to incentivise such action. Financial constraints are also affecting resourcing for staffing and infrastructural work, highlighting how this barrier is intertwined with other barriers of internal and external capacity.

Competing political priorities:

Over a third of stakeholders noted the negative impact that differing political priorities between sectors can have on policy development and implementation, where short policy cycle timelines put pressure on delivery of policy commitments despite pre-existing low levels of capacity and resourcing. At the sectoral level, there was recognition of tensions between policy areas with different - and potentially conflicting - policy goals that can impede progress on commitments. Examples include agri-food policy and water policy, where stakeholders perceived some priorities in the former impacting on areas such as water conservation and marine protection legislation in particular.

4. Emerging Issues

This section of the analysis presented findings on key water and marine issues not covered in the 2020 Programme for Government but emerging as areas of concern for future action. Overall, stakeholders were of the view that there is a disconnect between policy development and actual implementation on the ground. They felt that more alignment between different sectors in the PfG, such as water, biodiversity and climate, was essential to facilitate more cohesive and effective plans and actions.

Specific emerging issues highlighted by stakeholders within the three water and marine categories included:

Drinking water and wastewater infrastructure

As well as ongoing issues with regard to substandard wastewater and sewage treatment infrastructure, especially outside of major urban centres, there is an expected increase in demand for water and sewage infrastructure as a result of new housing and other urban developments. A more effective system is needed to screen industrial wastes and discharges to identify risks and prevent contamination of water bodies. Sufficient investment is also required to realise the benefits of new digitalisation tools to deliver services, manage networks, and identify problems such as pollution and leakage. There is also a need for succession planning in relation to staff in the water infrastructure sector.

Water quality and conservation

Climate change was identified as both a present and growing area of concern for the water and marine sectors given the current and future predicted increase of climate change-related flooding and droughts across the country and the significant potential impacts of climate change-related temperature changes on water quality. There was a view that urban wastewater infrastructure in general is not equipped to cope with these predicted impacts. There was also a general view that the agricultural sector must be held compliant to water quality and management standards, given growing evidence of the sector's contribution to the decline in river water quality in particular (EPA, 2020).

For example, growth in herd size is contributing to nitrates contamination in water and increased levels of non-domestic water usage, putting further pressure on rural water supplies.

An Fóram Uisce is mentioned as a partner in water quality strategy review and development in the PfG and there are positive views on its engagement with the Government to date, particularly in relation to water conservation and the River Basin Management Plan. There was a view that it should take a more challenging and assertive approach to collaboration with the Government in the future in order to reach targets, but there are positive indications of its potential to effectively engage with stakeholders and bring their concerns into the policy-making process and drive action on water policy commitments.

The introduction of the Water Environment (Abstractions and Associated Impoundments) Act in 2022 was welcomed as progress on managing abstraction and ecological impacts, but there were concerns about its capacity to deal with cumulative impact of low-level abstractions in the context of future climate change impacts, such as changing rainfall patterns and persistent droughts.

There were also calls for the proposed land use review to focus on a more catchment-based approach.

Marine sustainability

Emerging challenges for the marine sector relate to issues such as significant delays in delivering on the development of Marine Protected Areas (MPAs) as required under the Marine Strategy Framework Directive, as well as in establishing AQUAMIS - the aquaculture data management and information system. There is also a need to focus on achieving good environmental status for the 70% of sea areas located outside of MPA boundaries.

5. Policy Recommendations

Drawing on the five overarching barriers identified above as impeding progress on water and marine commitments in the PfG, a set of recommendations arising from this research is outlined below for An Fóram Uisce to consider.

5.1. Address constraints in relation to financial and staffing resources

Insufficient staffing resources are impeding progress across many of the PfG commitments and a lack of capacity has been cited as a factor in relation to water issues, such as the completion of the River Basin Management Plan within the required timeframe, as well as marine-related commitments.

Recommendations:

- Examine Government funding structures which may be impeding the allocation of long-term finance where required e.g. in relation to the need for secure multi-year funding for Uisce Éireann.
- Examine the constraints arising from water investment being significantly dependent on central exchequer funds and the ongoing loss of local authority revenue from the failed introduction of domestic water services charges.
- Carry out an audit of the current number and type of vacancies affecting water and marine-related policy implementation, both at central and local government level, as well as in relevant agencies in order to assess the amount and timing of investment required to fill these vacancies.

5.2. Support greater cross-sectoral and cross-departmental collaboration on water and marine policy

Policy fragmentation and a lack of collaboration between policy-makers themselves and with other sectoral stakeholders was perceived by stakeholders as a barrier to effective implementation of PfG commitments in a range of areas.

Recommendations:

- Review current levels of alignment and / or tension between water and marine policy and other key areas such as climate change and agriculture, where emerging issues are likely to present further challenges to the achievement of PfG commitments.
- Conduct an assessment of current levels of coherence and alignment between different departments and agencies in relation to water and marine policy to identify areas for improvement. Similar issues have been identified in relation to other policy areas in Ireland such as the circular economy, where the OECD (2022) highlighted the need to foster policy coherence and transcend silos.
- Explore the potential for the development of a high-level national water and marine strategy to provide an overarching and cohesive vision for water and marine policy targets over the longer-term and enable greater alignment between different policy areas. For example, Germany adopted its first national water strategy in March 2023 (Umwelt Bundesamt, 2023).

5.3. Explore the potential for more innovative policy implementation tools

There is a need for more innovative and transformative approaches to policy design and implementation (Jacob & Ekins, 2020) to support the delivery of policy commitments and targets. Examples include the Netherlands' Green Deal model which provides for roundtable discussions between stakeholders and government to work through regulatory or policy barriers (van Langen & Passaro, 2021).

Recommendations:

- Explore the potential to increase the use of innovative and partnership-based tools, drawing on initiatives such as the Dutch Green Deal roundtable model.

- Drawing on existing research by An Fóram Uisce and others, further explore how best to ensure that stakeholder engagement in water and marine policy development and implementation produces meaningful outcomes and is not limited to tokenistic involvement by stakeholder groups.
- Ensure continued funding to a) support the work of An Fóram Uisce in enabling engagement in the water and marine policy process by stakeholder groups and b) replicate successful pilot initiatives in water and marine policy delivery.

5.4. Identify administrative barriers that are impeding progress on commitments

Administrative burdens, such as difficulties in accessing information or services along with complicated paperwork and other bureaucratic requirements, can impact policy implementation by reducing the levels of engagement with policy initiatives and the take-up of grants, etc. Examples highlighted in the report accompanying this brief include the conditions relating to grants for domestic well upgrades and group water schemes, as well as eligibility requirements for septic tank upgrades.

Recommendations:

- Consider the value in identifying and documenting key administrative burdens in relation to water and marine policy which are impeding progress on PfG commitments. A similar project currently underway is the EPA-funded ABICAP research project (involving some authors of this report), which aims to identify key administrative burdens acting as a barrier to implementation of policies in Ireland's 2021 Climate Action Plan (ABICAP, 2023).
- Explore the potential learnings for water and marine policy implementation from current initiatives such as SEAI's "One Stop Shop Service" for home energy upgrades (SEAI, 2023), where staff in 18 centres around the country guide homeowners through the whole domestic energy upgrade process from initial assessment to grant application and final BER certification.

5.5. Prioritise action on water quality and water conservation commitments

This assessment revealed progress on water quality and conservation commitments had the worst outcomes of the three categories assessed, with both practical and political factors contributing to the poor performance. This situation is made more urgent by a continuing decline in water quality (EPA, 2019; Trodd et al., 2022) along with increasing pressure on water supplies resulting from factors such as population growth, agricultural expansion and climate change (Uisce Éireann, 2015; EPA, 2020; Cotterill & Melville-Shreeve, 2021).

Recommendations:

- Consider the recent recommendations made by An Fóram Uisce (2023) for priority action, especially in relation to the urgent need to address water conservation issues.
- Ensure water quality and conservation issues are included in any future national water and marine strategy.
- Future water quality and conservation Government commitments could follow the SMART criteria (i.e. specific, measurable, achievable, relevant and time-bound -Doran, 1981) when designing realistic and practical environmental targets.

5.6. Support future report card assessments of the Programme for Government commitments

Research tracking the impact of Friends of the Earth Ireland's annual environmental report card of Government indicates it is having several impacts on the decision-making of policy actors (Augustenborg et al., in review). Since its inception in 2021, with just one staff member undertaking the work, it has expanded to five staff members in 2023, along with a significant increase in media attention. However, no additional financial support has been provided to continue this work going forward, a situation which threatens the viability of the assessment in the long-term.

Recommendations:

- Identify new sources of funding to ensure the continued production of an annual environmental Report Card assessment over a multi-year period.

6. Conclusion

Overall, analysis of the Government's progress implementing water and marine-related commitments in the current Programme for Government shows that progress has varied across the commitment categories, with progress on drinking water and wastewater scoring highest, while progress on water quality and conservation was poor. Key barriers impeding progress include financial and staffing resources, government structure, planning delays and conflicting sectoral policy priorities. Emerging issues of concern were also noted, with climate change and agriculture being the most frequently highlighted.

Implementing the recommendations outlined above will require significant and ongoing provision of resources, something that remains challenged by issues with the current model of funding for water services in Ireland. Overall, it is promising to note the level of positive engagement from stakeholders interviewed for this research, which organisations such as An Fóram Uisce are well-placed to harness in the service of better water and marine policy design and implementation.

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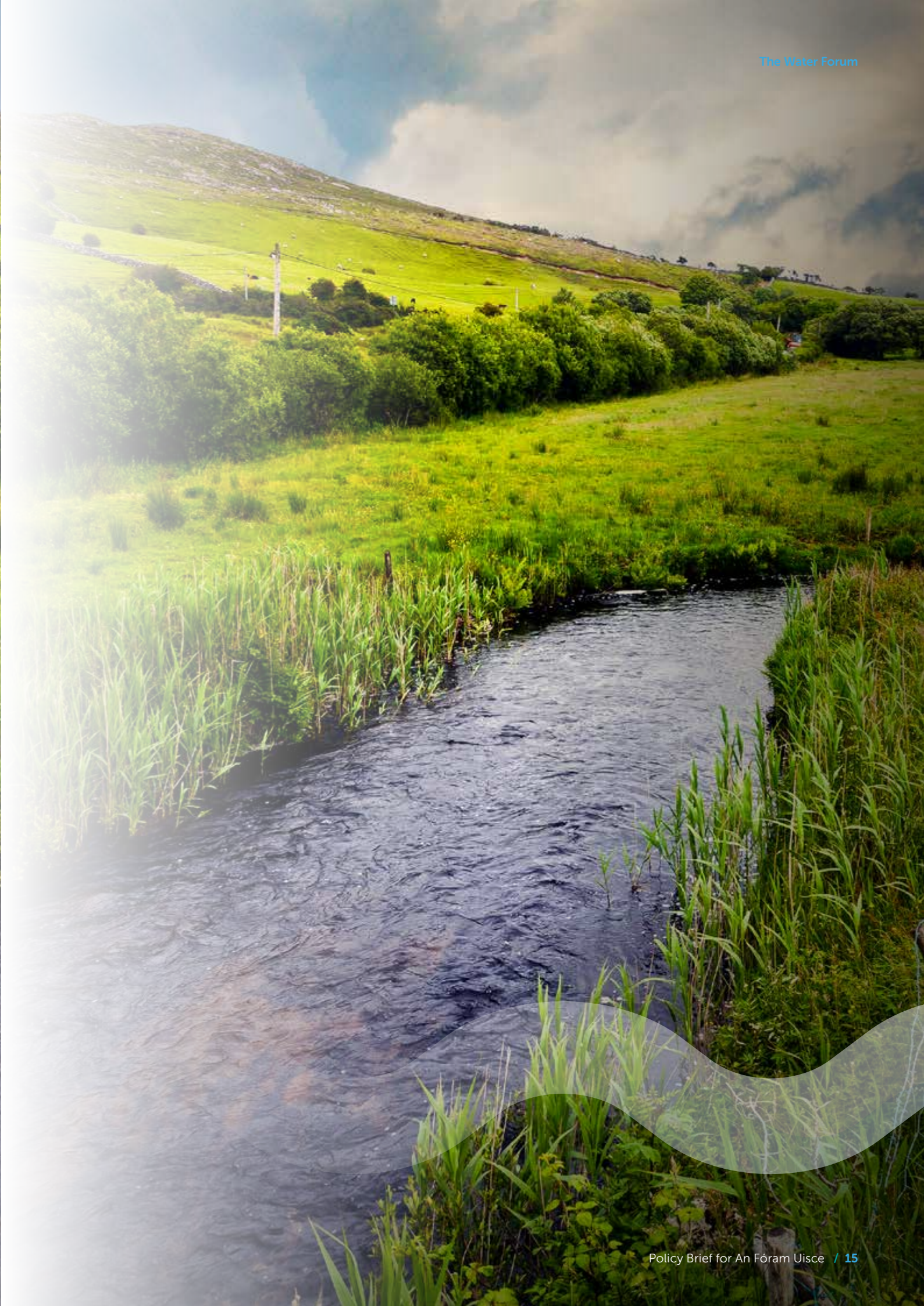
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