



Submission To Department of Housing Local Government and Heritage

Submission and Recommendations on the Water Action Plan 2023: A River Basin Management Plan for Ireland

24th November 2023

Introduction

The Forum welcomes the opportunity to engage with the Department on the final stage of the RBMP and for allowing 4 weeks for the Members of the Forum to consider and discuss the final draft.

The Forum also welcomes the inclusion of many of the Forum's recommendations, which are included as text in the latest RBMP Water Action Plan.

The Forum notes that some of our recommendations are not reflected in the draft Plan and has made a series of final recommendations below which members believe will further strengthen the plan. The recommendations are presented under key thematic areas.

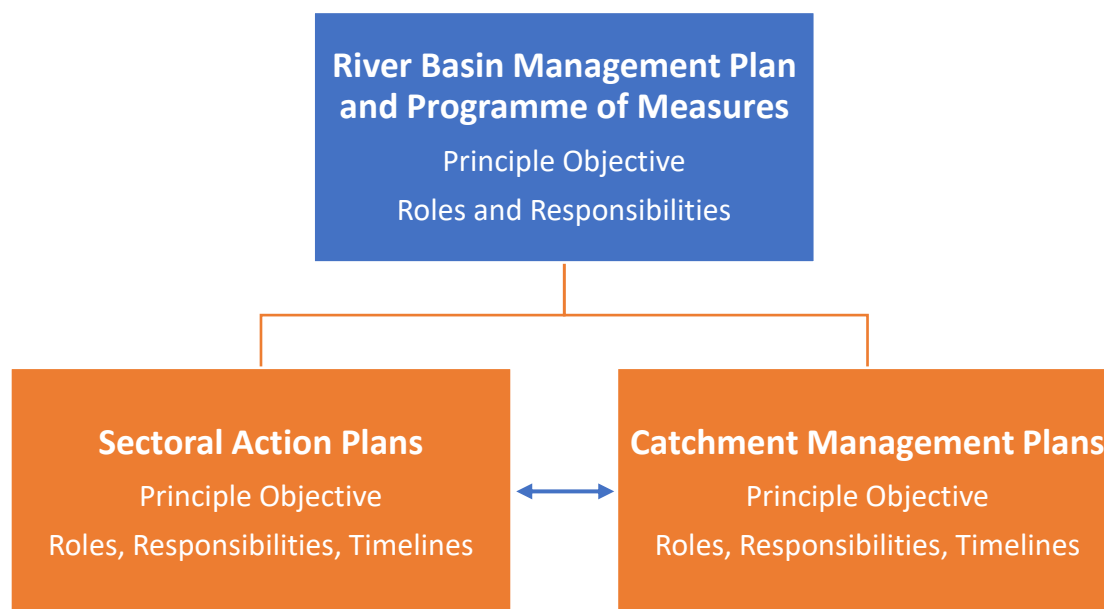
One of the significant gaps raised below is that some important measures that are included in the RBMP Water Action Plan are not then reflected as specific actions in the final Programme of Measures. The Forum recommends that this is addressed to ensure that they are implemented and tracked with other actions. The Forum has also made a number of recommendations to increase the focus, transparency and accountability of the sectoral action plans.

Proposed Recommendations for final RBMP Water Action Plan and Programme of Measures

Governance and Implementation of Measures

1. The RBMP requires clarity about how the national plan, sectoral action plans and 46 catchment management plans connect with each other (for example with a table/figure to illustrate connections, example provided below). This should include details about the objective of each plan, and the roles and responsibilities for implementation of each plan to ensure transparency and accountability across the different documents. It should also commit to the measures within the Sectoral Action Plans being incorporated into the Catchment Management Plans so as to ensure an integrated catchment management approach, and to

avoid fragmented management across sectors. It should also indicate how this integration of Sectoral Action Plans and Catchment Management Plans will be implemented. There should be clear roles and responsibilities included from coordination to implementation identified for all plans.



2. The Forum recommends that the RBMP includes a requirement that the Sectoral Action Plans follow a standard template, to be provided by the DHLGH, so as to provide clear direction to each sectoral body on the development of their sectoral action plan, where there is a similar template used for each sector, with specific requirements to ensure they are aligned with the 3rd RBMP. All sectors (who are responsible for a specific pressure) should provide justification if targeted measures cannot be identified or implemented for the 3rd cycle in waterbodies at risk from that pressure. In addition, where the sector is the sole pressure, clear reasoning for where the required objective of water bodies cannot reasonably be achieved by 2027 should be included (as required by Article 4, Section 4 of the WFD), for example due to technical infeasibility or data/assessment requirements. The Forum recommends that the following bullet should be included as a new specific action to reflect the above;
 - “Action: Sectoral Action Plans will be legally binding plans and will be developed using a consistent template which is aligned with the WFD and which links specific actions to pressures. The objective of all Sectoral Action Plans should be the elimination of the sector as a significant pressure on water quality. Each plan should include information on how the sector will address all waterbodies at risk from that pressure with a plan to develop evidence-based targeted restoration measures. The plan should also identify protection measures to ensure no additional waterbodies are put at risk from that sector. Where the sector is the sole pressure, clear reasoning for where the required objective of water bodies cannot reasonably be achieved by 2027 should also be included (as required by Article 4, Section 4 of the WFD)”.
3. Table 14 (Pg116) is a list of the Sectoral Action Plans with leading authority. The date for publication for all sectoral plans is ‘TBC’. Members of the Forum have concerns about the open-ended date of the publication of sectoral action plans. There should be a commitment to have a first draft of each sectoral action plan completed by a date in early 2024 to support

the implementation of the 3rd cycle and to feed into the development of the 46 catchment plans. Furthermore, there should be a commitment that sectoral action plans will be publicly available for transparency and accountability. The Forum would request engagement and to provide input to Sectoral Action Plans as they are being developed, finalised and implemented.

4. The Forum welcomes the strengthened focus on targeted measures for all waterbodies in the draft RBMP and acknowledges that the details at water body level will be a core element of the 46 catchment plans. While the Forum welcomes the focus on waterbodies in the box on Page 12 of the RBMP Water Action Plan, the Forum recommends that this text is reflected as a commitment in the final list of actions in the Programme of Measures, so it can be monitored and tracked with other actions. Furthermore, there should be more strengthened time-bound commitments on the development of both sectoral action plans and catchment management plans.

The Forum recommends that two new specific actions should be added to the Programme of Measures (based on text in Page 12 and 13 of Water Action Plan);

- “Action: Integrated catchment management approaches will be used to identify and decide on further specific measures for each waterbody, where they are required in addition to those set in this plan. These will be included in the 46 Catchment Management Plans, which will be used to micro-locate measures within each catchment. The co-benefits of water-focused measures on climate and biodiversity should also be identified”.
- “Action: The Catchment Management Plans will include the list of waterbodies, their associated status, significant pressures/issues and targeted measures, along with outcomes-based targets for the third cycle and key performance indicators to monitor progress and outcomes. Justification for waterbodies not meeting their WFD objective by 2027 should also be included in catchment management plans, in line with Article 4 of the WFD.”

5. While the Forum supports the improvement in the Mission Statement relevant to earlier versions, the Forum recommends that it is further strengthened by including reference to full compliance with the WFD. This is in line with the commitment in the Programme for Government ‘Ensure that the State complies with the EU Water Framework Directive.’

The Forum recommends that the Mission Statement (Page 9) is revised to reflect;

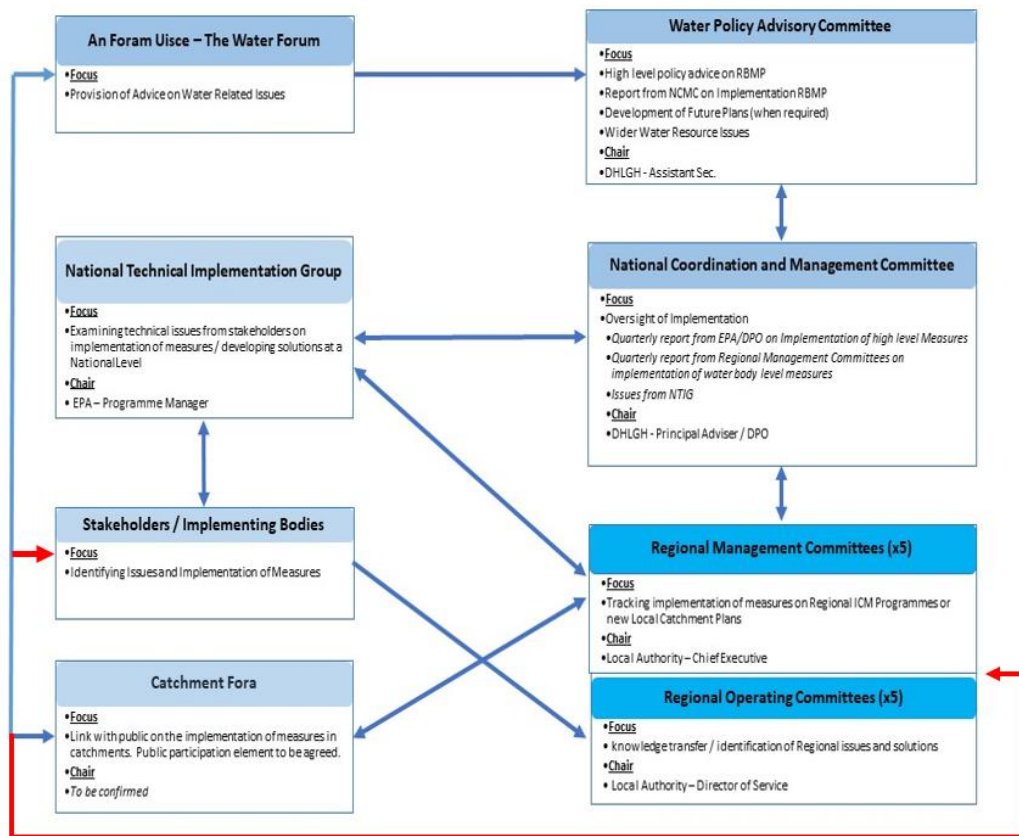
“To take action to protect and improve all of Ireland’s waterbodies by implementing the right measure in the right place, at the right time, with the objective of reaching full compliance with the Water Framework Directive.”

6. The Forum supports the text on Page 80 of the RBMP Water Action Plan which states there will be a progress review by 2025 (or mid cycle). The Forum recommends that this commitment is reflected with a new specific action added to the Programme of Measures;

- “Action: There will be a progress review by 2025 (or mid cycle) for the identification of additional measures where gaps exist, and a plan for their implementation. “

7. The Forum supports the new action to establish a Programme Delivery Office to oversee and co-ordinate the RBMP (Page 122). The Forum recommends that the end of this action “enforce legislation and policies relevant to freshwater” should be amended to “enforce legislation and policies relevant to the Water Framework Directive”, as this encompasses freshwater, estuarine and coastal waters which are all under the remit of the WFD.

8. The Forum recommends that two arrows should be added to Figure 26 Page 112;
1. between Water Forum and Implementing bodies to indicate engagement between the Forum and implementing bodies to support Forum’s advisory role and
 2. Between the Water Forum and Regional Operational Committees to support the text on Page 113 in the RBMP Water Action Plan. See red arrows added to figure below.



9. Page 8 of the RBMP states “This Water Action Plan enhances and builds upon the work of the first and second cycle plans. Where necessary, this plan addresses the shortcomings experienced during the implementation of previous plans.” The Forum recommends that an assessment is done to address the short-comings of the second cycle and indicate how they can be addressed in the 3rd cycle. This is a requirement of Article 4 of the WFD (Section 6e).
10. The Forum notes the absence of details on the EPA’s ‘Distance to target analysis’ outlined in the plan (Page 41) which is central to setting outcome-based targets and recommends that this analysis should be made publicly available as soon as possible for the purposes of transparency, with a commitment and timeline for this to be included in the RBMP.
11. Table 7, Pg 45 indicates that the expected % of waterbodies to meet their WFD objectives is 53 – 58%. This equates to approximately 200 – 400 increase in waterbodies meeting WFD objectives for the 3rd cycle. There is currently no supporting scientific basis provided in the RBMP to support this estimate; where will improvements be made, by what measures, within what pressures? The Forum recommends that the final Plan includes additional information to explain the scientific basis for these targets. Furthermore, this table should be expanded and amended to include clear targets and expected outcomes for waterbodies specifically for

this RBMP planning cycle – presented as numbers of waterbodies as well as percentages as is currently presented (where the reader has to do the calculations themselves).

12. The Action on Pg 127 related to the Water Forum in the Section on Public Participation “Action: Identify and implement the optimum level of engagement with the implementation structures for the WFD as part of the Water Forum’s strategic planning process.” should be moved to the governance section, as it should relate to engagement between implementation structures (not only relevant to public participation) and it should remove the reference to the Forum’s Strategic Planning Process as this is now complete and not relevant to the process. This action should be moved to Governance and reflect the following;
 - “Action: The Water Forum to identify and advise on the optimum level of engagement with the implementation bodies, agencies and structures for the WFD to support implementation of the 3rd cycle”.

Public Participation

The Forum’s supports the inclusion of the box on Pg 125 with the recommendations made by the Forum to the DHLGH in March 2023.

13. The Forum recommends that two new actions are added to the Programme of measures to reflect the text included on Page 125 and 126 in the RBMP;
 - “Action: LAWPRO will pilot, assess and evaluate different public participation approaches in 5 catchments to support public participation in integrated catchment management and to inform the development and implementation of a national approach to public participation to deliver outcomes for water, climate and nature.”
 - “Action: The public participation pilots will provide learnings (which will then be implemented) on how agencies, local authorities, communities and landowners can work together to support action plannings and project co-creation for a combined top-down bottom-up approach to the development and implementation of the 46 Catchment Management Plans.”

Agriculture

14. The Forum recommends that the Action Pg 97 be edited to include the highlighted text below;
 - Action (Pg97): In support of LAWPRO Catchment Management Plans, the Department of Agriculture, Food and the Marine will publish a Sectoral Action Plan to reverse the upward trend of nitrogen discharges and to bring nitrogen, phosphorous **and sediment** losses to water from agricultural sources within sustainable levels by 2027. The Sectoral Plan for Agriculture will include **targeted measures** to address the 1,000 water bodies at risk from agriculture during the third cycle, along with protection measures needed to prevent further deterioration. The aim of the plan will be a rapid graduated reduction of nitrogen, **phosphorus and sediment losses** to waterbodies with a target to reach sustainable use and discharges in all catchments of concern by 2027.
 - The Waters of Life Measures Framework and Annex 1 on Agriculture Measures (<https://www.watersoflife.ie/resources/>) should be cited in the RBMP as a means of identifying targeted agricultural measures.
 - This section should also include the overall objective of the Sectoral Action Plan with the following text recommended by the Forum: The objective of the Agricultural Sectoral Action Plan is to eliminate agriculture as a significant pressure on water quality through targeted measures to reach specific outcomes for waterbodies.

Hydromorphology

15. While there is an action related to a Hydromorphology Sectoral Action Plan (Page 29 Programme of Measures and Page 97 RBMP), it is only related to barriers (with leading agency IFI). The Hydromorphology Sectoral Action Plan should also include other hydromorphological pressures including channelisation, drainage, sediment and flood protection. Like other Sectoral Action Plans, the hydromorphology sectoral action plan should include the list of waterbodies at risk from hydromorphology, with the overall objective being the elimination of the sector as a significant pressure on water quality. The Sectoral Action Plan should also reflect the work of the hydromorphology expert group. The DHLGH, OPW and DAFM should therefore also have a leading role in the development and implementation of this Sectoral Action Plan (along with IFI). The Forum recommends that this is led and coordinated by DHLGH, with supporting bodies IFI, DAFM, DHLGH-Forestry, OPW, DECC (through land use review). The existing action on the Hydromorphology Sectoral Action Plan should therefore be updated to reflect the above.
- “Action: A Sectoral Action Plan for Hydromorphology will be developed, which will include measures and plans to address the 442 water bodies at risk from hydromorphology, including barriers, channelisation, drainage, sediment and flood protection. It will be led and coordinated by DHLGH, with supporting bodies IFI, DAFM, DHLGH-Forestry, OPW and DECC. “
16. In line with the text included on Page 22 of the Programme of Measures, there should be a specific action on the work of the expert group.
- “Action: A Hydromorphology Expert Group will be established to support the new National Hydromorphology Programme. This Expert Group will identify interim measures which will be readily implemented during the third RBMP cycle to assist in removing hydromorphological pressures.”

Forestry

17. The Forum is concerned that there is no reference to deal with legacy forestry¹ issues and their impacts on water quality in the Sectoral Action Plan for Forestry. The Forum recommends that the Forestry Action Pg98 is amended to include reference to legacy forestry issues and their impacts on water quality (as highlighted below);
- “Action: The updated Forests & Water document will include.....tabulated **evidence-based** actions proposed for the 216 waterbodies at risk from Forestry, identifying those forestry activities most likely to be the cause of the significant pressure and the measures to address these, **including measures to deal with legacy forestry issues and their impacts on water quality.**
18. The Forum recommends that the Forestry Sectoral Action Plan should include measures in line with the following recommendations from the HYDROFOR report for the protection of acid-sensitive species; “Cessation of afforestation on peat soils in acid-sensitive headwater catchments” or/and “Where replanting is considered, the design should be hydrologically informed and demonstrate empirically on a site-specific basis that it can mitigate impacts on water quality and aquatic biodiversity through the forest management cycle”.

¹ Note: The Forum’s representative for Forestry, Brendan Fitzsimmons, Tree Council of Ireland, does not agree with the term “legacy issues” in this submission.

Urban Wastewater

19. The RBMP should contain a stronger commitment for completion of assessments to address shellfish water assessments (which has been raised by the EPA in the previous two UWWT reports). The text on page 56 of the RBMP "The impact of urban waste water discharges in the vicinity of shellfish waters are being assessed to determine if they are contributing to failures and whether more stringent waste water treatment standards are required," should be included as an Action in the Plan for accountability, and it should include a proposed timeline for completion. The RBMP should include an action;
 - "Uisce Éireann should provide a timeline in their Sectoral Action Plan for both the assessments and the required treatment for all shellfish waters and designated pearl mussel habitats."
20. The Sectoral Action Plan for urban wastewater should also include information on how Uisce Eireann will address the risk from urban wastewater on bathing waters in Ireland.

Smaller Editorial Recommendations

- There is a need for consistent language for Sectoral Action Plans, Catchment Management Plans throughout the text (there is variability in terms through the draft RBMP)
- Page 116: Sectoral action plans – urban run off should be urban wastewater
- Page 116: LA and EPA should be the leading agencies for domestic wastewater (not UE)
- Appendix 16; list of WPAC members – update with new membership and include the Water Forum as an ex-officio member.
- Page 136; in the paragraph on public consultation meetings along with the Public Participation Networks that targeted the Environmental and Community & Voluntary **sectors** (rather than pillars as pillars includes only a small number of groups)