
**SUBMISSION ON THE PUBLIC CONSULTATION PROCESS
RIVER BASIN MANAGEMENT PLAN
FOR IRELAND (2018 – 2021)**

AUGUST 2017

Introduction

The National Water Forum wishes to welcome the Draft River Basin Management Plan (RBMP) and the work to date in regard to drafting same. The Forum considers that it has an important role in the context of commenting on the Plan and also assisting in the public engagement/consultation process in relation to the Plan and its implementation.

The National Water Forum provided for in the draft Plan, was launched in April 2017. With the forthcoming legislation, the Forum will be the only statutory body, representative of all stakeholders with an interest in the quality of Ireland's water bodies. The Forum consists of 27 representatives from a wide range of organisations with direct connections to issues relating to water quality. Approx. 50 different organisations were involved in the nomination of members.

In representing the various stakeholders, it is envisaged that the Forum will engage with the agencies and departments who have responsibilities under the Plan as well as the wider water community. This will result in improved understandings and enable the emergence of a common policy platform on particular catchment management issues.

The Forum has carried out an analysis of the Plan and has sought input from the various members and sectors represented on the Forum in order to draft a comprehensive submission. In particular, as the Forum has only recently been established, there were concerns with regard to the timescale for submissions but every effort has been made within those constraints to ensure that a comprehensive submission is prepared. The Forum would welcome further and on-going engagement with the Department in relation to the Plan and its implementation in due course.

It is understood that many of the sectors represented on the NWF intend to present their own submission on the Plan. Therefore the main endeavour in drafting this submission was to ensure that it is reflective of the shared understanding amongst the members of Forum of the main issues, concerns and considerations in relation to the Plan along with positioning the NWF for its future role in the catchment management process. The basis for our shared understanding is the absolute need to improve the quality of our waters, based on environmental, health, social and economic grounds. It is considered that this shared understanding of our focus will best position us to reach consensus in how to achieve continuous improvement.

The Forum notes, with concern, the continued and long term deterioration of the Country's water bodies, as documented in the draft Plan. It is particularly concerned that this deterioration occurred despite an on-going significant investment programme aimed at improving the overall quality. While it notes the view, as expressed in the draft Plan, that one of the weaknesses of the first cycle was that it was overly ambitious. It is not clear how this conclusion was arrived at and the Forum would welcome a more complete evaluation of the weaknesses of the first cycle. Notwithstanding this, the Forum considers, in the context of the scale of the current challenge, that the second cycle should be more ambitious than it currently is, more precise in terms of its deliverables and clearer in terms of resource requirements and allocation.

The Forum is also concerned with the time slippage in the roll out of the Plan and the second cycle of the RBMP. Considering the on-going deterioration of our water bodies, coupled with the growing awareness of the central importance of high quality waters to particular economic sectors such as Agriculture and Food, Fisheries and Tourism, the Forum emphasises the need for urgency in tackling the issues fore-grounded in the Plan.

The Forum notes the multiple pressures on water quality and the diversity of their sources including, inter alia, agriculture, forestry, industry and housing. It is necessary, therefore, to address the challenge of improvement of water quality from multiple perspectives and in a coherent manner which takes note of other major national policy directions including, amongst others, the National Planning Framework, the National Landscape Strategy and Flood Risk Management Plans. It is also considered necessary to review legislation in this area to ensure that the various statutory instruments are consistent and complementary.

Against this background, the Forum considers that are three main thematic areas around which it can best contribute in the deliberations towards the finalisation of the Plan. These are:

1. The challenges of integrated catchment management.
2. The governance of catchment management.
3. The role of the National Water Forum.

Integrated catchment management

It is understood that the RBMP is based on integrated catchment management which consists of the following elements:

- catchment characterisation;
- environmental pressures;
- measures/remedial actions;
- public consultation/engagement and;
- implementation/monitoring.

It is important that each of these steps is fully and equally provided for in the Plan - the first three elements being science based while the final two elements are reliant on socio-economic input. The Forum wishes to comment on all five elements, as they are presented in the Plan, with the intention of assisting in strengthening the Plan and ensuring that the many resources which have and will be dedicated to its implementation are best utilised to ensure maximum improvement in the quality of our waters.

Catchment Characterisation

It is considered that the Plan is very comprehensive in relation to catchment characterisation, depicting the status of our waters in an effective manner. The information with regard to pressures is based on the scientific data collated by the EPA and the level of information which this provides is essential in terms of identifying the problems. The work of the EPA in recent years is welcomed and will provide a very informative backdrop to all decisions and actions going forward.

Environmental Pressures

It is noted that while the main pressures are listed, the details with regard to same are not as comprehensive as they should be and it is considered that significantly more detail in this part of the Plan is necessary in terms of forming the full picture of pressures and challenges which must be addressed.

It is understood that the workshops in the various regions, which were managed by the EPA and LAWCO and have taken place since the publication of the draft Plan, should provide additional information which will feed into this part of the Plan and it is recommended that the Plan be strengthened by the inclusion of this information.

Within the multiplicity of environmental pressures alluded to in the draft Plan the Forum has given particular attention to the following:

a. *Agricultural activities*

The pressures from the Agriculture Sector are the most significant in the context of threats to water quality. It is understood that the sector is committed to better practices which will improve water quality and will also have a socio-economic benefit for the sector. However, there are concerns in relation to the costs associated with implementation of measures and how same can be measured relative to their potential environmental benefit. A further issue is with regard to the lag times from implementation of improved practices to measured improvement to water quality.

There are a number of initiatives and schemes which have particular benefit in this regard and it is important that they are maintained and expanded e.g. the dairy sustainability initiative and knowledge transfer initiatives. The Forum believes that the Glas Scheme is making a positive contribution to water quality and has further potential. In this regard, it proposes that a revised version of the GLAS scheme be introduced and furthermore, that a team of ecologically trained agric-environment advisors be appointed to complement the work of the current agriculture advisory services.

From an environmental viewpoint, there are very serious concerns with regard to the challenges which agricultural practices present to the protection of water quality. Issues with regard to outdated practices, full buy-in to environmentally friendly practices and the reasonable use of pesticides and fertilizers are noted as being of particular concern. It is clear that the Agriculture Industry is endeavouring to improve practices but having regard to the impact of the sector on water quality, it is considered that more needs to be done now to address on-going issues. Finally, in the need to get the balance right between co-operation and enforcement of regulations the protection of the water source must be the primary consideration in seeking to strike this balance.

b. *Invasive species*

The threat to water sources posed by invasive species is considered to be of great and growing concern. The dependence on cross-sectoral awareness and co-operation in relation to the management of this issue (in the context of identification, raising awareness, early alerts and agreed protocols and actions) is of particular importance. It is considered that there is little joined up thinking in relation to the management of this issue and that there needs to be a cross-sectoral approach to same. The Forum notes the fact the discussions are currently at an advanced level with

regard to putting in place management plans to deal with this issue. It would welcome clarification in the final Plan of the timelines for these plans and identification of the priority species.

c. Septic tanks

The threat posed by incorrect management and maintenance of septic tanks and in some cases, by old, malfunctioning and poorly sited septic tanks is of concern in the context of the extent of development in rural, non-serviced locations. The Forum considers that the current inspection regime and grant aid arrangements require immediate review. It is strongly recommended that resources are provided to facilitate a significant increase in the number of inspections carried out each year and also to extend the grant to those septic tanks that have not yet been inspected but who wish to voluntarily improve their septic tanks.

d. Climate Change

It is recommended that more illustrative information is provided in relation to potential climate change scenarios. In particular, the impacts of extreme or more variable weather events -including drier winters with subsequent water shortages, flooding events, etc. - should be considered. Perhaps the high level objective of the National Adaptation Framework could be included in the Plan and consequent Sectoral Adaptation Plans should be clearly referred to as appropriate.

Measures/remedial actions

The Forum has a number of concerns with regard to the manner in which the Plan addresses the measures for improvement and indeed the extent of improvement that is required. It is considered that more detail is required in relation to specific actions, the prioritisation and management of same and also timelines. In the absence of such detail, it will be difficult to ensure proper implementation and to assess progress. The Plan refers to the need to '*ensure the implementation of the right measures in the right place*' but there are concerns that the detail contained within the Plan falls short in this regard.

While it is fully appreciated that there are resource constraints in each sector of the economy, it is considered that the Plan needs to be more ambitious in terms of setting targets for improvement and needs to strengthen the controls in place to ensure that the measures are implemented. The Plan also needs to provide for new initiatives in each of the sectors, rather than merely relying on the implementation of current measures which have not, to date, resulted in any significant improvement in water quality.

There are many challenges due to the intensification of economic activities across all the main sectors which will continue to place pressure on water quality and the concern is that the Plan fails to provide for specific, supplementary and targeted measures to address these challenges. In addition, the Plan should also provide information with regard to the resourcing of the stated measures. It is considered that in the absence of this information and commitment, not alone might there be no improvement in water quality but there could be significant dis-improvement over the next 5 years.

It is also appreciated that there can be a time lag between the implementation of measures and their positive impact on the quality of receiving waters and that this can result in some level of

confusion with regard to the efficacy of those measures. Any clarifications with regard to these issues would be of value in terms of understanding the complete picture.

In relation to the setting of targets, it is considered that the Plan does not provide sufficient clarity with regard to what is to be achieved. It also seems that the target is to improve 12% of water-bodies to Good Water Status, with 1517 water-bodies at risk of not meeting their environmental objectives. There are serious concerns that this level of ambition is too low and that having regard to the pressures, measures and resources, the targets should be significantly increased. It is recommended that the Plan requires an additional chapter to accommodate this further information including a narrative of what further resources will be required and committed to achieve same.

The Forum considers that the rationale for investment in the protection of river catchments needs to be more strongly stated in the Plan. In particular, it notes the pivotal importance of clean waters to Ireland's indigenous food industry; it notes that Tourism, which is one of Ireland's main externally traded sectors and a major employer in the country merits just two mentions in the Plan; and it calls attention to the public health value of pristine environment. All of these considerations can help mobilise political and public support around the objectives of the Plan.

Public Consultation and Engagement

Throughout the Plan, there are many references to the importance and necessity for public and stakeholder engagement. As part of this process, LAWCO and the National Water Forum have been established, which are welcome and significant developments. The Forum considers that the independent status of these bodies is essential.

LAWCO, although only established a short while, has already become a most valuable resource to communities, encouraging, advising and enabling various groups and committees to take real ownership of the water bodies in their communities. The Forum considers that the services of LAWCO should continue and be expanded as the Plan moves through the implementation phase. LAWCO also requires further resources, on an annual basis, to assist in funding community projects which will give real impetus to the ground up approach required for successful and sustained local commitment.

The National Water Forum has just been launched and it is clear from the Plan that it has discretion to establish its own work programme. The Forum is commencing this process and sees its role in terms of identifying policy issues, raising awareness of significant concerns and leading stakeholder/public engagement as priority issues.

It is also important to note that the Implementing Bodies all have roles in the context of public/stakeholder engagement and consultation and those activities must be seen as an integral part of their role, to be managed not just in the planning stages but also throughout the implementation and review phases.

The Plan does not provide for specific deliverables in relation to public engagement or indeed the raising of public awareness and education. While it is appreciated that LAWCO and the NWF will have important roles in this context, the Plan should be strengthened in terms of determining key deliverables and also by placing a greater emphasis on promoting education and awareness amongst

communities in relation to water and water quality issues. Exceptional work has already been done in this area by various groups which must be harnessed in a co-ordinated way as part of this Plan.

Implementing and monitoring

It is appreciated that implementation of the many measures required fall to a wide range of departments, agencies and authorities and the co-ordination of same is a major task. It is also understood that, under the aegis of the EPA and LAWCO, significant steps have been taken to bring the implementation bodies together to agree priorities and work programmes. Such co-operation is imperative for the effective implementation of measures and is to be welcomed.

However, there is a concern that these activities are happening without the input of the wider water community and other stakeholders. While it is appreciated that the cycle of planning and implementation is on a continuum, it is important that all stakeholders have an opportunity to become involved in this process. It is understood that further engagements are to happen in the context of planned regional and local workshops in early autumn which will involve all stakeholders. The Forum wishes to emphasise that not only are these consultations important in terms of sharing information and understandings, they are also expected in the context of the WFD.

Reporting arrangements need to be put in place to ensure that the Implementing Bodies comply with the undertakings they have given and that the current impetus is maintained and energised. The Plan provides some information with regard to these arrangements at a high level but does not provide further information in relation to local level and it is recommended that same be provided for.

Furthermore, it is important that key indicators are designed and agreed which will assist in measuring progress during the second cycle. The Forum would welcome a set of key performance indicators which will clarify the specific objectives of the Plan, their respective components and the measurement indices which will be used in determining if these deliverables have been realised.

Governance of catchment management

In terms of governance, the Forum considers that the following issues are of particular concern:

- Arrangements in relation to governance.
- Provision of resources.
- Dealing with issues concerning compliance and legislation.
- Development of new Initiatives.
- Consideration of cross border issues.
- Communications strategy and citizen engagement

Governance

The forum notes the acknowledgement in the draft Plan of the governance difficulties in the roll out of the first cycle and acknowledges the efforts to address these issues in the coming cycle.

As a living entity, the River Basin presents a unique management challenge which differentiates it in fundamental ways from the management of inert utilities or infrastructure. The management, for instance, of a mains water supply is a great deal less complex than that of a river. The mains water supply is insulated from its immediate environment; water flows can be monitored and predicted;

extraneous elements, organic or otherwise can be excluded or their source pinpointed and it is impervious to subtle or major changes to the biosphere of its course. A water body, on the other hand, interacts in complex, active and diverse ways with all the elements which inhabit or permeate its catchment. It is in a continuous process of interaction, adaptation and adjustment, changes in the wide ecosystem in which it is located. It is an open system wherein it is difficult, if not impossible, to secure it from its wider environment.

With regard to the draft Plan, it could be suggested that the governance problems of the first cycle were derived from a utility management paradigm. As such they were unable to address the complexity of an ecosystem in which multiple actors, animate and inanimate, are impacting in different ways and between which a complex co-existence must be negotiated.

A new governance paradigm, in the view of the Forum, must be predicated on recognition of the open system nature of the river catchment. An open system is one which interacts with its environment in an on-going exchange of energy, materials or information, both on a planned and unplanned basis and which continuously re-calibrates in the life of such inputs and outputs.

The organisational design requirement for the management of an open system is one where all responsible parts are in open and on-going communication. By definition it must be inter-organisation and inter-agency with an on-going exchange of evidence and real time information amongst all the players as to ensure integration and co-ordination; it must be open to information from diverse sources, both formal and informal; it must be responsive and reflective, capable of managing both seen and unforeseen events; it must be dynamic, mobile and innovative in problem solving and it must actively enlist the aid of the wider public in monitoring, evidence gathering, in vertical and horizontal information flows and in behaviour change around practices which impact negatively on the eco-system. Seen in this way, the issue of public engagement becomes an intrinsic part of the governance framework wherein an educated public, alert to the interplay between pristine water, environmental quality and human health and well being becomes active and vigilant as key actors in catchment protection.

Resources

It is clear that, in order to implement the various measures indentified in the Plan, it will be necessary to mobilise extensive resources across a broad range of bodies and programmes. Many of those resources are already in place but may need to be redirected or re-prioritised if the measures are to be fully implemented. Of particular concern is the fact that in the first cycle, very significant resources were expended but this did not result in any nett improvement in water quality. While the draft Plan speculates on some of the lessons from the first cycle, the Forum stresses the importance that these lessons are taken into account in the implementation of the second cycle.

It is clearly evident that with so many stakeholders involved in decision making, prioritisation, resource allocation and implementation of multiple measures there is a need to provide a framework for overall governance within the Plan. The Plan proposes an Implementation Structure and specifies the responsibilities of the various entities. It is of utmost importance that there is an overall governance arrangement in place to ensure that all of these levels carry out their roles and implement their work programmes.

Furthermore, the securing of resources (finance, personnel, expertise etc) by each of the Implementing Bodies is critical and any dilution or resource re-allocations could be detrimental to the Plan. It is appreciated that this is a difficult issue to address but one which is fundamental to the whole process.

Compliance and legislation

There are a number of concerns with regard to existing legislation in terms of compliance/enforcement arrangements and also difficulties with cross compliance. It is considered that while many areas of environmental management are adequately catered for in terms of legislation, there can be difficulties with regard to compliance and enforcement in terms of adequate inspection resources and follow up systems. It is, of course, more beneficial to ensure that proper awareness programmes are in place, accompanied by good advisory and supporting measures, but it is also important that in instances of on-going or serious non-compliance, same are addressed in an appropriate manner.

A further concern is where there are cross-overs and contradictions in relation to compliance requirements by different agencies which can result in confusion, delays and costs for businesses and individuals. This could be addressed by greater multi-agency co-operation.

New initiatives

One of the main concerns with the Plan is the reliance on old/existing measures to improve water quality. While there are references to some new measures and initiatives, it is felt that the Plan could be strengthened by a commitment to invest further in research/implementation of new technologies, the development of pilot schemes and the promotion of innovative research funding for third level colleges. The Forum has been made aware of a range of initiatives which may assist in the better management of waste water and turning same into a resource e.g. separating phosphorus and nitrogen from waste water as a measure to prevent eutrophication of open water bodies. It is also understood that there are a number of research projects in relation to forestry (e.g. CROW and HYDROFOR) and the extension of the use of the Sustainable Drainage System (SUDS).

Cross border issues

The draft Plan does not incorporate the catchments located within Northern Ireland due to the political boundary. Current Brexit negotiations may also pose a challenge in terms of compliance with EU directives and also co-operation. Clearly, the logic of catchment management pre-supposes an all island governance approach as river catchments cross political boundaries. It is appreciated that there are some linkages at departmental level but it is considered that same should be included in the Plan.

Communication Strategy and Citizen Engagement

Within the approach to governance proposed by The Forum as outlined above, the issues of communications and citizen engagement are central. The Forum understands that many of the stakeholders, including the implementation bodies and sectoral interests, have a range of mechanisms in which they can engage with the Plan, its processes and implementation. However what is less clear is how the general public are to be facilitated in terms of their awareness of, and engagement with, the issues of water quality. Issues including public engagement, education,

information and citizen science are central to ensuring a cultural change in how we view water as a valuable and vulnerable resource. To this end, the Forum considers that it is very important that a Communications Strategy should accompany this Plan, providing clear and comprehensive mechanisms for public engagement and consultation. As stated previously, it is considered that the National Water Forum has a very important and strategic role in both developing and implementing the Communications Strategy.

With regard to citizen engagement and as previously stated in this submission and referred to many times in the draft Plan, the role of the public is extremely important. However, the draft Plan is somewhat unclear on what that role might be and how it can be activated. It is considered that the draft Plan needs to be strengthened in relation to the importance of the citizen as custodian of the environment and a valuable resource in terms of implementation strategies. Public awareness and engagement, student education and mobilisation and active citizen science can provide the bedrock for the cultural change that is required in order to ensure that the pressures and measures identified in the Plan are adequately identified and addressed. Such resources will assist in maintaining and improving progress, bringing us to a place where water, as a resource, is properly understood, respected and protected.

The Forum considers the implementation process of the Plan as on-going iterative one within which reflection and evaluation are built into the process. As such it is considered that consultation and implementation proceed hand in hand, each informing the other in a process which is developmental, reflective and on-going. The Forum can itself be both a conduit for this consultation and facilitate the consultation.

The Role of the Forum

The Forum has considered the role it can best play in the roll out of the Plan. The Forum considers its position to be pivotal in the context of encouraging and facilitating engagement on the one hand and on the other hand, challenging policies, resource allocations and actions with the single focus of the continuous improvement of water quality in Ireland.

Based on these considerations and also on the provisions of the Plan, the Forum suggests its terms of reference as follows:

- i. The NWF is committed to facilitating stakeholder engagement on all water issues at a national, strategic policy level with the common goal of improving water quality.
- ii. The Forum will debate and analyse issues related to integrated catchment management and the implementation of the Water Framework Directive, including, but not limited to:
 - Water as a resource;
 - Issues of water quality;
 - Rural water issues including oversight of the Rural Water Capital Investment Programme ;
 - Water issues relating to climate change and;
 - Issues affecting customers of Irish Water.

- iii. The Forum will submit reports and recommendations to the Water Policy Advisory Group (WPAC) and the National Co-ordination and Management Committee (NCCMC) in relation to national policy in order that these are considered by the relevant Department(s) with responses conveyed back to the Forum including, if possible, attendances at a meeting of the Forum.
- iv. The Forum will endeavour to enhance public understanding of the value of water and the water environment.
- v. The Forum will promote effective public participation, including the raising of public awareness on issues affecting water quality and to monitor progress.
- vi. The Forum will prepare an Annual Report on the work of the Forum.

The Forum has concerns with regard to its positioning relative to other agencies and bodies. It is noted that on page 87 of the Plan, there is a diagram depicting the Implementation Structures, but there is no provision in that diagram for the Forum. The Forum considers that this diagram needs to be amended to provide for the Forum and also to reflect interdependencies and relationships between all the stakeholders of the Plan. The current diagrammatic representation of the structure fails to capture the flows, adjustments and continuous re-iteration which the Forum considers will be necessary as the Plan unfolds.

Conclusion

The National Water Forum considers that the second cycle in relation to River Basin Management Planning presents all stakeholders and implementing bodies with a real opportunity to work in collaborative and innovative manner in order to cease the deterioration in water quality and put in place viable measures to restore all waters to good ecological status. It is appreciated that the challenges are great but equally, it is fully understood that the well-being of our environment, the economy and human health are all individually and equally at stake.

While the draft Plan contains much important information and forms the basis for actions going forward, there are a number of areas where it needs to be strengthened or clarified in order to ensure effective delivery and obviate confusion as follows:

- The level of ambition in relation to improvements needs to be enhanced in order to ensure that our waters are restored to good status within a reasonable timeframe;
- The measures in relation to the activities by the Implementing Bodies requires further detail so that there is full clarity as to what it is intended to be done;
- The commitment of resources requires further clarification in order to ensure that the measures can be delivered;
- The methods for monitoring actions and progress need further development so that there are reliable indicators to measure activity and progress;
- The requirements in relation to on-going and progressive engagement also need development in order to facilitate the role of stakeholders, the engagement of organisations with their communities and the management of cross sectoral co-operation.

The Forum hopes that its views will be of assistance in finalising the Plan and is available to engage in relation to same on an on-going basis.

End.