



Sustainable Water Network (SWAN)

Response to Public Consultation on the Significant Water Management Issues for the third cycle River Basin Management Plan for Ireland 2022-2027

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Introduction to the Sustainable Water Network (SWAN)

The Sustainable Water Network (SWAN) is an umbrella network of 24 of Ireland's leading environmental NGOs, national and regional, working together to protect and enhance Ireland's aquatic resources through coordinated participation in the implementation of the Water Framework Directive (WFD), the Floods Directive, the Marine Strategy Framework Directive (MSFD) and other water-related policy. SWAN member groups are listed in Appendix I. SWAN has been actively engaged in WFD and other water policy implementation since 2004 and currently represents the environmental sector on the Irish Water Stakeholder Forum and the National Water Forum. SWAN has made 18 formal submissions relating specifically to WFD implementation during that time.¹

Introduction to this submission

SWAN welcomes the opportunity to comment on the draft Significant Water Management Issues (SWMI) report and would like to thank officials from the Department for attending and presenting at a SWAN SWMI workshop in March 2020 and SWAN-IEN webinar in July 2020. This submission reflects the views of the network members and is the result of SWAN research, the outputs from the March workshop (and earlier workshops as part of the second RBMP cycle) and email consultation with members.

Taking on board experience from the last cycle and advice from the Department at the SWAN workshop, this submission is designed to be as clear and easy as possible to systematically consider for incorporation into the draft River Basin Management Plan (RBMP).²

SWAN members have selected to focus on ten priority significant water management issues (SWMIs) and key asks on each are enumerated clearly. This approach does not mean that SWAN believes other SWMIs are not important and since almost all of it is still relevant we refer you to our 2018 River Basin

¹ First cycle: Article 5 Characterisation; Work Programme & Timetable; Monitoring Programme; Draft Plan, first submission: 'SWAN Submission in Response to 'Water Matters – Help Us Plan, Draft River Basin Management Plan'; Draft Plan, second submission: 'Review of 'Water Matters – Our Plan!' River Basin Management Plans for Ireland's River Basin Districts 2009-2015'.

Second cycle WFD: Response to Public Consultation - Timetable & Work Programme for the Development of the Second Cycle River Basin Management Plans: [SWAN Response to Consultation - Draft Significant Water Management Issues Report, December 2015](#); [Sustainable Water Network \(SWAN\), Response to Consultation , Draft River Basin Management Plan 2018-2021](#)

Third cycle WFD: Response to Public Consultation - Timetable & Work Programme for the Development of the Third Cycle River Basin Management Plans: [SWAN Response to Consultation – Timetable and Work Programme for Development of the Third Cycle River Basin Management Plan, June 2019](#)

Other: Public Awareness Campaign on Water Blueprint; Submission on Surface Water Regulations; Joint recommendations with NI Freshwater Taskforce on All-Ireland WFD Implementation; Recommendations on Advisory Councils; Water governance proposal; 3-Tier Public Participation Proposal: [SWAN Recommendations for Public Participation Mechanisms in the Department of Environment, Community & Local Government 3-Tier Water Governance Proposal, August 2013](#); Public participation proposal, refined: '[Delivering meaningful public participation in water governance and Water Framework Directive \(WFD\) implementation: SWAN Recommendations](#)', July 2015; Public participation proposal, further refined & updated: '[Public Engagement in Water Framework Directive Implementation: A Review of Developments as of September 2016, with Recommendations - SWAN Submission to Department of Housing, Planning, Community and Local Government \(DHPCLG\)](#)', October 2016.

² During the second cycle, SWAN submitted a 59pg. detailed submission covering all SWMIs, the contents of which, on analysis, it was clear were mostly ignored and not reflected in the draft RBMP. Feedback from the Department was that it was very long and that the key messages were not readily accessible.

Management Plan submission (Appendix II) for issues not covered in this document. Rather this approach has been taken to focus attention on the most pressing issues.

We draw your attention in particular to the 'Key Asks' throughout the document and also summarised in the table below.

Comments that we make on the SWMI are mainly focused on the presentation of the issues, NOT a discussion of the measures, which in our view is the next step of the cycle. However where appropriate and where asked in the consultation questions, we do provide some input on these.

This submission is structured as follows:

- Introductions
- SWAN Key Asks Summary Table
- RBM Planning continuum: Linking the SWMI to an effective RBMP
- Sections dealing with top ten priority issues for SWAN, with key asks
- Response to some of the consultation questions, referring back to relevant sections of the submission where appropriate
- Appendices for information on other SWMIs and further information.

SWAN's Key Asks Summary Table

Issue	No.	Key Ask
Linking the SWMI to an effective RBMP	1a	The River Basin Management Plan must be science-based and ALL threats and impacts on water must be clearly stated, with a clear link between these stated pressures & impacts and specific measures to address them, with the measures necessary to achieve WFD objectives for all waterbodies set out.
	1b	An evaluation of the efficacy of the national initiatives presented as solutions in the 2nd RBMP must be presented in order to provide the information and evidence-base for a) decision-making around their continuation and b) an assessment regarding the need for additional supplementary measures.
Lack of ambition: Proposal to prioritise only certain waters for targeted measures	2	The prioritisation approach must be discontinued and (in line with Key Ask 1) all the necessary supplementary measures (linked to pressures) to achieve this must be set out. At risk waterbodies must only be excluded from targeted supplementary measures if exemptions are applied in line with Art. 4, and the rationale for the exemption for each waterbody is set out in the RBMP.
Water Governance & Public Participation	3	A full independent review of water governance should be carried out between now and the publication of the draft RBMP, with the findings informing the RBMP. This should be based on lessons learned from earlier RBMP cycles and on OECD water governance principles and should incorporate comprehensive stakeholder engagement.
	4	International co-operation must be identified as a priority issue in the RBMP, with the range of cross-border pressures and challenges clearly identified.
	5	AWARENESS: Include a commitment to a national public awareness campaign on water in the RBMP.
	6	INFORMATION: The minutes of all meetings of Water Policy Advisory Committee (WPAC), National Coordination and Management Committee (NCMC) and Regional and Operational Committees should be made publicly available in addition to accessible summaries and updates on their work, and the work of LAWPro, with progress reports.
	7	PUBLIC ENGAGEMENT: The DHPLG must issue, in advance of the publication of the draft RBMP, a comprehensive programme for public engagement in RBMP. This should be developed with support from specialist public engagement experts and set out a mechanism and timeline for facilitating stakeholders at all levels (national, regional & local) to actively engage in the RBMP process.
	8	We are calling for publication of draft Catchment Management Plans by LAWPro, setting out the findings of their catchment assessment work, including: water status, identified pressures and the proposed measures necessary to address the pressures. Following engagement with the public, final catchment management plans should be published.
Agriculture	9	Agriculture constitutes by far the greatest pressure on Ireland's water environment, in terms of the magnitude and variety of inputs and pressures. The SWMI falls far short of reflecting this and this must be remedied in the RBMP, which should clearly set out the most pertinent information on the threats to water status from agricultural activity, including: information on the relative impacts of the main farming types on water status; incidence & impacts of agricultural wetland drainage; data on agricultural pesticide use & impacts; impact of the application of nitrification derogations on water quality in the catchments of derogation farms to date. See ' Issue 3 ' for further elaboration.
Physical Modifications, Hydromorphology & Integration with land use planning	10	WETLAND DRAINAGE: Provide comprehensive information on the occurrence and frequency of sub-threshold and unregulated wetland drainage; expedite the review of the regulatory framework for wetland drainage and land drainage and include national regulations to control / prevent it.
	11	ARTERIAL DRAINAGE: Present a full assessment of the impacts of drainage schemes on the WFD objectives of affected water bodies and commit to amend the Arterial Drainage Act to remove the legal obligation on the OPW for ongoing dredging.
	12	HYDRO-MORPHOLOGICAL ALTERATIONS: The RBMP must include a comprehensive system of prior authorisation for hydro-morphological alterations to waterbodies. This must include

		ex-ante WFD-specific assessments for individual projects, including dredging, drainage, 'river maintenance' and developments associated with flood protection and must be in line with ECJ ruling on Case C-461/1318 (on dredging for navigation of the river Weser in Germany).
	13a	The planning guidance on how to integrate water management into the planning system will be a key measure in WFD implementation and must be subject to full public engagement. The proposed protocol must be carefully explained as part of this engagement, as must the relationship between this guidance and the system of prior authorisations for hydro-morphological alterations (i.e. how they will interact).
	13b	SWAN requests engagement with the Department on the guidance. See Issue 4.2 for further elaboration.
Waste Water Discharges – Urban & Individual Dwellings	14	The RBMP must clearly link proposed measures to deal with urban wastewater discharges (UWWWD) with pressures & impacts, in line with Key Ask 1. It must clearly present all aspects of the pressures posed by UWWWD on the receiving water environment and regulatory issues around that. See Issue 5.1 for further elaboration.
	15a	The RBMP must more clearly set out the issues around individual on-site wastewater treatment systems (OSWWTS), including impacts on high status waters and the very significant challenge posed by septic tanks on inappropriate sites with unsuitable soil conditions.
	15b	The RBMP should include an analysis of the link between catchment characterisation results as they pertain to OSWWTS and the efficacy of the National Inspection Plan (NIP) as the key measure to address them.
	15c	If the NIP has not led to an environmental improvement in impacted waterbodies, supplementary measures must be put forward.
High Status Sites	16	The Blue Dot Programme should include the development of urgent targeted sub-catchment management plans for ALL current High Status objective waterbodies, including controls on currently unregulated activities and integration of protection for high status waters into planning controls. See Issue 6 for further elaboration.
Forestry	17	The RBMP should include clear information on the efficacy to date of forestry initiatives introduced to protect water from forestry impacts e.g. the Environmental Requirements for Afforestation. This should be based on an evaluation of their performance in restoring the 183 waterbodies identified as being at risk from forestry, with a specific focus on high status waters and pearl mussel catchments.
	18	Each afforestation and felling licence granted must contain conditions which reflect the specific conditions of each site and be considered in the context of a catchment-wide assessment of the cumulative impact of forestry. In addition, the requirement to replant should be removed in high status catchments and any replanting should be informed by a WFD-specific assessment. Compliance with conditions must be enforced; freshwater Pearl Mussel sites in particular should be very tightly regulated.
Coastal & Transitional Issues	19	Coastal matters must be included as an overarching SWMI in the RBMP, with a dedicated chapter. This must identify the non-land based pressures contributing to the poor ecological status of transitional and coastal waterbodies (e.g. fishing, shipping, off-shore renewable energy development etc.) and propose actions to address them.
Aquaculture	20	Include aquaculture as a SWMI in the RBMP with a dedicated section which includes: results of the further investigation of " <i>the environmental performance of the sector</i> " referenced in the SWMI document; clear and transparent information about the licensing and regulation for aquaculture; measures to address impacts and data gaps.
Abstraction	21a	Clearly identify abstraction as a SWMI in its own right in the RBMP and commit to a control regime, as required by the WFD, and set out (as a minimum) measures for all waterbodies at risk from abstraction (194 in the 2018-2021 RBMP) to address the abstraction pressure.
	21b	The RBMP must include a commitment to the establishment of a comprehensive, publicly accessible National Abstraction Register which includes all abstractions and a licensing regime for all abstractions greater than 10m ³ /day.

RBMP continuum: Linking the SWMI to an effective RBMP - working backwards

In this short section, we describe broadly the format an effective RBMP should take, to contribute thinking to its early development but also to work backwards in order to inform our input on the SWMI, because this is linked closely to the format we wish to see in the RBMP.

It is important to understand the objective of the SWMI. The SWMI should clearly, transparently and objectively set out all the significant water management issues facing the state. In this way it acts as a solid information base on which subsequent work on the draft river basin management plans is built, in particular the development of measures clearly linked to those identified pressures.

Therefore, it is disappointing that in the consultation draft there is no detail on the SWMIs, with much information missing and each section of the SWMI devoting a disproportionate amount of text setting out '*What is currently being done*'. This is not the role of the SWMI and is not useful in our view. It is important that this is remedied in the RBMP.

KEY ASK 1

- a) A science-based River Basin Management Plan in which ALL threats and impacts on water must be clearly stated in a systematic way³ with a clear link between these stated pressures & impacts and specific measures to address them, with all the measures necessary to achieve GES for all waterbodies clearly set out.⁴
- b) An evaluation of the efficacy at catchment and waterbody scale of national initiatives presented as solutions in the 2nd RBMP must be presented in order to provide the information and evidence-base for decision-making around their continuation and an assessment of the need for additional supplementary measures.

ADDITIONAL ASK:

- An economic analysis as required by Art. 5 of the directive must be included. General text presenting the socio-economic aspects of particular sectors should be omitted unless presented in the context of a robust socio-economic analysis. It is extraneous and serves only to placate certain sectors.

³ Including pressures omitted from this SWMI consultation document

⁴ Of course exemptions can be applied according to Article 4. Describing programmes and initiatives that are already in place must be avoided unless these have been assessed and direct links to waterbody improvements have been demonstrated.

Issue 1: Lack of Ambition - Proposal to Prioritise Only Certain Waters for Targeted Measures - Not Compliant with WFD

SWAN fundamentally disagrees with the prioritisation approach to implementing the WFD, whereby certain areas, Priority Areas for Action (PAAs), are selected for targeted measures and others are left to basic regulations.

It is of grave concern to SWAN that the SWMI now proposes *“to continue with this approach for the third cycle RBMP.”* This will result in the majority of waterbodies which are currently failing WFD standards (or ‘at risk’ of doing so) NOT being targeted with specific measures during the third RBMP and so continuing to fail to achieve WFD objectives. In a written answer to a question posed by SWAN at the EPA Water Event, LAWPro stated that the PAAs encompass 38% of the waterbodies failing, or at risk of failing WFD standards, leaving almost two thirds (62%) to basic measures only, which demonstrably are not working. Even if this PAA programme is somewhat expanded it would seem reasonable to expect that up to half our waterbodies would remain without targeted WFD implementation measures, under the proposals in the SWMI document.

SWAN was given to understand by LAWPro and DHPLG officials at a SWAN RBMP workshop in 2018 that this prioritisation approach was a short-term pragmatic solution only, in order to secure some ‘quick wins’. However, we object in the strongest terms to this approach being continued into the third cycle because it means that a significant proportion of Irish waterbodies will fail to meet the requirements of the directive by the ultimate deadline of 2027. It would be indicative of a very low level of ambition and commitment on the part of the Irish government to protecting and restoring Ireland’s waters; it would expose Ireland to the risk of daily fines from the EU and in SWAN’s view, it is unacceptable.

SWAN wishes to emphasise the fact that there is a clear political commitment in the current Programme for Government to *‘ensure that the State complies with the EU Water Framework Directive’*. The approach being proposed in the SWMI clearly runs counter to this.

It is also very important to bear in mind that the EU WFD fitness check determined that the WFD is fit for purpose and shall not be opened for review.⁵ Therefore the obligation to meeting WFD objectives by 2027 stands and Member States, including Ireland, must now focus on implementing a programme of measures to achieve that goal and address the criticism of the fitness check that *“The fact that the WFD’s objectives have not been reached fully yet is largely due to insufficient funding, slow implementation and insufficient integration of environmental objectives in sectoral policies.”*

While the exact nature of the technical exemptions to be permitted is still being discussed at EU level, due to the fact that this is the final RBMP before the 2027 deadline, the overall requirement of the directive stands as follows:

⁵ European Commission (2019) Commission Staff Working Document. Fitness Check of the Water Framework Directive, Groundwater Directive, Environmental Quality Standards Directive and Floods Directive - [https://ec.europa.eu/environment/water/fitness_check_of_the_eu_water_legislation/documents/Water%20Fitness%20Check%20-%20SWD\(2019\)439%20-%20web.pdf](https://ec.europa.eu/environment/water/fitness_check_of_the_eu_water_legislation/documents/Water%20Fitness%20Check%20-%20SWD(2019)439%20-%20web.pdf)

- Under Article 4 of the directive, Member States are required to implement the necessary measures to achieve the objectives of the WFD.⁶ Exemptions to achieving these objectives are permitted under strict conditions and these are also set out in Articles 4.4, 4.5, 4.6 and 4.7
- If basic measures (generally, existing regulations and controls) are not sufficient to bring a waterbody up to good status or otherwise to meet its WFD objective, Member States are required to introduce additional supplementary measures to achieve this
- Exemptions to this can be applied in a variety of strictly defined specific circumstances which we summarise as follows⁷
 - technical infeasibility; disproportionate cost;
 - *“the environmental and socioeconomic needs of the activity”* affecting a waterbody cannot be achieved by other means, which are a significantly better environmental option;
 - Failure to achieve WFD objectives *“is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater”*; or *“Failure to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities”* and ALL the following conditions are met:
 - The reasons for the modifications are of overriding public interest and/or the benefits to the environment and to society of achieving the environmental objectives are outweighed by the benefits of the new modifications to human health and safety or to sustainable development;
 - The benefits served by the modifications cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.
- In all cases the rationale for a waterbody not meeting WFD objectives must be set out in the River Basin Management Plan.

KEY ASK 2:

The prioritisation approach must be discontinued and (in line with KEY ASK 1) all the necessary supplementary measures (linked to pressures) to achieve this must be set out. At risk waterbodies must only be excluded from targeted supplementary measures if exemptions are applied in line with Art. 4, and the rationale for the exemption for each waterbody is set out in the RBMP.

⁶ To protect and, where necessary, to improve the quality of all our inland and coastal waters, groundwaters and associated wetlands, and to prevent their further deterioration; to achieve ‘good status’ for all these waters by 2015 (or 2021 or 2027 under certain conditions); to promote the sustainable use of water; to reduce the pollution of water by particularly hazardous ‘priority’ substances; and to lessen the effects of flooding and drought.

⁷ Please refer to Articles 4.4 – 4.7 for detailed criteria.

ADDITIONAL ASK:

- There must be a clear statement in the RBMP regarding the legal obligation for all waterbodies to reach good status (and / or other WFD objectives) by 2027.

RATIONALE

- The prioritisation approach does not follow the procedure set out in the directive for the application of exemptions from the achievement of WFD objectives and thus it is not compliant with the directive.
- The most recent Environmental Protection Agency (EPA) report states that more than half our rivers, lakes and estuaries (47%, 49.5% and 62% respectively) are not in a healthy state i.e. they are failing WFD mandatory standards of 'good ecological status' and river water quality has declined by 5.5%.⁸ All of these are subject to basic national legislation, demonstrating the fact that basic measures are not adequate.
- In order to secure the necessary resources to implement action for all our waters, the RBMP must clearly and transparently state what objectively needs to be done, based on an analysis of the pressures and impacts to achieve WFD objectives for all waters. Only then can a fully informed discussion take place regarding the investment required to truly protect and restore our waters and to meet WFD objectives.
- In order to apply exemptions in relation to disproportionate cost, the mandatory economic analysis required by the WFD must be conducted.

⁸ EPA (2019) [Water Quality in Ireland 2013–2018](#). Environmental Protection Agency. Wexford

Issue 2: Water Governance & Public Participation

2.1 Governance

An effective water governance system, including for international river basin districts (RBDs), will be key to a successful RBMP and while not specifically a SWMI, we include it so as to inform the development of the RBMP. We also re-iterate it here to build on points made in our submission to the consultation on the 'Timetable & Work Programme for the Development of the Third Cycle River Basin Management Plan' to which we did not receive a response.

KEY ASK 3:

A full independent review of water governance should be carried out between now and the publication of the draft RBMP, with the findings informing the RBMP.⁹ This should be based on lessons learned from earlier RBMP cycles and on OECD water governance principles and should incorporate comprehensive stakeholder engagement.¹⁰

RATIONALE

- It is important that implementation in the third cycle is based on lessons learned in previous cycles. One of the key weaknesses of the first cycle was "*no single body having ultimate responsibility*" for implementation and this remains the case.¹¹
- The OECD has identified policy coherence and well-designed regulatory frameworks as key to effective water governance: "*Solutions [to water management issues] will only be viable if **policies are consistent and coherent**; if stakeholders are properly engaged across levels of government, if **well-designed regulatory frameworks** are put in place ... These goals ... require **robust and agile institutions that can adapt to new conditions**, taking into account the specificities of each community and of its culture and history*" (SWAN's emphasis).¹²
- **A key question** which arises from this and which needs to be addressed in a review is: Do the structures and arrangements proposed for the third cycle (in the 'Timetable & Work Programme for the Development of the Third Cycle River Basin Management Plan' consultation document), address acknowledged weaknesses and meet OECD standards for effective water governance?
- SWAN would strongly argue that there has been little progress towards the policy coherence and consistency. For example, national agriculture policy to increase productivity is diverging further from the ecological goals of the WFD. According to the latest EPA Water Quality Report, "*Since 2013 nitrogen emissions to water have increased as*

⁹ If this does not happen then a strong commitment to such a review should be contained in the RBMP

¹⁰ Organisation for Economic Co-operation and Development (OECD) 2015. Principles of Water Governance. OECD Publishing, Paris, France - <https://www.oecd.org/cfe/regionaldevelopment/OECD-Principles-on-Water-Governance-en.pdf>

¹¹ 2018-2021 River Basin Management Plan, citing the EU Commission assessment of the first RBM Plans

¹² Organisation for Economic Co-operation and Development (OECD) 2015. Principles of Water Governance. OECD Publishing, Paris, France. <https://www.oecd.org/cfe/regionaldevelopment/OECD-Principles-on-Water-Governance-en.pdf>

both cattle numbers and fertiliser use have increased” and “the increase in nutrient concentrations, which coincide with areas impacted by agricultural activities, are a particular concern.”¹³

- In addition, neither the second RBMP nor the previous ‘Timetable & Work Programme for the Development of the Third Cycle RBMP’, propose new measures to contribute to a “*well-designed regulatory framework*”, despite the commitment by the DHPLG to the EU Commission at least seven years ago to introduce consolidated primary legislation to address the unwieldy and fragmented current legislative framework for water management and protection.

ADDITIONAL ASK

- In order to better understand and assess how the current water governance system is operating, SWAN would like to propose that DHPLG, EPA, LAWPro & SWAN collaborate on examining the following proposed examples provided by SWAN members, as ‘test cases’:
 - a. Submission of a license application for a fin-fish farm in a coastal water-body classified ‘high’ status;
 - b. Report from a stakeholder group regarding observed water quality impacts in a water body of good or high status, from land-spreading of animal waste understood to be from outside the catchment;
 - c. Multiple documented incidences of unregulated riparian wetland drainage;
 - d. Physical modification of a river water-body at good status by OPW flood protection works;
 - e. Permit sought for wind-farm in coastal water body of good status.

2.1.2 Management of International River Basin Districts (RBDs)

The SWMI consultation document is very weak on cross-border matters. It is not enough to say that authorities “*will continue the objective of coordinating the management of watercourses on a cross border basis for the foreseeable future*” and that it’s the “*intention to continue this cooperation into the future regardless of the outcome of BREXIT in the United Kingdom*”. A clearer statement of the situation is required, given that we have two international river basin districts and we are facing the challenge of Brexit.

KEY ASK 4

International co-operation must be identified as a priority issue in the RBMP. The particular character of cross-border pressures must be clearly identified, including the impacts of intensive agriculture installations in Northern Ireland on shared catchments; the risk of undocumented movement of waste across the border; the particular issues arising in our shared sea loughs, including aquaculture. If there are knowledge gaps in this regard, a plan of action for addressing these should be included.

¹³ EPA (2019) [Water Quality in Ireland 2013–2018](#). Environmental Protection Agency. Wexford

RATIONALE:

- The WFD requires:
 - *“Where a river basin district extends beyond the territory of the Community, the Member State or Member States concerned shall endeavour to establish appropriate coordination with the relevant non-Member States, with the aim of achieving the objectives of this Directive throughout the river basin district”* and
 - *“In the case of an international river basin district extending beyond the boundaries of the Community, Member States shall endeavour to produce a single river basin management plan,”*

The first step in such an endeavour is to identify cross-border pressures and impacts in order to collaborate on measures to address these.

2.2 Public Engagement

SWAN welcomes the establishment of the national Water Forum, the work of Community Water Officers and the funding of two pilot stakeholder initiatives in the Inishowen and Mague catchments. Despite these developments, SWAN has serious concerns about ongoing weaknesses in public engagement in water management. These are articulated in the context of comprehensive constructive input from SWAN in this regard; we have made numerous recommendations to DHPLG over the past seven years on this topic (as has the Water Forum more recently).¹⁴ We recognise that our recommendation for the establishment of a National Water Forum has been implemented.

SWAN's concerns relate to:

- 1) lack of transparency and **information** regarding water management by all levels of water governance, namely
 - The Water Policy Advisory Committee (WPAC)
 - National Coordination and Management Committee (NMC)
 - Local Authority Regional Committees and Operational Committees
 - Local Authority Waters Programme
- 2) Lack of response to **consultation** submissions and lack of clarity regarding the outcome of consultation responses (e.g. SWAN received no response to the substance of our submission on the *'Timetable & Work Programme for the Development of the Third Cycle River Basin Management Plan'* and it is unclear if / how it influenced the SWMI document);
- 3) Public **engagement**: it is unclear if / how the public is being facilitated to engage, or whether public input is influencing decision-making regarding catchment/water

¹⁴ SWAN has made 3 submissions on public participation and water governance, with detailed recommendations to the Department of Housing, Planning and Local Government. In 2013 we made the submission '[SWAN Recommendations for Public Participation Mechanisms in the Department of Environment Community & Local Government \(DECLG\) 3-Tier Water Governance Proposal](#)', setting out comprehensive recommendations for public participation in WFD implementation. This was followed in 2015 with an updated submission: '[Delivering meaningful public participation in water governance and Water Framework Directive \(WFD\) implementation: SWAN Recommendations](#)', which was tailored to governance developments in the interim. In the interests of keeping our input timely and relevant, this was further refined and updated as '[Public Engagement in Water Framework Directive Implementation: A Review of Developments as of September 2016, with Recommendations](#)'.

management. This includes inputs from An Foram Uisce, which is a statutory stakeholder body.

KEY ASK 5 (Awareness)

Include a commitment to a national public awareness campaign on water in the RBMP.

RATIONALE:

- Widespread public awareness of the value of water and the water environment is the foundation of all further consultation and engagement work; without this many citizens will not be sufficiently aware of the relevance of RBMP to engage.

KEY ASK 6 (Information)

The minutes of all meetings of WPAC, NCMC and Regional and Operational Committees should be made publicly available in addition to accessible summaries and updates on their work, and the work of LAWPro, with progress reports.

RATIONALE:

- This is best practise as the basis of good water governance, is required under the Aarhus Convention and is necessary in order to support the next two tiers of public participation, i.e. consultation and engagement.¹⁵

KEY ASK 7 (Public Engagement)

The DHPLG must publish (in advance of the publication of the draft RBMP) a comprehensive programme for public engagement in RBMP. This should be developed with support from specialist public engagement experts¹⁶ and should set out a mechanism and timeline for facilitating stakeholders at all levels (national, regional & local)¹⁷ to actively engage in the RBMP process. At a minimum, this programme should address the four recommendations in the National Water Forum briefing paper on public engagement.¹⁸

- Introduce and support public participation processes which incorporate the three key principles of effective public engagement:
 - address inequity and power imbalances between different individuals and stakeholder groups;

¹⁵ United Nations Economic Commission for Europe (UNECE) (1998) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Geneva. <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

¹⁶ By way of example, a company with a good track record in this regard is [Dialogue Matters](#) who spoke at the 2015 SWMI workshop in Farmleigh

¹⁷ SWAN believes that there is now a significant deficit at regional level which needs to be addressed. This has also been identified by LAWPro. This is critical because key decisions regarding catchment management are now made at this level by the Regional (Operational) Committees and there is currently no stakeholder participation or input to that process.

¹⁸ National Water Forum (2020) [Briefing Note. Public Engagement in Managing Ireland's Waters](#). This was based on a commissioned academic research paper, available on request from the Forum.

- incorporate various forms of knowledge/expertise to recognise the value of lay knowledge as well as scientific expertise;
- address issues of scale e.g. how pressures and processes that operate at national levels circumscribe local decision-making regarding water management.
- Conduct an evaluation of current engagement initiatives based on the above principles;
- From the beginning, include communities and individuals in procedures and decision-making around water resources;
- Support medium/long-term interdisciplinary academic research on public engagement including in the form of pilot projects to trial a range of approaches.

KEY ASK 8

Publication of draft Catchment Management Plans by LAWPro setting out the findings of their catchment assessment work, including: water status, identified pressures and the proposed measures necessary to address the pressures. Following engagement with the public, final catchment management plans should be published.

RATIONALE:

- There is a clear legal requirement in Art. 14 of the WFD, that *“Member States shall encourage the **active involvement** of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans”*. This must be clearly stated in the RBMP (and the reference in the SWMI document to such encouragement being only *“in the spirit of”* the directive should be removed).
- Research shows that meaningful public engagement is a crucial element of integrated catchment management.¹⁹
- The extremely unfortunate and avoidable situations of trenchant public opposition in the cases of both the prohibition on peat cutting on N2000 sites and the introduction of water charges demonstrate the extremely damaging consequences of failing to engage meaningfully with the public on water and wetland issues. SWAN would urge competent authorities to develop and begin delivering a programme of public participation in WFD implementation as a matter of urgency.

¹⁹ See for example: Daly, D. (2013) A Healthy Catchment Initiative for Ireland: Making Integrated Catchment Management Happen. Presentation to IAH (Irish Group) Conference: Groundwater & Catchment Management, Tullamore, April 2013; Janaki, L. & Uitto, J.L. (eds) (2006) Enhancing participation and governance in water resource management: conventional approaches and information technology. United Nations University Press; Organisation for Economic Co-operation and Development (OECD) 2015. Stakeholder Engagement for Effective Water Governance. OECD Publishing, Paris, France.

ADDITIONAL ASK:

- All stakeholders must receive a considered response to their submission on the SWMI outlining where their input has been incorporated into the RBMP and if it has not why not and afforded an opportunity to discuss this with decision-makers.

RATIONALE:

- This is best practise in water governance, and is necessary in order to deliver meaningful consultation that a) is not a waste of stakeholders' time; b) is not, nor is seen to be, a 'box-ticking exercise'; c) does not lead to stakeholder fatigue and disengagement.

Issue 3: Agriculture

The sections on agriculture in the SWMI consultation document are weak. They do not reflect the scale of the challenge posed by agriculture currently nor its significance relative to other SWMIs. Pressures from agriculture are spread between several sections and *Issue 4: Agriculture* includes almost no information on the impacts of agriculture, with just brief mentions of pesticides and sedimentation. Furthermore, most of the text is devoted to describing what is already being done rather than clearly setting out the various pressures posed by agricultural activity (with the exception of one welcome reference in the section on pollution with nutrients to the correlation between nitrate losses and farm intensity). Agriculture constitutes by far the greatest pressure on Ireland's water environment, in terms of the magnitude and variety of inputs and pressures. The SWMI falls far short of reflecting this and SWAN believes this must be remedied in the RBMP in order to provide the basis for a third cycle river basin management plan which comprehensively addresses all pressures from agriculture with specific measures tailored to each pressure.

KEY ASK 9

The RBMP should clearly set out the most pertinent information on the threats to water status from agricultural activity, including:

- The % of waterbodies where agriculture is a significant pressure and the % waterbodies where agriculture is the primary pressure;
- Maps overlaying water status (in particular waterbodies failing WFD standards) with farming types, with a focus on intensive dairy farms (derogation and non-derogation);
- Information on the relative impacts of the main farming types on water status (i.e. beef, dairy, tillage; sheep; pig; poultry; horticulture);
- Data on N & P levels for all waterbodies and catchments, in a similar way to the water quality status maps as produced by the EPA, with accompanying links to accessible online GIS layers in catchments.ie;
- The incidence and impacts of agricultural wetland drainage including on siltation and hydro-morphological and ecological status;
- Impact of upland burning on water quality;
- Data on agricultural pesticide use and detected impacts;
- Results of assessment of the Nitrates Derogation on water status to include the following information:
 - Where are the derogation farms and how is this broken down by county and catchment?
 - What impact, if any, has the application of derogations had on water quality in the catchments of derogation farms to date?
 - What impact will the further expansion in derogation farming have on the state of Ireland's waters generally, and on the status of water-bodies in catchments of derogation farms?

- Does the granting of the derogation have an impact on the meeting of Nitrates Directive and Water Framework Directive (WFD) obligations?
- How is nutrient loss from derogation farms prevented when no consideration of physical and hydrological conditions are included in the derogation requirements?
- Identification of any regulatory issues which need addressing in relation to agriculture;
- Analysis of degree to which current agriculture policy is in line with WFD objectives OR if it is felt that information is not available to make such an assessment, an outline of the data required in order to inform such an assessment.

ADDITIONAL ASKS:

- The RBMP must be fully aligned with the EU Green Deal and must include agricultural measures to achieve its targets for pesticides, nutrients and river restoration.
- The RBMP should not include presentation of any agriculture policy or programmes unless accompanying direct benefits to water quality can be demonstrated and are presented.
- The RBMP should omit all general language about sustainability of Irish agriculture or the potential contribution of CAP to water quality unless it includes specific demonstrable water quality results or in the case of CAP, clear rationale for anticipated water quality results and a means by which to monitor and assess these.

Issue 4: Physical Modifications, Hydromorphology & Integration with Land Use Planning

4.1 Physical Modifications & Hydromorphology

SWAN welcomes:

- the clear identification of excess silt as a *'significant problem'* and the identification of a clear link to physical alterations (incl. dredging and land drainage) and lack of riparian margins;
- the identification of *'loss of connectivity'* as an issue and the recognition of the importance of restoring natural processes;
- the identification of *"poor practise in the drainage of rivers and land drainage"* as having *"widespread environmental impacts"*;
- The recognition that *"river restoration and the use of Green Infrastructure are vital measures for improving and maintaining rivers"* ;
- The commitment that *"the regulatory framework for wetland drainage and land drainage is currently being reviewed"*, which we recommended in our submission on the 2018-2021 RBMP.

We find it unacceptable that eight years after the mandated deadline, there is still no system of controls or prior authorisation for hydro-morphological alterations to waterbodies, despite a legislative requirement to do so and despite commitments in the first and second RBMP cycles.

Furthermore, the SWMI document lacks acknowledgement of the severe and extensive damage caused to rivers by arterial drainage.

KEY ASK 10 (Wetland Drainage)

Provide comprehensive information on the occurrence and frequency of sub-threshold and unregulated wetland drainage; expedite the review of the regulatory framework for wetland drainage and land drainage and include national regulations to control / prevent it.

KEY ASK 11 (Arterial Drainage)

Present a full assessment of the impacts of drainage schemes on the WFD objectives of affected water bodies and commit to amend the Arterial Drainage Act to remove the legal obligation on the OPW for ongoing dredging.

KEY ASK 12 (Hydro-Morphological Alterations)

The RBMP must include a comprehensive system of prior authorisation for hydro-morphological alterations to waterbodies. This must be in line with the 2015 ECJ ruling on Case C-461/13²⁰ on the dredging for navigation of the river Weser in Germany²¹ and should include ex-ante WFD-specific assessments for individual projects, including dredging, drainage, 'river maintenance' and developments associated with flood protection.²²

RATIONALE:

- Lack of controls on physical modifications is a clear contravention of the WFD and exposes Ireland to legal sanction by the EU.
- There is still no effective system whereby an ex-ante WFD assessment is conducted to ensure that a development will not "*cause a deterioration of the status of a body of surface water or ... jeopardise[s] the attainment of good surface water status.*" as per the Weser Ruling.
- Current controls on wetland drainage and reclamation are fragmented and ineffectual and LAWPro have identified this as a significant issue and recommended the introduction of national regulations. The Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended, provide for planning controls on the drainage and reclamation of wetlands (including estuarine marshes or callows). The threshold above which a landowner must conduct a mandatory environmental impact assessment (EIA) is 2 hectares and the threshold above which they must apply for planning permission is 0.1 hectares. However, there is very poor awareness of this amongst farmers and an almost total lack of enforcement of this regime.²³ It is vital that there is an awareness raising campaign on this to prevent further wetland losses.
- The issue of non-compliance with the WFD regarding the requirement for a system of prior authorisation for physical modification in waterbodies should be clearly stated in the RBMP along with the status of the infringement action being progressed by the EU Commission on this. This is important because it involves risk of a European Court of Justice ruling and daily fines.

²⁰ Case C-461/13 Bund für Umwelt und Naturschutz Deutschland <http://curia.europa.eu/juris/documents.jsf?num=C461/13>

²¹ Extract: "*Article 4 (1)(a)(i) to (iii) of [the WFD] must be interpreted as meaning that the Member States are required — unless a derogation is granted — to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the Directive.*"

²² This view has also been articulated by the EU Commission Water Unit

²³ There is also confusion with the EIA (Agriculture) Regulations administered DAFM which govern drainage works on lands used for agriculture, (excluding the drainage and reclamation of wetlands). The threshold for submitting an application for screening to the Minister is 15 hectares. However, the system has a built in temptation for landowners carrying out drainage works in wetland areas above 0.1 hectares to deem the land 'used for agriculture' and not an actual wetland and thus not subject to planning.

4.2 Integration with Land Use Planning

SWAN welcomes the current *'preparation of detailed guidance to assist planners'* in integrating water management with the planning system. However we note a significant delay - these guidelines were committed to in the draft RBMP in 2017.

KEY ASK 13

- a. The planning guidance on how to integrate water management into the planning system will be a key measure in WFD implementation in Ireland and must be subject to full public engagement. The graphic 'Sequential Approach Mechanism on the Planning Process' is very difficult to understand and the proposed protocol must be carefully explained as part of a public engagement exercise on the guidelines, as must the relationship between this guidance and the system or prior authorisations for hydro-morphological alterations above e.g. will there be two separate regimes and how will they interact?
- b. SWAN requests engagement with the Department on the guidance, which should as a minimum:
 - o include a WFD-specific ecological assessment for activities in the catchments of high status waterbodies and 'at risk' waterbodies;
 - o clearly set out of the legal obligations on planners, similar to those for Appropriate Assessment under the Birds and Habitats Directives;
 - o be accompanied by comprehensive and rigorous training across all relevant authorities;
 - o ensure planning decisions fully align the ECJ 'Weser ruling' (Case C-461/13) and with the Integrated Catchment Management approach, with cumulative impact being an integral part of the decision-making tree.

ADDITIONAL ASK

- An evaluation of the efficacy of the planning system in *"supporting the protection and enhancement of water quality"*, as stated in the SWMI report, should be set out in the draft RBMP in order to inform input on the measures / guidance proposed.

RATIONALE:

- The lack of clear guidance for the first 11 years of WFD implementation through two RBMP cycles is a significant failing as it has contributed (in conjunction with lack of regulations) to many hundreds of developments proceeding without adequate assessment of their impacts on WFD objectives and thus, in a significant number of cases, deterioration of waters in contravention of the directive.

Issue 5: Waste Water Discharges – Urban & Individual Dwellings

5.1 Urban Wastewater Discharges

The magnitude of the significance and impact of urban wastewater discharges (UWWD) on the water environment is not made sufficiently clear in the SWMI report. This is because its frequency in relation to other SWMIs is not clearly presented and it is spread across two sections; *Issue 6 Pollution of Waters* and *Issue 12 Urban Pressures*. This format is unhelpful and should be avoided in the RBMP.

KEY ASK 14:

The RBMP must clearly link proposed measures to deal with UWW discharges with pressures & impacts, in line with Key Ask 1. It must present clearly all aspects of the pressures posed by UWWD on the receiving water environment and regulatory issues around that. This should include:

- The number and percentage of waterbodies where UWW discharge is a significant issue and the number and percentage of waterbodies where UWW discharge is the sole issue. The wastewater systems causing the pollution (and affected waterbodies) should be identified in a table / appendix;
- This should be disaggregated into at least:
 - discharges non-compliant with the UWWT Directive
 - untreated discharges of raw sewage
 - discharges from Storm Overflows
 - other discharges resulting in compromised water status
- A transparent update on the status of the infringement action under the UWWT Directive by the EU Commission and the risk of fines;
- A full set of ALL the measures needed to address all UWW discharges, where information is available on which to base this. This should be wholly independent of any Irish Water investment programme and based purely on catchment science;
- Where information is not available, (e.g. location of CSOs) all data gaps should be identified and a programme set out to fill these gaps;
- When presenting what is currently projected to be delivered by Irish Water, focus only on work related to waterbodies identified as being impacted / at risk from UWW discharges and the timeline for completing this work and thus removing the pressure. Particularly, what percentage of waterbodies which are impacted by UWW discharge are addressed under the Irish Water investment programme and remediation timeline. Avoid general presentation of Irish Water investment work where there is no clear link to pressure and impacts and / or projected WFD status results;
- Present a 'gap analysis' clearly showing the difference between the required measures to achieve WFD standards and that which is planned under Irish Water plans;

- Present proposed supplementary measures to bridge the gap;
- Information on the deviation from timeline at time of publication of Irish Water wastewater works where these will result in delays in water quality improvements.

RATIONALE:

- The EPA state in their most recent urban wastewater treatment report that *“Irish Water is taking too long to complete some of the improvements necessary to protect the environment. Delays mean 13 areas will continue releasing raw sewage after 2021.”*²⁴ and the Water Advisory Body has stated in its most recent quarterly report, citing the EPA, that, *“the pace at which Irish Water is fixing the legacy of deficiencies in Ireland’s waste water treatment infrastructure is too slow and there are repeated delays in providing treatment for many areas.”* and that, *“it is not acceptable that waste water treatment at 21 large towns and cities did not meet European Union standards set to protect the environment...”*²⁵
- It is only through objective identification of all the measures needed to address UWW discharges that a gap analysis between what is needed and what is currently proposed under Irish Water work plans can be conducted, which can then facilitate a national conversation regarding necessary investment. A clear presentation of the legal situation regarding non-compliance with the UWWT Directive and the potential risks will also inform this debate.

ADDITIONAL ASK:

- The RBMP must remove the EPA system whereby, when calculating the assimilative capacity of the receiving water for a municipal wastewater discharge, a presumption of no other discharges going to that waterbody is made. This clearly demonstrates a regulatory system not based on science but circumscribed and limited by practical, political and material factors. SWAN believes this to be unacceptable and calls for an immediate cessation of this flawed approach.

5.2 Onsite Wastewater Discharges

Onsite wastewater discharges (OSWWD) pose a serious risk locally, especially to vulnerable high status water bodies and in catchments with unsuitable soil conditions. The draft SWMI report does not reflect their significance at a sub-catchment scale, saying only that *“If not correctly installed and well maintained, these systems can result in leakage of untreated effluent to waters.”*

²⁴ EPA (2019) Urban Waste Water Treatment in 2018. Wexford. Available from: https://www.epa.ie/pubs/reports/water/wastewater/Urban%20Waste%20Water%20Treatment%20in%202018_Web.pdf

²⁵ Water Advisory Body (2019). Quarterly Report No.1 Quarterly Report No. 1 of 2020. Available from: <https://wateradvisorybody.ie/quarterly-reports/>

KEY ASK 15

- a. The RBMP must more clearly set out the issues around OSWWD, including impacts on high status waters and the very significant challenge posed by septic tanks on inappropriate sites with unsuitable soil conditions.
- b. The RBMP should include an analysis of the link between catchment characterisation results *vis a vis* OSWWD and the efficacy of the National Inspection Plan (NIP) as the key measure to address them. This should include:
 - the number of waterbodies at risk from OSWWD;
 - the number of systems inspected in those catchments, with the rates of compliance;
 - the numbers of systems fixed, thus removing the pollution.
- c. If the NIP has not led to an environmental improvement in impacted waterbodies, supplementary measures must be put forward.

RATIONALE

- The recent EPA publication, *Domestic Waste Water Treatment Systems Inspections and Enforcement 2019* reports that 51% of the systems inspected failed (589) and 26% of systems inspected were a risk to human health or the environment (298).²⁶ Furthermore, it found that 27% of systems that failed during 2013–2019 have not been fixed, stating that “*the failure to resolve older cases remains a concern and must be addressed as priority*”.
- Therefore the RBMP must include an evaluation of the NIP as a measure to stop pollution caused by these systems and put forward additional measures if necessary.

²⁶ Available for download: <http://www.epa.ie/pubs/reports/water/wastewater/dwtsinspectionsandenforcement2019.html>

Issue 6: High Status Sites

SWAN welcomes the focus on protection and restoration of these sites, including through the Blue Dot Catchments Programme and Water for LIFE project.

KEY ASK 16:

The Blue Dot Programme should include the development of urgent targeted sub-catchment management plans for ALL current High Status objective waterbodies. These will need:

- a high level of sophisticated expert-led public participation in the development of management strategies for these sites;
- to be adequately resourced
- development of a policy for unregulated activities within high status catchments;
- integration of protection of high status sites into planning controls as recommended by Ní Chatháin:²⁷
 - each application for planning/licensing should be screened to see if it is located within the catchment of a high status surface water body or high status river site;
 - consideration of the application of an AA style screening approach could be adopted for high status catchments, to improve the assessment of cumulative impacts within these catchments, and to trigger the requirements for EIA.;
 - each local and public authority should review existing environmental assessment guidelines which they have in place to account for the protection of high status waters, and to 'WFD-proof' such guidelines.

ADDITIONAL ASK

- The work of the Blue Dots programme should be publicly available, with progress reports and updates and opportunities for public engagement.

RATIONALE

- We recommend that ALL high status waters have sub-catchment management plans because, given the value of these waters as our most pristine vestiges of aquatic biodiversity and the dramatic rate of loss, we do not believe it is acceptable that only 64 of

²⁷ Ní Chatháin B., Moorkens E. and Irvine K. (2012) Management strategies for the protection of high status water bodies. Environmental Protection Agency https://www.epa.ie/pubs/reports/research/water/STRIVE_99_web.pdf

the 135 high status waters deemed to be 'at risk' are being targeted for action in the Blue Dot Programme.²⁸

- The recommendation that this should be done urgently is based on the belief that March 2023 is far too late for the publication of 'Measures Implementation Plans' as proposed under the Blue Dot Programme.
- We recommend sub-catchment specific plans because these waterbodies are very sensitive and respond to a very particular combination of local conditions and pressures. Therefore sub-catchment plans are needed. We have serious concerns that the Blue Dot Programme is focussing excessively on national-level regulations and measures.
- We recommend sophisticated expert-led public engagement design and implementation because top-down management strategies will be met with strong resistance such as that seen in response to the mismanaged peatland SAC designation.
- Case studies presented in the Ní Chatháin report "*highlight numerous instances where unregulated activities have occurred which have led to damaging impacts to high status catchments*". The list of 30 unregulated activities provided on pg. 6 of the report indicate the breadth of the challenge, hence our emphasis on unregulated activities.²⁹

²⁸ Highest-quality pristine river sites have declined by 96% since the 1980s. There are now just 20 of these special places left, down from over 500 in the late 1980s

²⁹ By way of example, these include: Blasting, drilling, dredging or otherwise removing or disturbing rock, minerals, mud, sand, gravel or other sediment; burning, topping, clearing scrub or rough vegetation or reseeding of land not previously intensified; significant changes in livestock density (including introduction of grazing); changing of agricultural use from hay meadow to any other use; works on, or alterations to, the banks, bed or flow of a drain, watercourse or water body; drainage works including digging, deepening, widening or blocking a drain, watercourse or water body; water abstraction, sinking of boreholes and wells

Issue 7: Forestry

Forestry is the most significant pressure on high status waters and also one of the key land-uses contributing to impacts on water dependent habitats under the Habitats Directive, in particular freshwater pearl mussel rivers.

KEY ASK 17

The RBMP should include clear information on the efficacy to date of forestry initiatives introduced to protect water from the negative impacts of forestry, in particular, the Environmental Requirements for Afforestation³⁰, the Felling and Reforestation Policy³¹ and Woodlands for Water. This should be based on an evaluation of their performance in restoring the 183 waterbodies identified as being at risk from forestry, with a specific focus on high status waters and pearl mussel catchments.

KEY ASK 18

In order for the forestry control measures to be effective, each afforestation and felling licence granted must contain conditions which reflect the specific conditions and sensitivities of each site and be considered in the context of a catchment-wide assessment of the cumulative impact of forestry. In addition, the requirement to replant should be removed in high status catchments and acid sensitive peat soils and any replanting should be informed by a WFD-specific assessment. Compliance with conditions must be enforced; freshwater Pearl Mussel sites in particular should be very tightly regulated.

ADDITIONAL ASKS

- The recommendations of the HYDROFOR study should be incorporated in updated best practice guidelines and forest policy, and all afforestation in acid sensitive peat soils should cease.³²
- General text regarding forestry sustainability initiatives should be omitted from the RBMP unless a clear link can be presented to water status improvements for waterbodies identified as at risk forestry in the catchment characterisation or LAWPro catchment assessments.
- The RBMP needs to identify any gaps in the current forestry measures in addressing catchment / waterbody level pressures and impacts including cumulative impacts. In

³⁰ Forest Service, Department of Agriculture, Food & the Marine (2016) Environmental Requirements for Afforestation. Ireland <https://www.agriculture.gov.ie/media/migration/forestry/grantandpremiumschemes/2016/EnvironmentalRequirementsAfforestationDecember121216.pdf>

³¹ Forest Service, Department of Agriculture, Food & the Marine (2017) the Felling and Reforestation Policy. Ireland <https://www.agriculture.gov.ie/media/migration/forestry/treefelling/FellingReforestationPolicyMay2017250517.pdf>

³² Kelly-Quinn, M., Bruen, M., Harrison, S., Healy, M., Clarke, J., Drinan, T., Feeley, H., Finnegan, J., Graham, C., Regan, J., Blacklocke, S. (2016) Research 169: HYDROFOR: Assessment of the Impacts of Forest Operations on the Ecological Quality of Water, (HYDROFOR), (2007-WQ-CD-2-S1), Environmental Protection Agency, Wexford

particular, SWAN understands there is currently no mechanism for addressing pressures or impacts from forestry outside of the licensing system.

RATIONALE

- The fact that forestry is currently the most significant pressure on high status waterbodies indicates that the safeguards which are in place are failing to protect water.
- The HYDROFOR study, a 7-year assessment of the impacts of forestry operations on the ecological quality of water in Ireland identified a range of negative impacts of forestry operations on surface water quality and freshwater ecology.³³ In particular, the study identifies that felling produces elevated episodic inputs of nutrients (mainly phosphorus) and sediment to watercourses that exceeded water quality standards; acidification and sedimentation impacts of commercial forestry during the closed canopy phase; and increased acidification from plantations in acid-sensitive catchments. It states, *“Based on the suite of impacts from planting to harvesting, including elevated DOC, nutrient and sediment release, and aquatic biodiversity concerns, cessation of afforestation on peat soils in acid-sensitive headwater catchments is recommended by the project team”*. [SWAN's emphasis]. This has not been implemented.
- While set back widths of 10m are mandatory according to the regulations, with 20m for high status sites, it is unclear how rigorously they are enforced once licences are granted. An Taisce, as a statutory consultee, frequently review applications which do not specify a setback distance, or propose insufficient setback distances. It is unclear from the conditions applied if these are remedied at the point of licensing, with the standard condition being 'all guidelines to apply', which does not indicate if the setback width has been corrected.

³³ Kelly-Quinn, M., Bruen, M., Harrison, S., Healy, M., Clarke, J., Drinan, T., Feeley, H, Finnegan, J., Graham, C., Regan, J., Blacklocke, S. (2016) Research 169: HYDROFOR: Assessment of the Impacts of Forest Operations on the Ecological Quality of Water, (HYDROFOR), (2007-WQ-CD-2-S1), Environmental Protection Agency, Wexford

Issue 8: Coastal & Transitional Issues

SWAN re-iterates our strong position that it is not acceptable to omit coastal and transitional issues from the SWMI. The 2018-2021 Plan indicates that 79 of our transitional and coastal (TRAC) waterbodies are failing WFD standards i.e. more than two-thirds (70%) of transitional waters and a quarter (24%) of our coastal waterbodies. However despite this, the coastal and transitional zone was omitted from the 2018-2021 RBMP, with no dedicated measures proposed to restore the 79 ailing TRAC waterbodies to GES (despite SWAN strong arguments for its inclusion) and coastal issues are now omitted again in the current SWMI.

KEY ASK 19

Coastal matters must be included as an overarching significant water management issue in the RBMP, with a dedicated chapter. This must identify the non-land based pressures specific to the coastal waterbodies, including the following, and propose actions to address them:

- Aquaculture
- Unsustainable inshore fishery practises such as hydraulic dredging
- Offshore renewable energy structures and their connections
- Shipping
- Marine litter
- Seaweed harvesting
- Any other activity judged to be contributing to the poor ecological status of TRAC waterbodies.

ADDITIONAL ASKS:

- This new chapter should also identify the current fragmented nature of coastal governance and management as an issue and put forward measures to integrate WFD implementation with the Marine Strategy Framework Directive and the Marine Spatial Planning Directive.
- Given the upcoming process of designating new marine protected areas (MPAs) – which is being conducted by the same department (Department of Housing, Planning & Local Government) – this chapter should also address the measures brought in to protect wetlands and coastal areas under the Birds and Habitats Directives (Natura 2000 sites) and how an expanded network of MPAs could contribute to the WFD.

RATIONALE:

- The WFD incorporates all elements of the catchment including transitional and coastal (TRAC) waters to within one nautical mile of the coast and requires that the same objectives – and measures to achieve these – be established for these TRAC waterbodies as for inland waters.
- Pressures and impacts associated with human activity are recognised as representing a major challenge for management of coastal waters in Ireland and have led to *“an increase in the range and magnitude of pressures that have the potential to impact negatively on the*

quality of Ireland's tidal waters."³⁴ The impacts of these may well also be exacerbated by the effects of climate change on the coastal zone.

- None of the non-land based pressures on TRAC waters were addressed through measures in the 2018-2021 RBMP and if they are omitted from the SWMI, this would suggest that they are once more to be effectively ignored in this third and final RBMP cycle before the WFD 2027 deadline. In order to achieve WFD targets and integrated catchment management through the entirety of the catchment, this situation must not persist in the RBMP.
- Certain methods of fishing that occur within one nautical mile of the coastline can be extremely damaging to the seafloor. Hydraulic dredging for razor clams for instance can destroy fragile ecosystems such as seagrass beds (combine this with the cumulative impacts of other pressures such as run-off, eutrophication, hydrodynamic changes due to coastal development etc.).
- A key driver for marine spatial planning in Ireland is offshore renewable energy and the associated grid connections on the coast, with large swathes of relatively shallow water off the east and south coasts earmarked for offshore wind farm development. The draft National Marine Planning framework, Ireland's first marine spatial plan, cites the WFD as a key policy for ensuring the sustainable use and protection of our coastal waters and marine resources. As such, the list of SWMIs should include the significant pressures that pose a risk to TRAC waterbodies, especially where the WFD is proffered as a protection.
- The world is facing a marine litter problem of immense proportions. The vast majority of this litter ultimately enters the ocean via rivers. Clearly this is a problem that needs to be tackled from all angles, including the WFD.
- The EPA 2016 State of the Environment report highlights "*the importance of the intertidal seaweed communities for biodiversity and coastal protection and as nursery grounds for a wide variety of marine life*" and states that "*proposals for large-scale seaweed harvesting will require careful scrutiny and regulation to prevent damage to intertidal biodiversity, to maintain sustainability and to protect the marine environment*". The SWMI document does not even mention this issue, which SWAN believes is an omission due to its value as a WFD descriptor and its central role in the ecology status of coastal waterbodies.

³⁴ EPA (2016) Ireland's Environment – An Assessment 2016. Environmental Protection Agency, Wexford

Issue 9: Aquaculture

SWAN welcomes the mention of aquaculture under '*other issues which need to be investigated further*', although it would have been preferable that it be listed as a SWMI.

KEY ASK 20

Include aquaculture as a SWMI in the RBMP with a dedicated section which includes:

- results of the further investigation of "*the environmental performance of the sector*" referenced in the SWMI document;
- clear and transparent information about the licensing and regulation for aquaculture, including how extant licenses were reviewed as required to ensure compliance with WFD standards, and how new licenses are assessed specifically taking into account WFD requirements. This should outline recognised challenges / issues regarding integration of aquaculture controls with WFD implementation;
- measures to address impacts;
- outline of any data gaps in relation to impacts of aquaculture on water status.

RATIONALE

- Impacts of aquaculture on the environment are well documented:³⁵
 - Wild Atlantic salmon, a key indicator of healthy rivers, have been shown to have reduced survival at sea after exposure to sea lice from aquaculture. In research published this year investigating ten rivers in Ireland, rivers with aquaculture nearby (defined as within 3–16 km) logged on average 33% fewer returns of smolts in years following high lice levels on those nearby salmon farms;³⁶
 - Finfish farming results in waste inputs in the form of faecal or other excretory wastes and uneaten feed which leads to nutrient enrichment that may stimulate or exacerbate algal blooms of phytoplankton or algae. This results in the deaths of fish and other aquatic organisms. A recent study of salmon farms in Mulroy Bay, Co. Donegal showed modifications in the benthic community structure and decreased diversity below the fish cages due to organic enrichment;³⁷
 - Data released by the Scottish Environmental Protection Agency (SEPA) revealed that assessments of the seabed conditions under and around fish farms in Scotland from 2009- 2011, found that 44% were "*unsatisfactory*" (i.e. beyond the assimilative capacity of the local environment), 21% were "*borderline*" (i.e. close to having an unsustainable impact), while only 34% were found to be "*satisfactory*";³⁸

³⁵ Although data for Ireland is limited due to lack of access to public information regarding monitoring and assessment of farms.

³⁶ Shephard & Gargan (2020) Wild Atlantic salmon exposed to sea lice from aquaculture show reduced marine survival and modified response to ocean climate. ICES Journal of Marine Science, <https://doi.org/10.1093/icesjms/fsaa079>

³⁷ O'Mahony C., Kopke K., Twomey S., O'Hagan A.M., Farrell E. and Gault J. (2014). Integrated Coastal Zone Management in Ireland - Meeting Water Framework Directive and Marine Strategy Framework Directive targets for Ireland's transitional and coastal waters through implementation of Integrated Coastal Zone Management. Report prepared under contract for (SWAN).

³⁸ Salmon and Trout Association, (2012) Organic pollution of the sea bed under fish farms in Scottish sea lochs, 2009-2011

- Bivalve cultivation can lead to significant biodeposition in the form of pseudofaeces, which can be augmented by organic material from stock losses. In a review of the literature, Dumbauld et al. (2009)³⁹ found variation in the effects of intertidal oyster cultivation on benthic fauna. In studies in England, France and New Zealand, intertidal oyster cultivation caused increased biodeposition and reduced diversity and abundance of benthic fauna. While deposition is reduced with increased currents, such as around much of the Irish coast, the large density of bivalve aquaculture structures in many of the bays around Ireland is increasingly likely to provide a buffering against these currents, leading to a build-up of biodeposition.
- The licensing and regulatory regime has been heavily criticised and therefore should not be relied upon to ensure coherence with WFD objectives:
 - The 2017 Independent Review of Aquaculture Licensing⁴⁰ found that, *“There is ... widespread consensus that the system is in urgent need of reform”* and *“a root-and-branch reform of the aquaculture licence application processes is necessary ... [which] needs to be comprehensive in scope”*,⁴¹
 - Effective monitoring is not in place to assess whether aquaculture in Ireland is compromising WFD compliance of waterbodies in which it is sited. The Strategic Environmental Assessment (SEA) for the National Strategic Plan for Sustainable Aquaculture Development⁴² states that in relation to finfish aquaculture, the monitoring programmes *“..do not specifically deal with risk to the wider water body as a whole.”* and in the case of shellfish, *“there are no monitoring programmes that can define the impact on the level of a water body as defined by the WFD”* ;
 - It is SWAN’s understanding that aquaculture is licensed under the Fisheries (Amendment) Act, 1997 and thus subject to the requirements of the Surface Water Regulations 2009 for review of existing authorisations, under which all aquaculture licenses should have been examined and if necessary reviewed by December 2012, in order to assess compliance with WFD standards, and if necessary to amend conditions in a given license to bring discharges in line with WFD objectives for the relevant waterbody. In the interests of transparency it is crucial that the RBMP contains information on this and the process whereby new license applications are assessed specifically for WFD compliance.

³⁹ Brett R. Dumbauld, Jennifer L. Ruesink, Steven S. Rumrill (2009). The ecological role of bivalve shellfish aquaculture in the estuarine environment: A review with application to oyster and clam culture in West Coast (USA) estuaries, *Aquaculture*, Volume 290, Issues 3–4, 2009, Pages 196-223, ISSN 0044-8486

⁴⁰ Report of the Independent Aquaculture Licensing Review Group (2017)
<http://www.fishingnet.ie/independentaquaculturelicensingreview2017/>

⁴¹ In its [submission](#) to the review group as part of the consultation, Inland Fisheries Ireland recommended that licensing and regulation of aquaculture be separated with the regulation/enforcement remit *‘under a different state agency – for example the EPA... [which] should be mandated to transparently enforce licence conditions’*

⁴² DAFM (2015) Strategic Environmental Assessment of the Draft National Strategic Plan for Sustainable Aquaculture Development
<https://www.agriculture.gov.ie/media/migration/seafood/marineagenciesandprogrammes/nsps/NSPASEAEnvir181215.pdf>

Issue 10: Abstraction

Abstraction is mentioned only briefly under 'other pressures' in the section 'Pressures on our waters' and again as a hydro-morphological pressure under the section 'Protect and restore natural processes'. This does not reflect the potential significant local impacts.

KEY ASK 21

- a. Clearly identify abstraction as a SWMI in its own right in the RBMP and commit to a control regime, as required by the WFD, and set out (as a minimum) measures for all waterbodies at risk from abstraction (194 in the 2018-2021 RBMP) to address the abstraction pressure.
- b. The RBMP must include a commitment to the establishment of a comprehensive, publicly accessible National Abstraction Register which includes all abstractions and a licensing regime for all abstractions greater than 10m³/day.⁴³

RATIONALE:

- In relation to abstraction, the Water Framework Directive requires *inter alia*:
 - "**Estimation and identification of significant water abstraction** for urban, industrial, agricultural and other uses, including seasonal variations and total annual demand ...";
 - The establishment of "**controls over the abstraction of fresh surface water and groundwater, and impoundment of fresh surface water, including a register or registers of water abstractions and a requirement of prior authorisation for abstraction...**" (Art. 11.3(e)).⁴⁴
- While Member States 'can exempt from these controls, abstractions or impoundments which have no significant impact on water status' it is impossible to assess the significance or otherwise of an abstraction, especially in the context of cumulative impacts in the catchments of groundwater dependent terrestrial ecosystems (GWDTes) and high status waters, unless one knows of their location and volume.
- Detailed understanding of abstraction pressures in Ireland and their interaction with spatially heterogeneous impacts of climate change has yet to be developed, especially cumulative impacts of unmonitored abstractions on potentially vulnerable and / or high

⁴³ Please see the SWAN Response to Public Consultation on the General Scheme of the Water Environment (Abstractions) Bill from October 2018 for further input on this. Available here: <http://www.swanireland.ie/wp-content/uploads/2020/08/SWAN-Response-Public-Consultation-Water-Environment-Abstraction-Bill.pdf>

⁴⁴ Member States 'can exempt from these controls, abstractions or impoundments which have no significant impact on water status'.

status waters⁴⁵. In order to gain this understanding, a full picture of abstractions is necessary, hence the requirement for a comprehensive National Abstraction register.

- It is not appropriate to remove abstraction as a specific significant water management issue because:
 - impacts of abstraction tend to be localised and can take time to materialise and may not be detected by high level EPA monitoring and characterisation;⁴⁶
 - abstraction has been identified as a SWMI in the previous two cycles of the RBMP and no new data that SWAN is aware of has emerged to support removing it as a SWMI;
 - according to the SWMI document, abstraction has been identified as one of the *'top five pressures reported for water dependent habitats'* under the Habitats Directive;⁴⁷
 - with 84% of water-dependent habitats in unfavourable conservation status and many of these related to catchments of high status waterbodies whose protection and restoration is a stated priority, any pressure on these must be treated with the utmost seriousness and identified as a significant issue.

⁴⁵ The existing register of abstractions is not publicly available, but appears to continue to rely on incomplete datasets, even after updating in 2016, leading to significant concerns around the quality and comprehensive nature of the data. There has been no systematic effort that SWAN is aware of to rectify previously acknowledged data gaps such as hotels, hospitals, schools, golf courses, domestic well and small private abstractions, or agricultural use

⁴⁶ Craven, K. Emerson, H., Kenny, J., McLoughlin, N., O'Reilly, C. (Draft report) Water Abstractions Interactions with the Water Framework Directive & Groundwater Directive and Implications for the Status of Ireland's Waters. Prepared under contract for SWAN

⁴⁷ NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 1: Summary Overview. Unpublished NPWS report.

Specific questions posed in the Public Consultation on the Significant Water Management Issues for the third cycle River Basin Management Plan for Ireland 2022-2027

SWAN has three general points of feedback in response to the consultation questions posed:

1. It is important to note that many of these questions are extremely complex and even with years of experience, SWAN struggled to respond. Some would be more suitable as the questions for commissioned research or to be addressed to technical experts rather than the public. This is further evidence of the need to secure expert guidance on how to conduct effective public engagement and consultation, including identifying target audience and pitching questions accordingly. SWAN believes that most members of the public will be ill equipped to respond. For example: *'How can natural processes in waters be protected and restored?'* and *'How can Green Infrastructure be best applied in Ireland to benefit water quality and the alleviation of flooding in towns and cities?'*
2. There is a lack of the necessary up-to-date information on which to base informed input, in particular:
 - updated catchment characterisation;
 - results from the LAWPro catchment assessments;
 - an evaluation of results from the second (and first) RBMP cycle.

Without that vital context and an active programme of public participation in which the issues are fully explained, SWAN believes the consultation process is flawed with many questions premature.

3. Many of the questions relate to water management measures, and relate much more to the next consultation phase on the draft River Basin Management Plan. While it is understandable that authors may wish to 'get ahead' by gleaning responses regarding measures, it is important that the process is not rushed and that the development of the draft Plan is not progressed until all SWMI responses are considered.

Notwithstanding the above misgivings, please see below preliminary responses to some of the questions.

Issue 1: Prioritisation

- *Of the current priorities in the RBMP, which do you consider to be the most relevant?*
- *Are there any additional priorities you think should be included in this RBMP cycle?*
- *Would you amend any of the existing priorities?*
- *Are there any external factors you think should be considered in setting priorities for this RBMP cycle?*
- *Do you have any additional comments to make on this issue?*

SWAN fundamentally disagrees in the prioritisation approach for the reasons set out earlier (see [SWAN Issue 1](#) for more detail). Regarding external factors, SWAN would argue that it is for the Department to set out the factors impacting the decision to omit a significant proportion of waterbodies from restoration measures and these should be set out for each waterbody in the RBMP, and should fulfil the criteria of Art. 4 of the directive.

Issue 2: Public Participation

- *Do you feel people are given the opportunity to engage in the way our waters are managed? Please provide examples to support your answer including ways this may be improved.*
- *Do you have any additional comments to make on this issue?*

No. Opportunities for stakeholders to engage effectively in water management at local, regional and national level are minimal. While we welcome the establishment of the National Water Forum and the work of CWOs, we do not see evidence that these initiatives are facilitating real input to decision-making regarding water/catchment management. See [SWAN Issue 2](#) for more detail.

It is of further concern to SWAN that the Department has embarked on an engagement programme with statutory stakeholders using the draft SWMI document as the basis for discussions, not taking into account in this process the input from stakeholders on SWMI. This is poor water governance and public engagement practise and is not in line with OECD principles. It also runs the risk of perpetuating stakeholder distrust and the impression that government departments and agencies view consultations as a 'tick box' exercise while proceeding with work as planned.

Issue 3: Land-use Planning

See [SWAN Issue 4.2](#)

Issue 4: Agriculture

It is important to note that these are complex questions and they are focused much more on measures than simply the issues themselves, which is SWAN's understanding of the focus of the SWMI consultation. We believe they are premature and that up to date characterisation and an assessment of the efficacy of current measures should be presented in order to support informed responses. SWAN will provide more detailed input during the consultation on the draft RBMP but present some initial thoughts here.

- *How can the agricultural sector contribute towards improving water quality?*
- A full independent review of the impact of the Nitrates Derogation on water status, as committed to in the Programme for Government must be conducted ASAP. This must assess the impacts of intensive dairy on a catchment-by-catchment basis.
- The development of the AgriFood Strategy should be paused while a full environmental assessment of Foodwise 2025, including its impacts on water, is carried out. A widespread public engagement programme on the future of agriculture and food production in Ireland should be conducted, during which the impacts of water quality are considered and a plan for Irish agriculture devised with full participation from all stakeholders and citizens.
- The agriculture sector must be prepared to alter agricultural land use to halt the impacts of particular activities where the land is unsuitable.
- The GAPP regulations must be completely updated to cut water pollution from agriculture including:
 - mandatory Nutrient Management Plans for ALL farmers, which should include a nutrient loss metric; and the implementation of which should be enforced;
 - removal of the provision in the GAPP regulations which allows spreading organic fertiliser

- on Index 4 soils (as a minimum in farm holdings in catchments of 'at risk' waterbodies);
 - removal of the provision which allows the spreading of fertiliser on previously unfertilised and unimproved soils (as a minimum in the catchments of High Status waterbodies, SACs and 'at risk' waterbodies);
 - the requirement for the inclusion of a nutrient loss metric when calculating permitted nutrient loading; and
 - prohibition on the addition of P to peatlands soils (as a minimum on holdings in the catchment of at-risk and High Status waterbodies)
 - the buffer zone within which inorganic fertiliser should not be spread along a surface watercourse should be increased from 2m to a minimum of 10m
 - distances from watercourses for the spreading of organic fertilisers should be increased from 5m to 10m for a slope less than 10% and land with a slope of greater than 10%, a minimum distance of 20m between a watercourse and spreadlands should be imposed.
- A full prohibition on the use on synthetic pyrethoid (Cypermethrin) in sheep dip due to its ecological impacts, in particular upon high status waterbodies. This has been done in the UK.
 - The replacement of current modest action-based agri-environmental schemes with a substantially augmented results-based schemes which are closely monitored and evaluated for water restoration outputs.
 - *Do you believe that CAP will have a positive or negative impact on water quality in Ireland?*
 - *Do you think CAP measures to protect water quality should be retained at a national scale or become more locally targeted?*

CAP as it is currently being discussed by the CAP Consultative Committee, will at best provide little change to the impacts of agriculture on water, with the increased water pollution caused by increased dairy intensification in certain areas offset somewhat by anticipated better agri-environmental schemes in other areas of the country. However, this does not address the failures in WFD standards for the affected waterbodies. The National Water Forum has commissioned independent academic research on the interactions between CAP and water quality. SWAN will provide evidence-based responses to these questions after the publication of this report in September – October.

- *Do you have any additional comments to make on this issue?*

While we agree that 'the right measure in the right place' is a core tenet of integrated catchment management, this does not address the overarching issue of the absolute amount of nutrients being input to agricultural land at a national and catchment level and the ability or otherwise of the land bank to assimilate that, taking into account cumulative impacts.

Furthermore, it is still unclear who is overseeing the implementation of additional agricultural measures, how many of these have been implemented and how these are to be funded.

Issue 5: Climate Change

- *Do you believe the links between climate change policy and water policy can be improved, and if so, have you any suggestions on how they could be improved?*

Yes, through the establishment of a high level Inter-departmental Environment and Climate Change working Group chaired at Ministerial or Asst. Sec Gen level. Officials working on climate change

planning and legislation must be compelled to work closely with water managers to ensure co-benefits are identified and integrated into their work and vice versa. The Framework for Integrated Landscape and Land Management being explored by the National Water Forum would also provide a good context for this in the context of the commitment to a Land Use Plan committed to in the Programme for Government.

- *Do you consider climate change to be a significant threat to water quality in Ireland?*

SWAN sees climate change more as an overarching issue which will exacerbate the impacts of the most serious threats to water. Hydro-morphological alterations also need to be assessed in the context of climate change as they can reduce riparian connectivity and thus water retention capacity and increase the danger from extreme rain events. More extended periods of low rainfall also pose a risk to quantitative status and ecological flow in catchments and lower flows increase the risk of pollution impacts due to reduced assimilative capacity.

Issue 6: Pollution of Waters (phosphorus and nitrogen)

- *Investing in urban waste water infrastructure and providing free agricultural advisory services are two targeted ways that the last RBMP aimed to reduce nutrient losses to surface waters. What other kinds of measures could be targeted and how?*

See response regarding agriculture above. Regarding UWW discharges see [SWAN Issue 5.1](#).

Issue 7: Physical Changes to Surface Waters / Hydromorphology (including barriers to fish migration)

- *How can natural processes in waters be protected and restored?*

This is a highly technical question. SWAN recommends consulting with experts, for example in the River Restoration Centre in Cranfield University who provide advice at catchment, national and international level on this topic.

The following SWAN Key Asks in this document would contribute to protecting and restoring the connectivity, continuity and ecological flow in river systems:

- ✓ KEY ASK 21: A control regime for abstraction which includes the establishment of a comprehensive, publicly accessible National Register for all abstractions and a licensing regime for all abstractions greater than 10m³/day;
 - ✓ KEY ASK 10: Introduction of national regulations to control and prevent wetland drainage;
 - ✓ KEY ASK 11: Amend the Arterial Drainage Act, to remove the legal obligation on the OPW for ongoing dredging;
 - ✓ KEY ASK 12: Introduce a comprehensive system of prior authorisation for hydro-morphological alterations to waterbodies which includes the requirement for ex-ante WFD-specific assessments for individual projects, including dredging, drainage, 'river maintenance' and developments associated with flood protection.
- *Do you think that natural water retention measures, i.e. slowing the flow, should be explored further?*

Yes. These provide benefits in terms of WFD, biodiversity, climate change adaptation and often amenity. Further funding for the expansion of academic-led action-research AND the implementation of findings from this should be provided as these measures provide multiple benefits.

- *How could these types of measures be implemented?*

This is a highly technical question. SWAN recommends consulting with academic and technical experts.

- *How should existing barriers to fish migration be prioritised for mitigation (either removal or modification to improve fish migration and natural processes)?*

Serious consideration should be given to removal of both obsolete and working dams and other obstacles. There is a significant move in the US and Europe to remove dams that are no longer cost-effective when the environmental and resource costs of the loss of river continuity is taken into account. The research findings this month that populations of migratory freshwater fish in Europe have declined by 93 percent in the past fifty years⁴⁸ makes a review of the impacts of such infrastructure, even that currently generating energy, very important.

Issue 8: Siltation

- *Would you consider source control measures, such as catch crops for tillage and appropriate riparian margins, to prevent soil loss (silt and nutrients) from land and increase biodiversity?*
- *Would you consider developing a land management plan to reduce silt and nutrient losses to waters? This could include measures such as drainage towards naturally wet low-lying areas; the use of drain blocks/silt traps.*

These questions seem to be targeted at landowners but SWAN supports these approaches as part of a suite of measures to prevent siltation.

- *What else should we consider?*

Introduction of strict controls on physical modifications and on wetland drainage, which has been identified by LAWPro as necessary at national level.

Issue 9: Public Health / Drinking Water Quality

This is not SWAN's policy area, however we recommend an integrated catchment management approach, and refer you to our recommendations on public engagement in [SWAN Issue 2](#) in relation to collaboration. In relation to attitudes to water use and the value of water, we believe awareness is very low and re-iterate our recommendation for a national public awareness campaign on water.

Issue 10: Invasive Alien Species

Please see SWAN's submission on the 2018 RBMP for input on IAS. Our top priority is the introduction of a national biosecurity plan that would prohibit the importation of listed IAS. Without this, management measures will always be 'fighting a rear-guard action'.

Issue 11: Hazardous Chemicals

- *How can information on current sectoral pesticide usage statistics (Agriculture, local authorities, forestry, amenities and domestic (home and garden)) be improved to help in assessing risks to water in catchment areas?*

⁴⁸ Deinet, S., Scott-Gatty, K., Rotton, H., Twardek, W. M., Marconi, V., McRae, L., Baumgartner, L. J., Brink, K., Claussen, J. E., Cooke, S. J., Darwall, W., Eriksson, B. K., Garcia de Leaniz, C., Hogan, Z., Royte, J., Silva, L. G. M., Thieme, M. L., Tickner, D., Waldman, J., Wannings, H., Weyl, O. L. F. (2020) The Living Planet Index (LPI) for migratory freshwater fish - Technical Report. World Fish Migration Foundation, The Netherlands. Available here: https://wwfeu.awsassets.panda.org/downloads/lpi_migratory_freshwater_fish_low_min_1.pdf

- *How can citizen's behaviour regarding the safe disposal of medication be influenced and changed?*
- *What other measures can be taken to prevent medications from ending up in wastewater treatment plants?*
- *How can consumer choice be better guided towards choosing personal care products that don't impact negatively on the water environment?*
- *Do you have any additional comments to make on this issue?*

Please see SWAN's submission on the 2018-2021 RBMP for input on Hazardous Chemicals. There is no readily available information in the public domain on the status of data on current sectoral pesticide usage so it is difficult to comment on how it can be improved.

The RBMP should also include a commitment to a comprehensive assessment of the ecological impact of pesticides on aquatic biota, with a focus on high status and at-risk waterbodies and the provision for the necessary catchment management tools for pesticides to be developed based on this, as recommended by EPA research.⁴⁹

Behaviour can be changed through a public awareness campaign on water, with accompanying sectorally targeted campaigns that promote proper disposal of such hazardous substance. Government must make it easy for individuals to do the right thing with requirements for proper collection and product labelling for hazardous waste. For example, allowing consumers to bring back their old, out of date medicines to their pharmacies prevents the inappropriate dumping of such medicines down the toilet and such take back programmes must be encouraged and funded. (In 2007, Cork and Kerry Pharmacies participated in DUMP (Dispose of Unused Medicines Properly)⁵⁰, to take back unwanted medicines from the public. but because funding dried up for this programme, it stopped).

Issue 12: Urban Pressures

- *How can Green Infrastructure be best applied in Ireland to benefit water quality and the alleviation of flooding in towns and cities?*
- *What are the particular issues associated with river restoration in urban rivers, and are we applying appropriate actions?*

These are highly technical questions and SWAN recommends consulting with experts in Ireland and in the River Restoration Centre in Cranfield University in the UK.

- *Are there any additional concerns in relation to urban pressures that are currently not being considered in Ireland?*

SWAN would like to re-iterate our concerns about the dearth of accurate GIS information about the network of CSOs in the state, and their impact on water quality, including bathing waters. We believe this needs to be urgently addressed.

⁴⁹ Archbold, M., Bruen, M., Deakin, J., Doody, D., Flynn, R., Kelly-Quinn, M., Misstear, B. and Offerdinger, U. (2010) Contaminant movement and attenuation along pathways from the land surface to aquatic receptors-a review. STRIVE Report No. 56. Environmental Protection Agency, Wexford.

⁵⁰ <https://www.hse.ie/eng/services/publications/hospitals/dump---disposal-of-unused-medicines-.pdf>

Issue 13 – Any further comments

While many of SWAN's 'Key Asks' are focused on the draft RBMP and our objective would be to see them reflected in the RBMP, certain issues are urgent and pressing and we believe these should be addressed as soon as possible in advance of the publication of the draft RBMP. The most important of these are set out below.

SWAN would welcome the opportunity to engage with the Department of Housing, Planning and Local Government and other agencies as appropriate in the coming months to discuss these and other recommendations in this submission.

Water Governance and Public Participation:

- A full independent review of water governance should be carried out between now and the publication of the draft RBMP, with the findings informing the RBMP. This should be based on lessons learned from earlier RBMP cycles and on OECD water governance principles and should incorporate comprehensive stakeholder engagement.
- INFORMATION: The minutes of all meetings of WPAC, NCMC and Regional and Operational Committees should be made publicly available in addition to accessible summaries and updates on their work, and the work of LAWPro, with progress reports.
- PUBLIC ENGAGEMENT: The DHPLG should issue in advance of the publication of the draft RBMP a comprehensive programme for public engagement in RBMP. This should be developed with support from specialist public engagement experts and should set out a mechanism and timeline for facilitating stakeholders at all levels (national, regional & local) to actively engage in the RBMP process.
- We are calling for publication of draft Catchment Management Plans by LAWPro setting out the findings of their catchment assessment work, including: water status; identified pressures and the proposed measures necessary to address the pressures.

Physical Modifications, Hydromorphology, Integration with land use planning

- WETLAND DRAINAGE: Expedite the review of the regulatory framework for wetland drainage and land drainage in order to inform national regulations to control / prevent it.
- INTEGRATION WITH LAND USE PLANNING: The planning guidance on how to integrate water management into the planning system will be a key measure in WFD implementation in Ireland and must be subject to full public engagement. This engagement should be initiated before the publication of the draft RBMP.

Aquaculture

- Expedite the further investigations for determining the significance and environmental performance of the sector, as stated in the SWMI document, so as to inform what is proposed in the RBMP.

Appendix I: SWAN Member Organisations & Board of Directors

SWAN National Groups		SWAN Regional & Local Groups	
1.	An Taisce	14.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland	15.	Cavan Leitrim Environmental Awareness Network
3.	Birdwatch Ireland		
4.	Coastwatch Europe Network		
5.	Coomhola Salmon Trust Ltd.	16.	Celebrate Water
6.	Eco-UNESCO	17.	Cork Environmental Forum
7.	Friends of the Earth	18.	Cork Nature Network
8.	Friends of the Irish Environment	19.	Dodder Action
9.	Irish Peatland Conservation Council	20.	Longford Environmental Alliance
10.	Irish Seal Sanctuary	21.	Macroom District Environmental Group
11.	Irish Whale and Dolphin Group	22.	River Shannon Protection Alliance
12.	Irish Wildlife Trust	23.	Save The Swilly
13.	Voice Of Irish Concern for the Environment (VOICE)	24.	Slaney River Trust

SWAN Board of Directors:	
Mark Boyden, Chair	Coomhola Salmon Trust
Mindy O'Brien, Vice Chair & Company Secretary	Voice of Irish Concern for the Environment (VOICE)
Karin Dubsky, Director	Coastwatch
David Healy, Director	Friends of the Irish Environment
David Lee, Director	Cork Environmental Forum
Elaine McGoff, Director	An Taisce
Ignatius Egan, Director	Carra Mask Corrib Water Protection Group
Gerry Siney, Director	River Shannon Protection Alliance

Appendix II: SWAN Response to Draft River Basin Management Plan 2018 - 2021

Sustainable Water Network (SWAN), Response to Consultation, Draft River Basin Management Plan 2018-2021. Available for download at: <http://www.swanireland.ie/wp-content/uploads/2017/08/SWAN-Submission-on-Draft-River-Basin-Management-Plan..pdf>

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