



Mr Pat Duggan,
Principal Advisor,
Water Policy Section,
Department of Housing, Planning &
Local Government,
Custom House,
Dublin 1.

10th October 2016

Our Ref: SCP160901.1

Re: Water Framework Directive River Basin Management Plan – SEA Scoping

Dear Mr Duggan,

The Environmental Protection Agency (EPA) acknowledges your correspondence, dated 12th September 2016, in relation to the Strategic Environmental Assessment (SEA) Scoping for the River Basin Management Plan (RBMP) (the Plan). We welcome the opportunity to input into the SEA Scoping Process for the Plan currently being prepared by the Department of Housing, Planning, Community and Local Government (DPLPCG) as part of the second cycle of river basin planning under the Water Framework Directive (WFD).

Tackling the challenges to deliver improved water quality in Ireland is a key strategic objective for the EPA and we recognise that the Plan, which will set out Ireland's priorities and strategies for water management over the next six-years (2016-2021), will be pivotal in helping to deliver on this objective. In conjunction with a number of other significant plans and programmes which are currently being prepared and implemented nationally (the National Planning Framework, Regional Spatial and Economic Strategies, the National CFRAMS Programme, Irish Water Capital Investment Programme, Irish Water Lead in Drinking Water Mitigation Plan, Irish Water Wastewater Sludge Management Plan), this Plan will play a key role in ensuring a coordinated and consistent approach to managing and protecting our national water resources.

The EPA will continue to collaborate with the DHPCLG in preparing the Plan and associated programme of measures. In particular our Catchment Science and Management Unit will provide the scientific input to inform the on-going development of the Plan and associated programme of measures.

Key issues to be considered

A number of key issues are outlined below which should be taken into account in preparing the Plan and in undertaking the SEA.

Scope of the Plan & SEA

We acknowledge that the Plan is a national plan for the management of water resources and accordingly the assessment will be primarily focused at activities occurring at the national to regional scale. It will be important that the strategic nature of the Plan is emphasised in the SEA Environmental Report and reflected in the level of assessment undertaken. A clear statement should be provided as to the scope and function of the Plan. Where other Plans/Programmes/Strategies are responsible for implementing relevant policies/objectives /measures, these should be acknowledged and referenced in the Plan.



Implementation of the Plan

Information should be provided on the proposed implementation of the Plan, including selection and implementation of measures at regional and local level. Where it is envisaged that measures proposed in the Plan will be implemented via other sectoral or land-use plans, which themselves have been or will be subject to SEA (e.g. Agriculture, Forestry, Fisheries plans, City and County Development Plans etc.), this should be explained in the Environmental Report (and Plan).

Where specific measures will be implemented directly (rather than via other national or lower-level plans), further detail should be provided in the Environmental Report (and Plan) on the relevant environmental assessments to be carried out at the project stage, and relevant mitigation measures to be applied, as appropriate. There may be merit in exploring this issue further with the relevant Environmental Authorities during the Plan preparation and SEA processes.

Linkages with First Cycle of RBMP and associated SEAs

Where possible there should cross-reference between the first and second cycle Environmental Reports. The Environmental Report should include information on the SEA targets, objectives, indicators and associated monitoring that were prescribed in the first cycle Environmental Reports. Information should be provided on how successfully these were achieved and any difficulties encountered, for example in carrying out the prescribed monitoring, should be explored and information provided on what has changed, or will change, during the second cycle. To demonstrate the linkages and, as appropriate, differences between the first and second cycle Environmental Reports, a short section could be included under each of the environmental headings highlighting key significant changes since the first cycle and any persistent environmental problems.

Integration with the Floods Directive

The Plan and SEA should acknowledge and consider the implications on the Plan of the National CFRAM Programme currently being prepared by OPW. A comprehensive series of Flood Risk Management Plans (FRMPs) is currently being rolled out as part of the national CFRAM programme. The Plan should seek to maximise the linkages between the WFD and Floods Directive. The Plan should promote and maximise opportunities for improving efficiency, information exchange and for achieving common synergies between the RBMP and the FRMPs and their respective measures.

Environmental Baseline

The Plan should, where possible, utilise the most recent available environmental baseline information. Given the number of national plans currently being prepared and undergoing SEA, it may be possible to coordinate baseline information, where relevant and appropriate.

Critical Service Infrastructure considerations

The Plan should acknowledge Irish Water's plans for upgrading/improving existing wastewater and drinking water treatment systems (Irish Water's Water Services Strategic Plan, Capital Investment Programme, Lead in Drinking Water Mitigation Plan, Pesticides in Drinking Water Control Strategy (in prep)).

As well as 'increase in demand for water supply', the potential positive impacts of water conservation initiatives (including for example leakage control, rainwater harvesting) should be considered.

Monitoring Considerations

To ensure that an effective monitoring programme is carried out for the second cycle of the WFD, there should be clear integration between the Monitoring Programmes proposed for the SEA and for the Plan. Where possible, indicators should be the same in both the Plan and SEA in order to avoid duplication in data collection. The Monitoring proposals outlined in the Environmental Report should be measurable, appropriate and attainable. They should include monitoring of positive, negative and cumulative effects where these are likely to occur and should include provision for on-



going review to facilitate response to specific environmental issues should they arise. The Environmental Report should clearly set out the frequency and responsibilities for carrying out the proposed monitoring, reporting on the monitoring programme and any necessary remedial action. A clear commitment to oversee the implementation of the monitoring programme should also be included.

Integration of SEA and Plan

All recommendations from the SEA and AA, including mitigation measures, should be integrated in the Plan. We recommend that the Plan includes summary tables outlining the key findings of the SEA process and linking the significant environmental effects identified to the proposed mitigation measures, monitoring programme and measures contained in the Plan.

Transboundary consultation and integration

The Plan and associated programme of measures should be compatible with, and integrate with, what is happening in Northern Ireland, in order to ensure a coordinated approach to river basin management planning on the island of Ireland. This is important to protect water resources in both jurisdictions. Given the nature of the river networks, there should be a clear overlap and consistency between the plans and environmental assessments in both jurisdictions. Detailed and effective consultation and collaboration should be carried out with the relevant Northern Ireland authorities, in particular the Department of Agriculture, Environment and Rural Affairs and NIEA, on how the respective plans, measures and environmental assessments should be integrated as appropriate.

Specific Comments to be considered

In addition to the key issues outlined above, comments on specific aspects of the RBMP SEA Scoping Report are provided in Appendix A (attached). These comments should be considered in preparing the Plan and undertaking the SEA.

Scoping Process Guidance

Guidance on the SEA Scoping Process, including an SEA Pack and Checklist, is available on the EPA website (www.epa.ie/pubs/advice/ea/) and should be considered in the preparation of the SEA.

Recently published guidance documents on *Developing and Assessing Alternatives in SEA* (EPA, 2015) and *Integrating Climate Change into SEA in Ireland* (EPA, 2015) are also available on the EPA website and should be considered as appropriate.

GIS & spatial datasets

The EPA's web-based GIS application for the purposes of SEA allows users to explore, interrogate and produce an indicative report on key aspects of the environment in specific geographic areas. These reports are indicative and will provide an overview of key aspects of the environment within a specific plan area and may be used to inform the SEA scoping stage for the Plan. It may be accessed via www.edenireland.ie

The EPA also maintains an inventory of spatial datasets which can be used to inform the preparation of the Environmental Report and associated environmental assessment. Data source/ include Air Quality, Climate, Biodiversity, Flora, Fauna, Geology, Soils, Hydrology and Water Quality. The SEA Spatial Information Sources inventory is available on the EPA website at <http://www.epa.ie/pubs/advice/ea/seaspatialinfomationsourcesjune2016.html>

In addition, the EPA has recently launched a new website [Catchments.ie](http://www.catchments.ie) which has been developed by the EPA in collaboration the DHPCLG and the Local Authority Waters and Communities Office (LAWCO). This website provides a wealth of information on water quality assessments and trends for the 46 catchments, 583 sub-catchments and 4829 water bodies nationally.



Environmental Authorities

Under the SEA Regulations (*S.I. No. 435 of 2004*), as amended by *S.I. No. 200 of 2011*, notice should also be given to the following:

- The Minister for the Environment, Community & Local Government (now the Minister for Housing, Planning, Community and Local Government),
- Minister for Agriculture, Food and the Marine, and the Minister for Communications, Energy and Natural Resources (now the Minister for Communications, Climate Action and Environment), where it appears to the competent authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment, and
- Where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural heritage or to nature conservation, the Minister for Arts, Heritage and the Gaeltacht (now the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs).

The EPA again welcomes the opportunity to comment at this stage of the RMBP process and we look forward to working with the Department and other key stakeholders, where appropriate, during the preparation of the Plan and Environmental Report. We may provide further comments and observations as the SEA Scoping process progresses and will participate in any future workshops as relevant and appropriate.

We will provide additional comments upon receipt of the Draft SEA Environmental Report and Plan and associated documents during the next statutory consultation phase of the SEA Process.

Should you have any queries or require further information in relation to the above please contact the undersigned.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: sea@epa.ie.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Tadhg O'Mahony', written over a horizontal line.

Tadhg O'Mahony
Senior Scientific Officer
SEA Section
Office of Evidence and Assessment
Environmental Protection Agency
Regional Inspectorate
Inniscarra, County Cork



APPENDIX A

Specific Comments on the RBMP SEA Scoping Report

Scope of the Plan & governance structures

Having regard to the strategic nature of the Plan, we consider that references to ‘a single RBMP, supported by 46 sub-catchment plans’ should be removed from section 2 and that details on the catchment and sub-catchment assessments being undertaken by the EPA, which are not relevant to the SEA process, should also be removed.

The text in section 2.2 should be amended to clarify that the ‘single national RBMP’ refers only to the non-transboundary regions within the Republic of Ireland and that there will also be two international RBDs on the island of Ireland.

Details on the Characterisation Report should also be clarified and an up-to-date progress on status included. Section 2.4 *Content of the River Basin Management Plan* should be amended to reflect the most recent information provided by the DHPCLG.

Other relevant plans and programmes

It would be helpful if the legislation and policies listed Tables 4.1 and 4.2 were grouped by topic (Water Policy, Waste Water, Drinking Water, Agriculture, Fisheries, Industrial Discharges, Hazardous Substances, etc.). The name of the relevant lead competent authority should also be provided against each of the plans/policies/programmes listed.

Further to our comments above regarding the need for transboundary consultation and integration, Table 4-1 (International and EU Plans/Policies and Programmes) should include reference to relevant Northern Ireland WFD documents, e.g. the North Western Draft River Basin Management Plan.

Other relevant EU legislation and policies that it may be worth including in Table 4.1 include:

- Integrated Pollution and Prevention Control Directive (2008/1/EC)
- Industrial Emissions Directive 2010/75/EU
- Priority Substances Directive 2013/39/EU
- Maritime Spatial Planning Directive 2014/89/EU
- Sustainable Use of Pesticides Directive 2009/128/EC
- Common Fisheries Policy
- Common Agricultural Policy

With regards to national legislation (Table 4.2), other key national water legislation that should be referenced include the Water Pollution Act 1977 as amended, the Water Services Acts 2007-2013, the Water Services Act 2014 and the updated Water Policy Regulations (S.I. 350 of 2014), given the significant changes to S.I. 722 of 2003 contained therein.

The references to the 2009 Surface Water Regulations and 2010 Groundwater Regulations should be followed by ‘as amended’.

The latest Bathing Water Regulations, S.I. 79 of 2008 as amended by S.I. 351 of 2011, should replace the reference to the 1988 Bathing Water Regulations cited.

Table 4.2 should also include reference to the Assessment and Management of Flood Risks Regulations (S.I. 122 of 2010) as amended. The National CFRAM programme and associated Draft



Flood Risk Management Plans which are currently being rolled out (discussed further below) should also be included.

Relevant legislation and policy concerning domestic waste water treatment systems should be included, such as the Water Services Acts 2007, Domestic Waste Water Treatment Systems (Registration) Regulations 2012 (S.I. 220 of 2012) and Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2009).

Regarding agriculture, Table 4.2 should include reference to the National Nitrates Programmes and associated Agricultural Catchments Programme, the Rural Development Programme 2014-2020 and the GLAS (Green Low-Carbon Agri-Environment Scheme) Scheme.

Key legislation relevant to coastal and transitional waters should be included such as the Marine Strategy Framework Regulations (S.I. 249 of 2011), the recently enacted Framework for Maritime Spatial Planning Regulations (S.I. 352 of 2016), the Foreshore Act 1933 as amended (relevant in relation to physical modifications of transitional and coastal water bodies) and the Dumping at Sea Act 1996 as amended. The Marine Strategy Framework Directive Programme of Measures (in prep) and the Offshore Renewable Energy Development Plan should be included in the list of National Plans/Policies/Programmes.

Other relevant legislation to consider including in Table 4.2:

- Drinking Water Regulations (S.I. 122 of 2014)
- Freshwater Pearl Mussel Regulations 2009 (S.I. 296 of 2009)
- Urban Waste Water Treatment Regulations (S.I. 254 of 2001),
- Sustainable Use of Pesticides Regulations 2012 (S.I. No. 155 of 2012)
- Industrial Emissions Regulations 2013 (S.I. 138 of 2013)
- Integrated Pollution Control (Licensing) Regulations 2013 (S.I. No. 283 of 2013)
- Industrial Emissions Regulations 2013 (S.I. No. 138 of 2013)
- Industrial Emissions (Licensing) Regulations 2013 (S.I. No. 137/2013)
- Control of Major Accident Hazards Involving Dangerous Substances Regulations 2015 (S.I. No. 209/2015)
- Water Conservation Regulations, 2008 (S.I. 527 of 2008)
- Quality of Shellfish Waters Regulations (S.I. 268 of 2006), as amended
- Waste Management (Hazardous Waste) Regulations (S.I. 163 of 1998)
- EPA Act 1992 as amended.
- Waste Management Act 1996 as amended

Other relevant policies/plans/programmes to consider including in Table 4.2 include:

- National Hazardous Waste Management Plan 2010–2020
- Harnessing Our Ocean Wealth
- Irish Water's Capital Investment Programme
- Irish Water's Pesticides in Drinking Water Control Strategy (in prep)
- Irish Water's Water Treatment Sludge Management Strategy (in prep)

Baseline data sources

Table 6.1 should include reference to the Water Quality in Ireland 2010-2012 report, given that this data was used in baseline characterisation for this RBMP. (The Water Quality in Ireland 2007-2009 report cited is still relevant as it related to the first cycle RBMPs). The WFD Ireland website (www.wfdireland.ie) should also be included here. The most up-to date information, for 2013-2015, will be available publically by December 2016. The recently launched Catchment.ie website should be referenced.



In relation to land use in agricultural areas, the Land Parcel Identification System (LPIS) operated by the Department of Agriculture, Food and the Marine may be a useful database.

Summary of key trends in water

When reporting and interpreting the findings of the Water Quality in Ireland 2010-2012 report, it should be recognised that this report is not prepared solely for WFD purposes. The text on groundwater in section 6.2 refers to the percentage of monitored locations falling below the EQS for high status (0.015 mg/L); there is however no high status EQS for groundwater. Likewise section 6.2 includes information on the number of samples testing positive for faecal coliforms, which is not relevant in the context of the WFD as faecal coliforms are not a WFD parameter.

Proposed scope of assessment

We note that there is some duplication within Table 5.1; for example, under *Population*, 'increase in waste produced and requirement to treat same' is listed as well as 'increase in demand for wastewater treatment either at the municipal level of individual wastewater treatment systems'.

Under the heading of *Biodiversity, Flora and Fauna*, an overall strong positive impact would be expected. A failure to achieve Biodiversity, Flora and Fauna related objectives would be indicative of an inherent failure of the Plan. We recommend that this section should focus on emphasising the positive impact of the Plan. Biodiversity, Flora and Fauna may also be useful in the monitoring process, in some cases providing an appropriate indicator of water quality.

With regards to *Population*, we consider that emphasis should be placed on the overall positive benefits of protected/improved water quality for the population, including recreational benefits.

Assessing the potential implications of under-investment in Urban Waste Water Treatment facilities may be relevant and reference should be made to Irish Water's plans for the upgrade of treatment systems (Irish Water's Water Services Strategic Plan and Capital Investment Programme). The lack of critical service infrastructure may restrict population expansion in certain areas, directing population into areas where capacity is available.

As well as considering 'increase in demand for water supply', the potential positive impacts of water conservation initiatives (including for example leakage control, rainwater harvesting) should also be considered.

Under *Human Health*, we recommend that specific reference should be made to the risk of flooding of water and wastewater treatment infrastructure (including storm water and combined sewer overflow infrastructure) given that such flood events can have potential adverse effects on water quality and human health.

Under *Water*, the impacts of navigational dredging on water bodies should be included. This pressure is likely to increase in coastal and transitional water bodies due to the trend in increasing vessel sizes. It may also potentially become a pressure in some inland waterways due to the development of 'blueways'. Where 'impacts on water supply (including potable) and water conservation' are being considered, we recommend the positive impacts of leakage control and mains rehabilitation programmes should be taken into account.

Overall, it is anticipated that the Plan will have a positive impact on water quality within its lifetime. The extent of this impact will depend on how successful the Plan will be in achieving its water quality objectives. This section of the Environmental Report should include an overview of how the Plan will be implemented at catchment/sub-catchment level.

Under *Material Assets*, some of references to 'wastewater treatment facilities and infrastructure' are also applicable to other types of facilities/infrastructure. Small-scale hydroelectric schemes should



also be included under this heading. The potential impacts on material assets of changes in land-use and soil as a result of the Plan should also be considered.

With regards to *Soil and Landuse*, we recommend that changes to land use and soil fertility levels as a result of the Plan should be considered. The Land Parcel Identification System (LPIS) operated by the Department of Agriculture, Food and the Marine may be a useful database in identifying current land use in agricultural areas. Land drainage activities and renewable energy (wind, hydroelectric) developments should also be considered as appropriate.

Under *Climatic Factors*, specific reference should be made to the increased risk of flooding of water and wastewater treatment infrastructure (including storm water and combined sewer overflow infrastructure) as a result of climate change, given that flood events have potential for adverse effects on water quality and human health.

With regards to *Architectural, Archaeological and Cultural Heritage*, Waterways Ireland would be a useful source of information on historical structures on navigable water bodies.