

Feargal O'Coighligh
Assistant Secretary
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Re: Review of the heavily modified waterbodies

Dear Feargal,

The EPA has now completed our technical review of the heavily modified waterbodies as required under the Draft River Basin Management Plan. The work was carried out with the assistance of the Hydromorphology Working Group, with particular engagement with those public bodies that are carrying out the specified uses, such as Irish Water, the OPW, ESB, Waterways Ireland and representatives from a rural and an urban Local Authority.

The review found that, on the basis of the current specified uses, the number of waterbodies meeting the technical criteria for designation has increased substantially from 33 to 466. The increase is due largely to improved data and assessment tools, and a better understanding of the process as described in recent EU guidance. A technical document outlining the assessment, together with the list of candidate waterbodies, is attached.

The EPA conducted a public consultation process on the review and its outcomes between the 8th of March and 15th of May 2022. During the consultation period, the EPA also engaged with An Forum Uisce, and a group of eNGOs to assist them in their understanding of the review. Twenty submissions were received representing individuals, NGOs, community and angling groups, the specified use owners and local authorities. We have summarised the key points raised in the submissions in a brief summary report which is also attached along with the submissions. We intend to make the redacted submissions and the summary report available on our website.

In summary, public bodies such as Irish Water and OPW were supportive of the process and its outcomes, recognising that it would result in more appropriate management for these waterbodies. However, a number of areas of concern were common throughout the submissions. Some respondents felt that the specified uses were not appropriate long-term goals for these modified waterbodies given the current climate and biodiversity crisis, especially those impacted by arterial drainage, power generation, and those in Special Areas of Conservation. Some felt that the public should have an opportunity to input into the alternative options questions, and not just the specified use owners. There was also a call for more in-depth cost-benefit and socio-economic assessments at the waterbody scale.

From the EPA's perspective, we support the use of heavily modified designations as they ensure that the highest environmental objectives possible are set for modified waterbodies. We recognise that this is in the context of the current specified uses of these waterbodies and that appropriate mitigation measures must be set and implemented through the Ecological Potential objective.

On the basis of the EPA's technical assessment and the current specified uses, 466 waterbodies meet the criteria for designation. However, there are a number of issues which we recommend are considered by the Minister as part of the final designation:

- The EPA would recommend that DHLGH carry out a wider national policy review of whether the specified uses are appropriate during the 3rd river basin management planning cycle.
- We recommend that waterbody specific designation tests, that are informed by the policy review, should be carried out in due course. Such assessments may be best carried out when there is more detailed waterbody specific information available, noting that designations can be reviewed with each RBMP cycle.
- A key consideration for the Agency is that there may be implications for abstraction licensing if waterbodies with abstractions and associated significant impoundments are not designated as heavily modified and listed in the river basin management plan. This may make it difficult to license these abstractions where Good Ecological Status cannot be achieved. This concern was also raised by Irish Water in our discussions with them during the review process. This point supports early designation of these candidate heavily modified waterbodies.

We trust the attached provides sufficient information to help inform the Minister's considerations. Please contact Mary Gurrie in the first instance should you require further clarification.

Kind regards



Dr. Eimear Cotter

Cc: David Flynn

Attached: /

1. Document outlining the technical review of the heavily modified waterbodies
2. Spreadsheet of candidate heavily modified waterbodies
3. Twenty public consultation submissions, redacted
4. Summary report of the main findings of the consultation process