



Sustainable Water Network (SWAN)

Submission to Public Consultation on the Draft 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 25 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 19 formal submissions relating specifically to WFD implementation during that time.¹

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](#)

Third cycle WFD: Response to Public Consultation - Significant Water Management Issues for the Third Cycle River Basin Management Plan: [SWAN Response to Public Consultation on the Significant Water Management Issues for the third cycle River Basin Management Plan for Ireland 2022-2027 - SWAN Submission, Aug 2020](#)

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.](#)

Introduction to this submission

SWAN welcomes the opportunity to comment on the draft River Basin Management Plan (RBMP) and would like to thank officials from the Department of Housing, Local Government and Heritage for attending and presenting at a SWAN-IEN webinar in February 2022. This submission reflects the views of the network members and is the result of SWAN research, the outputs from member workshops in November, January and February and online consultation with members.

In line with the approach taken to the significant water management issues (SWMI) consultation and taking on board experience from the last cycle and advice from the Department at the SWAN SWMI workshop, this submission is designed to be as clear and easy as possible to systematically consider for incorporation into the final River Basin Management Plan (RBMP).

SWAN members have selected to focus on twelve priority significant water management issues (SWMIs) and key recommendations on each are enumerated clearly. This approach does not mean that SWAN believes other SWMIs are not important. Rather this approach has been taken to focus attention on the most pressing issues. We have also included comments and recommendations on other issues in a section at the end of the document.

In order to align as best as possible with the Department's own submission template we have included in each of our sections the question from the Department's template that relates to that issue (where there was a related question).

We draw your attention in particular to the key recommendations throughout the document and also summarised in the table below.

Please also see in Appendix II our list of 26 SWMI Key Asks for the draft plan of which at least 22 remain outstanding.

SWAN's Recommendations Summary Table

Issue	No.	Recommendation
1. Ambition and Actions	1	The ambition for the River Basin Management Plan must be full compliance with the WFD, as committed to in the Programme for Government. It must be science-based and must include a full set of targeted outcome-based measures, linked to pressures, necessary for every waterbody to achieve WFD objectives of at least good status by 2027, with no deterioration. These actions must be specific, measurable and time-bound, with the responsible body assigned and accountable.
2. Climate Change	2a	Additional and more targeted measures for the integration of climate change scenarios should be included within the plan and all proposed measures in the plan should be climate proofed under a range up to 4°C warming.
	2b	The use of nature-based, catchment-scale mitigation and adaptation solutions should be 'main-streamed' and adequately resourced (see Section 7).
3. Progress and Implementation of Second Cycle Plan	3	Please refer to recommendations in Section 4 on Implementation and Governance and Section 6 on agriculture.
4. Implementation/ Governance	4a	Establish an appropriately resourced central, WFD/RBMP project management secretariat/unit which is responsible for oversight, monitoring and assessment of WFD implementation
	4b	Initiate the medium-term process of developing a consolidated Water Act, similar to the Climate Act, with budgets, timelines and sanctions in order to mainstream water protection in government policy alongside climate and biodiversity action and to fix the fragmented water governance system.
		(See also related recommendations in Section 5)
5. Public Participation	5a	WFD implementation must be made transparent and participative, and must be brought into compliance with the Aarhus Convention. The make-up and work of WPAC, NCMC, Regional Committees, etc., must be readily accessible, including where, and on what basis, water management decisions (including about trade-offs) are being made.
	5b	The public must be involved from the start in the development of action plans for their local waters through the 46 Catchment Management Plans, with catchment groups resourced to ensure effectiveness, equity and inclusiveness of engagement. There must be clear mechanisms for better integrating stakeholder groups into governance and decision-making and this should be facilitated by an expanded team of a minimum of 46 Community Water Officers at catchment level.
6. Agriculture and Water	6a	Introduce WFD-specific risk assessments for all intensive farms, including derogation farms, through a permitting/licensing system similar to pigs and poultry.
	6b	Intensification, in particular to derogation stocking rates, should only be permitted if it can be demonstrated that it won't impact on the WFD objectives for associated water bodies.
	6c	The RBMP must provide for the monitoring and strict limiting of total catchment imported N (fertiliser and feed) in catchments already saturated, based on EPA analysis. Certain sub-catchments should be zoned ineligible for certain stocking rates, if necessary, based on catchment carrying capacity.

	6d	For existing farms deemed to be a risk, regulatory, voluntary and combined measures should be implemented to reverse pollution impacts, including through herd reductions, with compensatory measures put in place to support this, where necessary.
	6e	Conduct an independent review of the final CAP to assess its strengths and weaknesses to meet the WFD objectives. Where weaknesses are highlighted, additional measures must be proposed.
7. Hydromorphology & Land Use Planning		The final RBMP should include a commitment to:
	7a	WFD-specific assessment in advance of developments potentially impacting waterbodies, e.g., dredging, drainage and flood protection. Projects can only go ahead if it can be demonstrated that WFD objectives will not be compromised
	7b	Prohibition on wetland drainage and commitment to a national river and wetland restoration programme. This must include coastal wetlands and blue carbon habitats
	7c	Review of the impacts of arterial drainage; and a commitment to review and amend the Arterial Drainage Act 1945 to remove the requirement to maintain drainage and to bring it into compliance with EU environmental law
	7d	Full integration of water and wetland management in the upcoming Land Use Review (committed to by government), so that catchment- and nature-based approaches are central to it.
8. Forestry	8a	All forestry planting and felling licences must include a WFD-specific assessment, and contain site-specific stipulations for water protection, taking account of catchment-scale cumulative impacts.
	8b	As a minimum, introduce a prohibition on afforestation on peat soils in acid sensitive headwater catchments, as recommended by the Hydrofor research project.
	8c	A programme of sensitivity mapping should be initiated as a priority in order to effectively manage the impacts of the projected increased afforestation in coming decades.
9. Urban Waste Water	9a	The Irish Water Investment plan must include necessary work to halt sewage pollution from all wastewater treatment plants that have been identified as the main pollution source for 208 waterbodies.
	9b	All other identified urban wastewater pollution pressures from smaller discharges and sewer overflows must also be set out with a programme of measures to fix them.
10. Coastal and Transitional Waters	10a	Include a chapter on coastal issues which identifies the pressures specific to coastal waterbodies and includes targeted measures to address them.
	10b	Establish priority habitat restoration zones, with a priority focus on 'blue carbon' habitats, with targets for restoration included in the final plan.
11. Aquaculture	11a	Review of all aquaculture licences for compliance with the WFD and include a WFD-specific assessment in all new licence applications to ensure that the proposed/existing farms do not compromise the meeting of WFD objectives for the relevant waterbody, taking into account cumulative impacts. To support this, establish an independent monitoring programme as part of expanded coastal characterisation to fill data gaps.
	11b	Carry out an independent legal review of NPWS guidance on the licensing of aquaculture activities within Natura 2000 sites (15% threshold for likely disturbing activities).

12. High Status Waters	12a	Include a commitment for the urgent development of integrated sub-catchment management plans, with targeted measures, for ALL high status objective waterbodies. These should follow the 'Threat Response Plan' approach and include emergency response plans to save the 20 remaining pristine waterbodies.
	12b	Update and legally publish the sub-basin plans for the critically endangered freshwater pearl mussel.
13. Abstraction	13	The plan should include measures for all waterbodies at risk from abstraction and should include a commitment to the establishment of a comprehensive, publicly accessible National Abstraction Register which includes all abstractions greater than 10m ³ /day and a licensing regime for all abstractions greater than 20m ³ /day, in line with Northern Ireland.

1. Ambition and Actions: What we want to achieve and how we get there

Question 1: What are your views on the proposed themes and the key actions for delivering an increased level of ambition for the third River Basin Management Plan?

OVERARCHING KEY MESSAGE: There is strong and unanimous agreement within the SWAN membership that the draft plan, as presented, falls far short of the required ambition. It lacks targeted, outcome-based actions to restore all impacted waters to good status and so it is not in line with either the Water Framework Directive or the Programme for Government.

SWAN welcomes the increased ambition expressed in this draft plan, when compared to the second cycle plan. We also agree with the statement on pg. 21 that *"the plan must include a programme of measures to protect and where necessary restore each one the 4842 bodies of water so that they are at least reaching 'good' status or 'good' potential by 2027 (with some limited exemptions)."* Furthermore, we welcome the key actions set out on page 22, in particular *"Minimum of 20,000 hectares of organic soil rewetting"; "At least a 50% reduction in nitrogen losses to waters from agriculture" and "2,500km of riverside interception measures"*. However, despite this, the draft River Basin Management Plan (RBMP) falls far short of what is required and fails to set out specifically how the State will restore unhealthy and at risk waterbodies. It must be far more ambitious and include targeted measures to restore ALL waters to healthy status by the 2027 deadline. Critically, the statements and 'key actions' cited above do not translate into specific, committed-to actions in the plan.

More than half our rivers, lakes and estuaries are failing WFD mandatory standards of 'good status' and nutrient pollution is increasing, demonstrating that current policy and measures are not working.² Despite this, the plan only proposes additional targeted measures for certain priority 'Areas for Action' without making clear how many at risk waterbodies are within these areas.³ Critically, **the plan does not provide any targets for water improvements over its six years.** This lack of information regarding the ambition and proposed deliverables in terms of waterbodies targeted for protection/restoration is of grave concern to SWAN and one of the fundamental flaws in the draft plan.

This is also a key element for public engagement since, in simple terms, it shows the public what you plan to do and by when. Furthermore, even for these more fortunate waterbodies within Areas for Action, the language is unacceptably weak when it comes to measures to fix detected impacts. The Local Authority Waters Programme (LAWPro) will only *"recommend"* solutions and *"encourage implementation"* of measures. How then can it be ensured that the necessary measures will be carried out? (See Q5 for more on governance)

² EPA (2021) Water Quality in 2020. An Indicators Report. https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/EPA_Water_Quality_2020_indicators-report.pdf

³ A separate Local Authorities Water Programme report, [Proposed Areas for Action – 3rd Cycle Draft River Basin Management Plan 2022 - 2027](#) states that "74% of all At Risk water bodies nationally" are proposed for inclusion in an Area for Action but there is no detail about the measures that will be implemented.

Furthermore, many of the Actions listed in Section 5 (and in the Programme of Measures Appendix) are general and describe slight changes to existing national programmes and initiatives, with little or no information about how/if they will deliver improvements. We strongly disagree with the statement in the draft plan that *"The proposed new and enhanced measures contained in this draft plan reflect the additional measures considered necessary to deliver the objectives of the WFD in full"*.

This 'prioritisation' approach, whereby only certain areas are selected for targeted action is not compliant with the Water Framework (WFD) which requires that all waterbodies must be restored to at least good status by 2027, with no deterioration permitted.⁴ This approach is indicative of a low level of ambition and commitment on the part of the Irish government to protecting and restoring Ireland's waters and fails on the Programme for Government commitment to *"Ensure that the State complies with the EU Water Framework Directive."*

RECOMMENDATION 1

The ambition for the River Basin Management Plan must be full compliance with the WFD, as committed to in the Programme for Government. It must be science-based and **must include a full set of targeted outcome-based measures, linked to pressures, necessary for every waterbody to achieve WFD objectives of at least good status by 2027**, with no deterioration. These actions must be specific, measurable and time-bound, with the responsible body assigned and accountable.

IMPORTANT NOTE: This recommendation applies to all further (pressure) sections: To avoid repetition, the point may not be restated under every pressure section, but consider it as a given. This is fundamental to SWAN's recommendation for developing the draft plan into an effective plan of action.

⁴ Except where a WFD- compliant exemption is applied, with the justification "set out and explained in the River Basin Management Plan" (Art. 4.4-4.7 , WFD)

2. Climate Change

Question 3: What are your views on the proposed measures outlined within the draft plan in relation to climate change?

A 2022 IPCC Assessment Report has stated (with high confidence) that “*climate change has caused substantial damages, and increasingly irreversible losses, in terrestrial, freshwater and coastal and open ocean marine ecosystems.*”⁵ The report also states that *the extent and magnitude of climate change impacts are larger than estimated in previous assessments.* It is vital that national level policy, including the RBMP, assesses the impacts of climate change and includes targeted measures to help address the impacts.

The impacts of climate change risk deteriorating water quality and jeopardising the achievement of objectives under the WFD. In addition, if measures in the RBMP are not deemed to be climate proofed under a range of emissions scenarios, there is a risk that they may fail. Below, we have set out a number of climate change related recommendations that we believe would help to strengthen the section on Climate Change in the draft plan.

Measures to mitigate climate change, but also to adapt to it, must be more fully integrated with water management through the plan, as well as via the Climate Adaptation Plan for the Water Quality and Water Infrastructure Sectors.⁶ While the Adaptation Plan references water quality and adaptive management and includes a measure to “*fully adopt the ‘integrated catchment management’ approach*”, the RBMP is the opportunity to translate this into specific tangible actions. The inclusion of the climate check on RBMP measures is welcome, however, this should be strengthened to climate-proof RBMP measures by undertaking an assessment of each measure under a range of climate scenarios out to 4°C warming. With regard to the measure on supporting additional research and pilot projects, there is no indication of the types of research or pilot projects that are being considered. A full review of current research and modelling on, for example, future climate change scenarios, predicted sea level rise, coastal erosion, etc. should be carried out so that any knowledge and research gaps can be identified and a specific research programme resourced to address these. This should be included as a targeted measure and adequately resourced.

Ireland’s rivers, estuaries and coasts will require greater space to allow their natural function and improve their resilience to climate change. The use of nature-based solutions throughout the RBMP should be strengthened. Targeted measures for restoration should also be included (see Sections 7 and 10). We recommend that habitat restoration zones for coastal habitats be included in the RBMP as well as a system of restoration for already depleted wetlands. These measures, which we have discussed elsewhere in our submission, would have significant climate benefits in terms of both adaptation and mitigation. To implement more nature-based solutions within the plan there is a need for increased investment. To strengthen their application, the use of nature-based solutions should be given statutory footing in relevant legislation. As part of this, a cessation of wetland drainage as

⁵ Intergovernmental panel on climate change (IPCC). Climate Change 2022. Impacts, Adaptation and Vulnerability. (2022). https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicyMakers.pdf

⁶ Water Quality and Water Services Infrastructure Climate Change Sectoral Adaptation Plan (2019) <https://assets.gov.ie/75644/057df848-7665-4df1-9abf-1a493f1de7f9.pdf>

recommended in Section 7 would be a robust and effective measure, delivering benefits for climate mitigation and resilience, in addition to water and biodiversity restoration.

RECOMMENDATION 2

- a) Additional and more targeted measures for the integration of climate change scenarios should be included within the plan and all proposed measures in the plan should be climate proofed under a range up to 4°C warming.
- b) The use of nature-based, catchment-scale mitigation and adaptation solutions should be 'main-streamed' and adequately resourced (see Section 7).

3. Progress and Implementation of Second Cycle Plan

Question 4: What are your views on the progress achieved to date under the second-cycle River Basin Management Plan?

The information necessary to answer this question is not presented in the draft RBMP or elsewhere. SWAN respectfully points out that this question highlights a lack of transparency in the RBMP process. It is not helpful for stakeholders attempting to make an informed submission on the draft RBMP that *“a full report on the 86 measures [from the second cycle] will be published in the final plan.”* The progress reported in the draft RBMP is just ‘interim’ and relates to activities only, with no link to water quality/status indicators. It is therefore impossible to respond to this question in a fully informed way. SWAN notes that two important reports that could assist in informing a response to this question have been completed but are not publicly available.⁷

However, based on the available information, in particular the following, it is SWAN’s position that progress is poor.

- Nitrate and phosphate river pollution is increasing by 38% and 24% respectively.⁸
- From this initial assessment presented in Table 10 of the draft plan, only 2 out of 10 ‘expected outcomes’ have been completed successfully.
- Though it is not transparently presented in the draft plan, by SWAN’s analysis an additional 3% more waterbodies are unhealthy now than in the last reporting period.⁹

SWAN commends the work and commitment of staff in the Local Authorities Waters Programme (LAWPro), the Department of Housing Local Government and Heritage (DHLGH) and EPA in relation to implementation and we note the ‘provisional results’ showing that a higher proportion of rivers improved in quality in the PAAs than those outside. However, we believe that the positive work by these bodies has been significantly outweighed by conflicting policy in other areas, especially agriculture, which is driving land use and nutrient inputs beyond environmental limits and is fundamentally incompatible with the objectives of the WFD, in addition to biodiversity targets and mandatory climate and air emission thresholds. (See Section 6).

Please refer to recommendations in Section 4 on Implementation and Governance and Section 6 on Agriculture.

⁷ Evaluation of the impact of the Agricultural Sustainability Support and Advice Programme (ASSAP) and Review of the Local Authority Waters Programme (LAWPRO) Review done for the Department of Housing, Local Government and Heritage.

⁸ EPA (2021) Water Quality in 2020. An Indicators Report. https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/EPA_Water_Quality_2020_indicators-report.pdf

⁹ This must be derived by the reader using the data in Fig. 12 of draft River Basin Management Plan, pg. 30

4. Implementation/Governance

Question 5: What are your views on the actions included in the draft plan to improve the governance structures for the management of our waters?

SWAN welcomes the commitment to develop 46 Catchment Management Plans, which we recommended in our SWMI submission. We further welcome the increased references to, and recognition of, the importance of integrated Catchment Management. We note that it is still not clear how and where in the current governance structure operational integrated catchment-scale management will take place.

Despite new administrative structures, water management remains fragmented and opaque and while increased reporting is welcome, the governance actions proposed are quite general (e.g. a review of compliance but with no detail or timeline) and do not address the fact that there is **no central body or agency responsible for, and resourced to, provide ongoing operational management, oversight and monitoring of WFD implementation** at national and catchment-level. While SWAN stands by its recommendation for a national water/WFD agency we acknowledge this has been discounted. In that context, we support the Institute for Public Administration recommendation for “*A full-time project management secretariat to support the governance arrangements to focus on programme management, implementation, reporting, developing relationships with stakeholders, such as the Water Forum*”.¹⁰

There is a lack of **transparency and information** regarding water governance at all levels, including the Water Policy Advisory Committee (WPAC); the National Coordination and Management Committee (NCMC); the National Technical Implementation Group (NTIG) and the Local Authority Regional Committees and Operational Committees, which leads to a lack of clarity as to exactly where decisions about selections of measures to address catchment pressures are made. There is also a lack of formal engagement between these bodies and stakeholders (see Section 5).

Policy coherence and **well-designed regulatory frameworks** are key elements of effective governance. According to the OECD, policy responses “*will only be viable if they are coherent*” and “*if well-designed regulatory frameworks are in place*”.¹¹ A number of critical national policies, including agriculture, arterial drainage and forestry are not just inconsistent with the objectives of the WFD, they are in fact in conflict with it. The draft RBMP does not acknowledge this systemic issue nor propose measures to address it.

To compound the policy incoherence, the current regulatory framework is unwieldy with multiple interrelated laws, implemented by numerous agencies and bodies with intersecting competencies, with no one body ultimately responsible. This has been highlighted as an issue of concern by the EU Commission. In the medium term this must be addressed via a consolidated Water Act, similar to the Climate Act, with budgets, timelines and sanctions in order to mainstream water protection in policy

¹⁰ Cited in An Foram Uisce (2022) Submission on the Public Consultation of the River Basin Management Plan 2022-2027.

¹¹ 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>

and decision-making across government. In the immediate term, policy conflicts must be identified far more clearly in the RBMP with effective measures to address them.

RECOMMENDATION 4

- a) Establish an appropriately resourced central, WFD/RBMP project management secretariat/unit which is responsible for oversight, monitoring and assessment of WFD implementation.
- b) Initiate the medium-term process of developing a consolidated Water Act, similar to the Climate Act, with budgets, timelines and sanctions in order to mainstream water protection in government policy alongside climate and biodiversity action and to fix the fragmented water governance system.

Question 6: What are your views on the approach taken to the selection of areas for action in the draft plan?

Question 7: What are your views on the list of proposed Areas for Action that is included in the draft plan?

The proposed plan, whereby only certain areas are selected for targeted action, is not acceptable and is not compliant with the WFD. The WFD requires that pressures on all waterbodies are addressed with “supplementary” measures where necessary to achieve at least good status, and to prevent deterioration. The draft RBMP does not propose this.

SWAN’s concern with the prioritisation process is compounded by the lack of transparency. The draft plan does not make it clear:

- how many unhealthy and at risk waterbodies lie within the proposed Areas for Action
- what actions will be carried out there
- whether the actions that will be carried out there will restore/protect them.

As SWAN does not support the prioritisation process, it isn’t appropriate to comment further on how the prioritised areas were selected.

Please refer to recommendation under Section 1.

5. Public Participation

Question 8: What are your views on the measures included to improve the level of public participation during the third plan?

The public participation measures proposed in the draft plan are inadequate; it does not set out the necessary programme for public engagement in water/river basin management planning and there are no clear actions or commitments as to how the public will be facilitated to engage in decision-making regarding plans for their local waters/catchment. SWAN has set out in comprehensive submissions to the Department the benefits of and recommendations for PP and we do not wish to rehearse these again here.¹²

SWAN welcomes the establishment of the National Water Forum, the funding of two pilot stakeholder initiatives in the Inishowen and Maigue catchments and the work of Community Water Officers (CWOs). However these elements do not make up the necessary coherent national programme for public and stakeholder engagement. And while we welcome the commitment to develop 46 Catchment Management Plans, we note that the draft plan does not make a strong commitment to involve the public and stakeholders in their development, only *"the initial level of detail to be included in these plans will be decided based on templates produced by LAWPRO, in consultation with stakeholders."*

Catchment/community groups are not adequately resourced to play the central role that the state envisages for them, i.e., to work *"..actively on the ground across the country to form the backbone of continuing water quality actors into the longer term"*.¹³ Furthermore, there are not enough CWOs and currently they are not being provided with the resources nor being enabled to facilitate meaningful engagement of communities (hierarchical structures within Local Authorities do not facilitate a pro-actively facilitative role for the CWOs). As set out in SWAN's detailed 2016 submission,¹⁴ in relation to these catchment community groups we recommend that:

1. They must be facilitated and supported with **adequate resources, including for full-time staff**, so that, in addition to raising awareness and assisting in identifying pressures (citizen surveys etc.), they can develop a vision for their waters and agree actions in response to pressures and address issues themselves, and in collaboration with authorities, at a local level to the maximum extent possible.

¹² SWAN has made specific suggestions in our SWMI submission in 2019. Download [here](#). We also 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](#)'.

¹³ Pg. 56 draft RBMP

¹⁴ SWAN (2016) [Public Engagement in Water Framework Directive Implementation: A Review of Developments as of September 2016, with Recommendations](#)'.

2. This is supported by the Institute of Public Administration (IPA) recommendation that *“local-level initiatives (rivers trusts, partnerships, etc.) need to be more fully recognised and supported within the water governance frameworks, and they also need to be supported in becoming more sustainable”*.¹⁵
3. Governance structures must be **open and responsive to input from catchment groups**. To achieve this practically, there must be clear, functional links and regular dialogue established with catchment groups and the various bodies involved in catchment management (incl. Regional Committees and Regional Operational Groups) so that these groups are integrated into WFD implementation. CWOs should be empowered to serve as a focal point to broker liaison between state bodies and stakeholders.

There is also a lack of formal engagement between governance bodies and stakeholders at national level (WPAC, NCMC; NTIG) and regional level (Regional Committees and Regional Operational Committees), including a lack of integration of the National Water Forum into the water governance system, with no clear mechanism for its integration into *“policy deliberation and formulation at the national level”*,¹⁶ despite very substantial time and commitment of members to *“develop policy solutions to challenging problems through the generation of consensus”*.¹⁷ The IPA reported that the most common concern of water forum members when interviewed was *“the sense of a limited impact to date given all the work put in by members”*.¹⁸ This should be addressed through the development of structured engagement links and processes between these bodies and stakeholder groups, in particular the National Water Forum, as part of a wider integrated national public engagement programme.

Effective public engagement is also significantly hampered by a significant deficit of **transparency and information** regarding water governance at all levels (see Section 4) which must be addressed in order to enable informed public engagement.

¹⁵ IPA (2021) Using the OECD Water Governance Indicator Framework to Review the Implementation of the River Basin Management Plan for Ireland 2018–2021 https://www.epa.ie/publications/research/water/Research_Report_372.pdf

¹⁶IPA (2021) An Foram Uisce (The Water Forum) as an Example of Stakeholder engagement in Governance <https://www.ipa.ie/fileUpload/Documents/EPAIPA%20Water%20Forum%20Report%20Web.pdf>

¹⁷ *ibid*

¹⁸ *ibid*

RECOMMENDATION 5

- a) WFD implementation must be made transparent and participative, and must be brought into compliance with the Aarhus Convention.¹⁹ The make-up and work of WPAC, NCMC, Regional Committees, etc., must be readily accessible, including where, and on what basis, water management decisions (including about trade-offs) are being made.
- b) The public²⁰ must be involved from the start in the development of action plans for their local waters through the 46 Catchment Management Plans, with catchment groups resourced to ensure effectiveness, equity and inclusiveness of engagement. There must be clear mechanisms for better integrating stakeholder groups into governance and decision-making and this should be facilitated by an expanded team of a minimum of 46 Community Water Officers at catchment level.

RECOMMENDATION (from SWAN SWMI submission):

A comprehensive programme for public engagement in RBMP must be developed with support from specialist public engagement experts (as was done for the national climate dialogue) and should set out a mechanism and timeline for facilitating stakeholders at all levels (national, regional & local) 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:²¹

- Introduce and support public participation processes which incorporate the three key principles of effective public engagement:
 - i. address inequity and power imbalances between different individuals and stakeholder groups
 - ii. incorporate various forms of knowledge/expertise to recognise the value of lay knowledge as well as scientific expertise
 - iii. 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.

¹⁹ *The Aarhus convention provides for: the right to everyone to receive information that is held by public authorities ("access to environmental information"); the right to participate in environmental decision-making ("public participation in environmental decision-making"); and the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice").*

²⁰ *Including stakeholder organisations, catchment groups, and community groups.*

²¹ 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.

- 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.

6. Agriculture and Water

Question 9: What are your views on the measures outlined in the draft plan to address the pressures from agriculture on water quality?

SWAN welcomes the acknowledgement of the impact of agriculture on water in the draft RBMP and the fact that *“additional and/or enhanced measures are now urgently required”* to address agricultural impacts. However, the plan does not then translate this statement into specific targeted measures. The impact of agriculture on the water environment cannot be overstated.

- It is by far the most significant pressure on the Irish water environment.
- It is specifically linked to recent marked increases in nutrient pollution.²²
- Approximately 40% of Ireland’s catchments are designated by the EPA as ‘Critical Source Areas’ (CSAs) for nitrate pollution (690,000 ha).²³
- The number of waterbodies impacted by agriculture has increased by almost 25% (223) since the start of the second cycle.²⁴

It is SWAN’s position that the plan is far too weak on agricultural impacts, in particular nutrients.²⁵ Despite the failure of current regulation and policy in addressing this, the draft plan proposes no additional systemic measures beyond the revised Nitrates Action Programme (NAP) and Common Agricultural Policy (CAP) Strategic Plan. It references tightening of regulations and enhanced enforcement but does not set out how this will address pollution and restore degraded waterbodies and does not contain targeted measures to restore impacted waterbodies. While the plan identifies *“At least a 50% reduction in nitrogen losses to waters from agriculture”* as necessary under *“Key Actions”* on pg. 22, there are no specific measures outlined to achieve this.

Given that the draft plan relies so heavily on the NAP, we summarise here the weaknesses and gaps in the NAP which we believe need to be addressed in the RBMP.²⁶

- Despite the clear link between intensive livestock farming and worsening water pollution, there is no specific risk assessment required before a farm is granted a derogation, even if it is in a critical source area for nitrate loss.
- There are no catchment-specific limits on stocking rates or fertiliser imports, even for catchments already heavily polluted and exceeding their carrying capacity for Nitrogen (N).
- The NAP includes a reduction in N allowances of 10%. However, the reductions necessary for many catchments far exceed this. For example, the most recent figures for the reductions

²² Water Quality in 2020 – An Indicators Report (2021). https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/EPA_Water_Quality_2020_indicators-report.pdf

²³ EPA (2021) ‘Assessment of the catchments that need reductions in nitrogen concentrations to achieve water quality objectives’. Available to download [here](#)

²⁴ Pg 23 draft RBMP

²⁵ We welcome the development of *“a new authorisation system for instream engineering works... [which] “will strengthen controls on land drainage..”* See Section 7 for further comment on this

²⁶ From SWAN (2021) Fourth Review of Ireland’s Nitrates Action Programme, Phase II. Response to Public Consultation <https://swanireland.ie/wp-content/uploads/2021/11/SWAN-Submission-to-the-4th-Review-of-the-Nitrates-Action-Programme-Stage-II..pdf>

needed (in 2019) for the Barrow, Blackwater and Boyne rivers are 52%, 20% and 32% respectively. The proposed reductions clearly fall far short of this and must be increased in line with what is required according to EPA catchment analysis.

- In relation to Phosphorus (P) for Critical Source Areas vulnerable to run-off, there is no structured, funded or co-ordinated programme of measures to address these. It relies on the voluntary Agri-Environment Climate Measure (AECM) scheme and voluntary measures under the Agricultural Sustainability, Support and Advisory Programme (ASSAP) programme, which is limited to Areas for Action and has no funding for measures and no body responsible for overseeing implementation.
- Buffer zones to protect watercourses from spreading of chemical and organic fertilisers are all too narrow: The buffer zone for chemical fertilisers of 2m should be increased to a minimum of 10m along watercourses. (Buffers of 10m-25m are provided for in the Environmental Requirements for Afforestation).²⁷ The distances for the spreading of organic fertiliser should be increased to a minimum of 10m, with at least 20m for slopes greater than 10% and lands adjacent to high status waterbodies.²⁸

In relation to CAP, the proposed action is general and contains no specific or targeted actions. It says, *“New Rural Development Programme Regulations under the National CAP Strategic Plan will underpin the establishment of a new green architecture that aims to deliver and reward positive environmental outcomes, including water, biodiversity and climate mitigation and adaptation objectives.”* This provides no information as to how the CAP Strategic Plan will contribute to restoring waterbodies impacted by agriculture.

The draft plan contains a table (Fig. 20) which indicates that a suite of measures including *‘Enhanced Conditionality’*, *‘Improved Eco-schemes’* and *‘Ensuring the Sustainable Use of Pesticides’* will deliver improvements in a range of areas including nitrate, phosphate and siltation impacts. However no information is provided to support this claim or setting out how improvements will be achieved.

SWAN supports the National Water Forum’s recommendation that *“...an action is added to the final RBMP to do an independent review of the final CAP (both Pillar 1 and Pillar 2) to assess its strengths and weaknesses to meet the WFD objectives. This review of CAP should be carried out by an independent organisation with both ecological and legal knowledge, for example the EPA, to fully assess the Strategy. Where weaknesses are highlighted, the Department should outline how it will supplement the CAP to protect and restore water bodies.”*

Critically, the plan does not address the policy conflict between agriculture targets and meeting the objectives of the WFD. Current agriculture policy, centred around increased productivity and intensive livestock agriculture, with associated imports and losses of nutrients, is not sustainable. It is linked to damaging climate emissions, biodiversity loss and air pollution, in addition to water pollution²⁹ and no credible evidence has been presented by government that it can be continued while protecting and

²⁷ Forest Service, Department of Agriculture, Food & the Marine (2016) Environmental Requirements for Afforestation. Ireland

²⁸ From 5m and 10m (for land with an average incline greater than 10% towards the water)

²⁹ Towards a New Agricultural and Food Policy for Ireland. Recommendations for Government. A Position Paper from the Environmental Pillar, the Stop Climate Chaos Coalition and the Sustainable Water Network <https://swanireland.ie/wp-content/uploads/2021/11/Towards-a-New-Agricultural-and-Food-Production-Policy-for-Ireland.pdf>

restoring waterbodies, in particular in Critical Source Areas in free-draining catchments where Teagasc modelling³⁰ highlighted the linear relationship between N surplus and N leaching. Furthermore, it clearly indicated that this was as a result of chemical N and stocking density. In fact, of the range of policy measures modelled, stocking reduction and reductions in the load of chemical nitrogen were predicted to provide the highest N load reduction. The measures in the plan do not address this.

The plan also relies heavily on the voluntary ASSAP initiative, which provides no funding to farmers for water protection measures. A comprehensive regulatory, voluntary and combined programme of measures, with supports, is required to reverse pollution impacts.

RECOMMENDATION 6

- a) Introduce WFD-specific risk assessments for all intensive farms, including derogation farms, through a permitting/licensing system similar to pigs and poultry.
- b) Intensification, in particular to derogation stocking rates, should only be permitted if it can be demonstrated that it won't impact on the WFD objectives for associated water bodies.
- c) The RBMP must provide for the monitoring and strict limiting of total catchment imported N (fertiliser and feed) in catchments already saturated, based on EPA analysis. Certain sub-catchments should be zoned ineligible for certain stocking rates, if necessary, based on catchment carrying capacity.
- d) For existing farms deemed to be a risk, regulatory, voluntary and combined measures should be implemented to reverse pollution impacts, including through herd reductions, with compensatory measures put in place to support this, where necessary.
- e) Conduct an independent review of the final CAP to assess its strengths and weaknesses to meet the WFD objectives. Where weaknesses are highlighted, additional measures must be proposed.

³⁰ Of the impact of a number of farm nitrogen mitigation measures for delivering the catchment-based nitrate load reductions estimated by the EPA.

7. Hydromorphology & Land Use Planning

Question 10: What are your views on the development of a new Controlled Activities for the Protection of Waters regime to address pressures on the physical condition of waters? And

Question 25: What are your views on the measures proposed in the draft plan to address issues relating to land use planning? And

Question 11: What are your views on the establishment of a restoration programme to mitigate the negative impact of past construction in or near water bodies? And

Question 18: What are your views on the proposed measures outlined within the draft plan to address the impacts of peat on water quality?

Physical modifications pose the second biggest pressure on all at-risk waterbodies, with channelisation having the most impact due to the significant disturbance and damage to the ecology caused by in-stream dredging and other clearance activities.³¹ Hydromorphological alterations have the potential to affect the ecology of water bodies across a large range of scales, and are associated with impacts that can change hydrology, hydraulics, geomorphology and surface and groundwater interactions.³²

The lack of regulation on these activities, despite a 2012 deadline, is in clear contravention of the WFD. SWAN therefore welcomes the commitment to develop a new **Controlled Activities for the Protection of Waters** regime “to address pressures on the physical condition of waters” which will include a “new authorisation system for instream engineering works” and will also “strengthen controls of land drainage practices and their enforcement”. We also welcome the commitment to **water and planning guidelines** and amendments to planning legislation to give effect to these. It is difficult to comment further on the regime since few details are given but it is critical that it includes provision for WFD-specific assessments in advance of any works or development being carried out 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.³³ This must include dredging, drainage, river maintenance and flood protection, and should be supported with comprehensive training and robust enforcement.

It is not clear from the draft plan which works and development will be subject to WFD prior authorisation under the proposed Controlled Activities for the Protection of Waters regime and which will fall under the new water and planning guidelines. This needs to be made clear in the final plan. Given that the aim of the Combined Activities primary legislation is to address the current “disparate” and “complicated” legislation, it is critical that this fragmented system is remedied with the new

³¹ EPA presentation to national water forum, February 10th, 2022

³² Konstantina, K., Irvine, K. and Emerson, H., *Physical modifications of Ireland's water resources and implications for meeting Water Framework Directive objectives*, Unpublished Report for the Sustainable Water Network (SWAN) (in draft)

³³ Case C-461/13 Bund für Umwelt und Naturschutz Deutschland <http://curia.europa.eu/juris/documents.jsf?num=C461/13>. 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.”

legislation and that it provides for the elimination of multiple competent authorities and ensures no confusion, gaps or 'grey areas' between the two regimes. It is also important, in the context of the need to restore waters, that works or development which has already taken place are also subject to a WFD/water status assessment.

Regarding land **drainage**, SWAN welcomes the commitment that its regulation "*will be enhanced and improved*" and that the new regime "*will deliver multiple benefits for water, nature and biodiversity, and climate mitigation and adaptation*". In previous submissions, SWAN has recommended stricter controls on wetland drainage and the streamlining of controls under the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) and the EIA (Agriculture) Regulations.³⁴ However, we have updated our position based on findings from LAWPRO regarding widespread siltation due to drainage, and also based on integrated 'whole-of-environment' research commissioned by SWAN, Stop Climate Chaos and the Environmental Pillar on agriculture and land-use.³⁵

Restoration of wetland³⁶ (incl. peatland) will be absolutely critical to an effective catchment-based land use strategy for climate mitigation and adaptation, in addition to addressing water pollution and reversing biodiversity loss. Given the extraordinary challenge facing the state to meet our emission reduction obligations under the Paris Agreement,³⁷ the elimination of further GHG emissions from degraded peatlands must be a priority. Peatlands cover 20% of Ireland's land area, of which 82% are degraded, which means they are releasing greenhouse gases, support only depleted biodiversity and may well be polluting rivers and streams (the draft plan states that peatland extraction and drainage impacts on 106 waterbodies). While the focus of the RBMP must be the status of our waters, it cannot ignore the existential threat posed by climate change nor the transformative change needed in Irish land use policy in order to both mitigate and adapt in the face of the inevitable climate changes which are already 'locked in'.

While various discrete projects in this regard, presented in the plan, are welcome, they do not reflect the systematic, strategic and landscape scale change required. Widespread unregulated drainage of wetlands for agricultural, forestry and extractive purposes must be halted and SWAN is now calling for a complete prohibition on drainage of wetlands, including peatland to be provided for in legislation.

³⁴ 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. It is vital that there is an awareness raising campaign on this to prevent further wetland losses. 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.

³⁵ [Towards a New Agricultural and Food Policy for Ireland. Recommendations for Government. A Position Paper from the Environmental Pillar, the Stop Climate Chaos Coalition and the Sustainable Water Network](#)

³⁶ Article 1 of the Ramsar Convention on Wetlands states that wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres. Ramsar Handbook 5th Edition. An Introduction to the Ramsar Convention on Wetlands. <https://www.ramsar.org/sites/default/files/documents/library/info2007-01-e.pdf>

³⁷ To limit global warming to well below 2°C and pursue efforts to limit the increase to 1.5°C
Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104.
https://unfccc.int/sites/default/files/english_paris_agreement.pdf

Related to this, SWAN is very concerned about the impacts of arterial drainage. The draft plan does not present information or analysis on the significant damage caused to rivers by arterial drainage nor does it present any assessment of the national dredging and maintenance programme regarding compatibility with WFD objectives, nor any measures to address its impacts. Arterial drainage includes dredging to increase the conveyance of the river, raising embankments, clearance of riparian vegetation and structural elements. These works have significant adverse impacts on the physical characteristics and ecology of rivers. The OPW's 'National Arterial Drainage Maintenance List of Activities' recognises the threats that arise from arterial drainage: "*siltation, disturbance of spawning habitat, changes in water quality, connectivity in flood plains and associated habitats, changes to sediment regime, connectivity to wetland and coastal habitats, alteration of conveyance*".³⁸

The Arterial Drainage Act 1945³⁹ which mandates ongoing maintenance of 11,500km of waterways represents the thinking of a previous era. A complete review of how arterial drainage is managed is needed, including emphasis on multifunctional floodplain management⁴⁰. Similarly, the role of the OPW and general approach to flood defence schemes should be subject to an independent review for compliance with national and EU legislation, and its cost-effective adaptability to more extreme climate events.⁴¹

We are strongly supportive of a national water and wetland restoration programme. However, we believe there must be a far greater emphasis on restoration of lateral connectivity of rivers with their floodplains, not least to build resilience to climate change and to 'slow the flow'. We do not agree that the focus should be on mitigating impacts only of "*construction in or near water bodies*", nor that the initial focus should be on barriers (e.g. weirs) only. The approach to restoration should also be more holistic and at a catchment-scale and focus on wider riparian corridor, floodplain and peatland restoration, including a cessation of drainage (see above). This should reflect the EU-wide target of restoring 25,000km² of river length "*into free-flowing rivers by 2030 through the removal of primarily obsolete barriers **and the restoration of floodplains and wetlands.***"⁴²[SWAN emphasis]

The welcome proposal to develop "*2,500km of riverside interception measures*" including 12,500 Ha of native woodlands should be integrated into such a restoration programme that encompasses riparian wet woodland and ensures the right native trees in the right place.

³⁸ OPW (2017) 'The National Arterial Drainage Maintenance List of Activities 2016-2021' Volume I- Final Non-Technical Summary February 2017

³⁹ <https://www.irishstatutebook.ie/eli/1945/act/3/enacted/en/html>

⁴⁰ Konstantina, K., Irvine, K. and Emerson, H., *Physical modifications of Ireland's water resources and implications for meeting Water Framework Directive objectives*, Unpublished Report for the Sustainable Water Network (SWAN) (in draft)

⁴¹ *ibid*

⁴² https://eur-lex.europa.eu/resource.html?uri=cellar:a3c806a6-9ab3-11ea-9d2d-01aa75ed71a1.0001.02/DOC_1&format=PDF

RECOMMENDATION 7

The final RBMP should include a commitment to:

- a) WFD-specific assessment in advance of developments potentially impacting waterbodies, e.g., dredging, drainage and flood protection. Projects can only go ahead if it can be demonstrated that WFD objectives will not be compromised
- b) Prohibition on wetland drainage and commitment to a national river and wetland restoration programme. This must include coastal wetlands and blue carbon habitats such as seagrass
- c) A review of the impacts of arterial drainage; and a commitment to review and amend the Arterial Drainage Act 1945 to remove the requirement to maintain drainage and to bring it into compliance with EU environmental law
- d) Full integration of water and wetland management in the upcoming Land Use Review (committed to by government), so that catchment- and nature-based approaches are central to it

8. Forestry

Question 12: What are your views on the issue of forestry and the proposed measures outlined within the draft plan?

There are no specific, targeted or new measures in the plan to address forestry impacts, despite the fact that forestry is causing an impact in 233 waterbodies and is the second most significant pressure in our most valuable high status waters. Instead, the plan relies on ongoing roll-out and increasing uptake of current measures and initiatives, such as conditions in the licence application process and grant schemes, with no link made to how they will restore waters polluted or degraded by forestry. The second RBMP identified 238 such impacted waterbodies and similarly set out many of the same general measures. However, the current draft plan does not provide any information as to how effective these measures were nor any estimate of how successful what is presented will be at restoring the 233 impacted waterbodies in this cycle.

The claim in the plan that significant changes as a result of legal rulings are having *“a significant effect in terms of further strengthening the protection of water from forestry-related sources”* is not supported by any quantitative evidence and is not consistent with the outcome of the EPA catchment characterisation that found that the number of waters impacted by forestry declined by only 2% (5) since the previous RBMP cycle.

This is not good enough. It is critical that, as a priority, specific measures are set out to address damage to the 238 impacted waterbodies.

In tandem, there must be a requirement that all planting and felling is assessed specifically against WFD objectives, and that permits are only granted if it can be demonstrated that WFD objectives will not be compromised, taking into account cumulative impacts at a catchment scale.

SWAN notes the additional risk that is, and will increasingly be, posed by forestry in line with the national Land Use and Land Use Change (LULUCF) targets to mitigate against climate change. For example, the target of 8,000 hectares per annum set in the 2019 Climate Action Plan⁴³ and annual afforestation rate increases *“consistent with realising [the] ambition”* to *“reduce Ireland’s net LULUCF emissions by 4.6 MtCO₂eq. in 2030 against current projected emissions”* in the current Climate Action Plan.⁴⁴ However, this risk is not identified in the draft plan: it doesn’t propose any additional measures to mitigate this very significant land use risk. In this context, it is particularly important for carbon emissions as well as for water protection, that the Hydrofor recommendation to halt afforestation on peat soils in acid sensitive headwater catchments is implemented.⁴⁵

⁴³ Government of Ireland (2019) CLIMATE ACTION PLAN 2019 - To Tackle Climate Breakdown. Download [here](#)

⁴⁴ Government of Ireland (2021) CLIMATE ACTION PLAN 2021 - Securing Our Future. Download [here](#)

⁴⁵ 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

[HYDROFOR is an EPA and DAFM-supported multi-institution co-operative academic project to investigate the impacts of forestry operations on Ireland’s aquatic ecology. <https://www.epa.ie/publications/research/water/EPA-RR-169-Essentra-final-web.pdf>

In order to inform the national planning context for crucial catchment-specific WFD-specific assessments, and to ensure “the right tree in the right place”, it is important that a programme of catchment sensitivity mapping is initiated in order to identify the extent and location of suitable soil and other catchment conditions for various forms of afforestation and to ensure afforestation of appropriate species takes place only in suitable catchment locations. We agree with the National Water Forum that *“these sensitivity maps would be a proactive measure for the protection of water from future afforestation activities.”*

RECOMMENDATION 8

- a) All forestry planting and felling licences must include a WFD-specific assessment, and contain site-specific stipulations for water protection, taking account of catchment-scale cumulative impacts.
- b) As a minimum, introduce a prohibition on afforestation on peat soils in acid sensitive headwater catchments, as recommended by the Hydrofor research project.
- c) A programme of sensitivity mapping should be initiated as a priority in order to effectively manage the impacts of the projected increased afforestation in coming decades.

9. Urban Waste Water

Question 13: What do you think should be the main focus of work during Irish Water's next investment period (2025-2029)

The draft plan is far too weak in terms of measures to address urban waste water pollution. This is the main source of pollution in 208 waterbodies, yet the proposed plan does not set out measures to fix these by the WFD deadline of 2027. Instead it says that "*commitments on waste water treatment deliverables*" within Irish Water's next investment period 2025-2029 "*have yet to be agreed*". This is not acceptable. It is imperative that the Irish Water Investment Plan, with additional state funding where necessary, includes measures to halt sewage pollution of these 208 waters, at a minimum.

It is of grave concern to SWAN that the EPA reports that "*Irish Water does not have clear time frames to improve treatment at many of the areas where waste water is a significant threat to water bodies*" and that there is "*continued uncertainty around plans to resolve some priority issues..*".⁴⁶ The same EPA Waste Water Treatment report identified the top 42 priority areas where improvements are most urgently needed "*to prevent waste water from harming rivers, lakes, estuaries and coastal waters*" and "*12 towns and villages where waste water treatment must improve to help protect freshwater pearl mussels*". It is most regrettable that, as reported by the EPA, "*Irish Water has not provided a clear time frame to complete all the necessary improvements at five of the 12 priority areas*".

Not only is there no clear plan to address identified pollution in 208 waterbodies, there is not even a plan in place to fix these top priority areas, nor to cease the pollution in order to save one of our most critically endangered species. This situation is most certainly not in line with the Programme of Government commitment to "*Ensure that the State complies with the EU Water Framework Directive.*"

In relation to overflows from the wider sewerage systems, the EPA report states that "*Irish Water does not have enough information on the frequency and extent of discharges of untreated waste water from collecting systems*" and reports that "*by the end of 2020 Irish Water had assessed the performance of 1,508 of its estimated 2,400 storm water overflow outlets. Almost one quarter of those assessed did not meet the necessary standards.*" The draft RBMP does not propose any specific measures to address this, nor indicate how many waterbodies are impacted by these unassessed or below-standard systems. It only commits to the "*development of new standards for Combined Storm Overflows*".

Finally, there is a lack of transparency in the draft RBMP in relation to wastewater and, like other pressures, a lack of catchment and waterbody-specific measures that are clearly linked to the pressures. As we proposed in the SWAN SWMI submission, the plan should clearly link the actions it is proposing to the specific UWWT pressures identifying: a) the waters where UWW is a significant issue; b) the wastewater system causing the issue and c) the action, with a timeline, to address this. See Appendix III for a detailed outline of the information SWAN recommended in our SWMI submission should be presented in the draft plan, which we re-iterate in this submission.

⁴⁶ EPA (2021) *Urban Waste Water Treatment in 2020* <https://www.epa.ie/publications/monitoring--assessment/waste-water/Urban-Waste-Water-Treatment-in-2020-report.pdf>

RECOMMENDATION 9

- a) The Irish Water Investment plan must include necessary work to halt sewage pollution from all wastewater treatment plants that have been identified as the main pollution source for 208 waterbodies.
- b) All other identified urban wastewater pollution pressures from smaller discharges and sewer overflows must also be set out with a programme of measures to fix them.

10. Coastal and Transitional Waters

According to the draft plan, 21% of coastal water bodies and 63% of transitional water bodies failed to meet WFD standards - which indicates that targeted measures are required to improve the status of these water bodies.

Within our response to the Significant Water Management Issues consultation, SWAN advocated for a chapter on coastal and transitional waters to be included.⁴⁷ This chapter should have also included a list of identified pressures and targeted measures to address them. It is regrettable that a section on coastal and transitional waters has not been included in the draft plan.

Pressures and impacts associated with human activities 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.”*⁴⁸ The lack of identified pressures on transitional and coastal (TRAC) waterbodies and hence lack of targeted measures to address them means that it is highly unlikely that the status of TRAC waterbodies will improve by 2027.

It is crucial that the final plan includes a chapter on coastal and transitional issues. This chapter should identify the specific non-land use pressures that are acting on TRAC waterbodies and identify targeted measures to address them. SWAN suggests that the following pressure are included:

- Certain types of fishing practices e.g. hydraulic dredging.
- Offshore renewable energy infrastructure.
- Shipping.
- Seaweed harvesting.
- Any other activity judged to be contributing to the poor ecological status of TRAC waterbodies.

There is a need to restore declining habitats in our coastal and marine environments. Restoration of our blue carbon habitats and indicators of ‘Good Status’ under the WFD and MSFD such as seagrass will not only have a positive impact on biodiversity and water quality but will also assist with climate change adaptation and mitigation. Such restorative action for habitats is in line with the EU biodiversity strategy 2020 - 2030 which states that carbon-rich ecosystems (such as seagrass) should be strictly protected and restored.^{49,50} Other TRAC habitats that may be suitable for restoration include saltmarshes, oyster reefs and kelp beds. A measure for restoring such habitats should be included within the final plan; the measure must also include a specific, measurable target for restoration. SWAN proposes that a habitat restoration programme is established, whereby priority areas for restoration of declining habitats are established and the management measures are developed through the use

⁴⁷ <https://www.swanireland.ie/wp-content/uploads/2020/08/SWAN-Response-to-Public-Consultation-on-the-Significant-Water-Management-Issues-for-the-third-cycle-River-Basin-Management-Plan.pdf>

⁴⁸ EPA (2016) Ireland’s Environment – An Assessment 2016. Environmental Protection Agency, Wexford

⁴⁹ Blue carbon is the carbon stored in coastal and marine ecosystems

⁵⁰ Seagrass is being lost at a rate of 7% per annum, an increase from 0.9% in the 1940s (de los Santos, C.B., Krause-Jensen, D., Alcoverro, T. et al. Recent trend reversal for declining European seagrass meadows. Nat Commun 10, 3356 (2019). <https://doi.org/10.1038/s41467-019-11340-4>). In Ireland, seagrass could potentially counteract GHG equivalent to 2.2 MT CO2 (<http://coastwatch.org/europe/wp-content/uploads/2021/07/Seagrass-and-MAP-bill-Coastwatch-brief-July-2021.pdf>)

of Designated Maritime Area Plans under the Maritime Area Planning Act 2021 and/or through the new MPA process.

Furthermore, there is an urgent need to establish site specific management plans for all protected sites. At present, none of the 423 special areas of conservation in Ireland have the necessary conservation measures in place. The majority of protected sites in our marine and coastal environment (approximately 2.1%) are in poor condition with pressures from fishing, pollution and aquaculture contributing to their poor status.

RECOMMENDATION 10

- a) Include a chapter on coastal issues which identifies the pressures specific to coastal waterbodies and includes targeted measures to address them.
- b) Establish priority habitat restoration zones, with a priority focus on 'blue carbon' habitats, with targets for restoration included in the final plan.

11. Aquaculture

Question 23: What opportunities would you suggest to strengthen the links between the Aquaculture licensing process and the objectives of the Water Framework Directive?

Questions 23 & 24 on aquaculture are narrowly focused. Our response below focuses on broader issues with aquaculture within the plan.

SWAN welcomes the inclusion of aquaculture within the draft RBMP. However, we do not believe that the proposed measures will address the potential pressures from aquaculture sites. We do not consider the measures *“to review opportunities to strengthen the links between the Aquaculture licensing process and the objectives of the WFD and the launch of an online mapping viewer of licensed sites”* to be targeted or sufficient to address this pressure. Furthermore, it is disappointing that the mapping measure was not incorporated into the DHLGH marine map viewer which launched in February 2022. This information should have been incorporated into the final National Marine Planning Framework (NMPPF) to present temporal and spatial data as required by Article 8(1) of the MSP Directive.

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. A 2020 research report investigating ten rivers in Ireland showed that 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.⁵¹

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 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.⁵²

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 Licensing 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”*.⁵³

Furthermore, 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 Development states that in relation to finfish aquaculture, the monitoring programmes *“...do not specifically deal with risk to the*

⁵¹ 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>

⁵² 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).

⁵³ Report of the Independent Aquaculture Licensing Review Group (2017) <http://www.fishingnet.ie/independentaquaculturelicensingreview2017/>

*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”.*⁵⁴

In relation to existing aquaculture, all licences should be reviewed to assess compliance with WFD standards, and if necessary, amend conditions in a given licence to bring discharges in line with WFD objectives for the relevant waterbody. These conditions, if necessary, then form part of the ultimate programme of measures for the relevant waterbody.

An assessment of WFD compliance should also be built into all future aquaculture licence applications. It is important that any assessment of existing or future aquaculture sites employs an ecosystem based approach. This approach should take account of the carrying capacity of the receiving environment to ensure that sites are appropriately located, and that there is no negative impact on the ecosystem.

It is regrettable that aquaculture licensing was not included in the new Maritime Area Planning Act 2021. Furthermore, the NMPF provides no indication of the volume of expected or planned activities such as aquaculture, this makes the application of an ecosystem based approach and an assessment of the carrying capacity and cumulative impacts of activities very challenging. A measure to address this issue should be included in the final plan and integrated into the NMPF.

SWAN is advocating for an independent legal review of NPWS guidance on the licensing of aquaculture activities within Natura 2000 sites to be carried out. The guidance advises that impacts likely to cause continuous disturbance to protected community types are non-significant up to an area threshold of 15%.⁵⁵ We recommend that prior to any further licensing of this category of activities, an inter-Departmental management review (considering inter alia robustness of available scientific knowledge, future site requirements, etc.) should be carried out. We are of the view that there is no legal basis for any area-based threshold for activities likely to cause continuous disturbance. Any potentially disturbing activities which may impact on the conservation objectives of a Natura 2000 site must be in line with legal requirements, in particular Article 6 of the Habitats Directive 92/43/EEC.⁵⁶

A further example of the application of this guidance can be found in Roaringwater Bay and Islands SAC as outlined by a 2020 report by Classen, R. The AA of fisheries and aquaculture in Roaringwater Bay recognised the sensitivity of *Zostera*, Maërl and *Laminaria*-dominated communities to structural damage from fishing gear and the impacts of aquaculture on these communities. Unfortunately, the impact on community types was once again only considered further if there was a significant spatial overlap of over 15%. In the case of rope mussel culture on *Zostera* and Maërl habitat, there is no spatial overlap and therefore these were excluded from further risk analysis. Based on this AA, a mitigation plan was developed which closed four small areas in the bay to scallop dredging only.⁵⁷ Subsequent

⁵⁴ DAFM (2015) Strategic Environmental Assessment of the Draft National Strategic Plan for Sustainable Aquaculture Development <https://www.agriculture.gov.ie/media/migration/seafood/marineagenciesandprogrammes/nsipa/NSPASEAEnvir181215.pdf>

⁵⁵ According to NPWS guidance drawing from the principle outlined in the European Commission’s Article 17 reporting framework that disturbance of greater than 25% of the area of an Annex I habitat represents unfavourable conservation status; the Department have taken the view that licensing of activities likely to cause continuous disturbance of each community type should not exceed an approximate area of 15%. Thereafter, an increasingly cautious approach is advocated.

⁵⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>

⁵⁷ Classen, R (2020). Marine Protected Areas – Restoring Ireland’s Ocean Wildlife II. Report on Ireland’s Failure to Protect Marine Natura 2000 Sites. Irish Wildlife Trust.

deterioration of the maërl beds (as outlined in a 2020 report commissioned by NPWS) could have been prevented if potential impacts on the area had not been dismissed based on an arbitrary threshold.⁵⁸

RECOMMENDATION 11

- a) Review of all aquaculture licences for compliance with the WFD and include a WFD-specific assessment in all new licence applications to ensure that the proposed/existing farms do not compromise the meeting of WFD objectives for the relevant waterbody, taking into account cumulative impacts. To support this, establish an independent monitoring programme as part of expanded coastal characterisation to fill data gaps.
- b) Carry out an independent legal review of NPWS guidance on the licensing of aquaculture activities within Natura 2000 sites (15% threshold for likely disturbing activities).

⁵⁸ NPWS (2020) The Monitoring and Assessment of six EU Habitats Directive Annex I Marine Habitats
<https://www.npws.ie/sites/default/files/publications/pdf/IWM118.pdf>

12. High Status Waters

SWAN is very concerned about the dramatic loss of our most pristine **highest status sites** (Q5) since the late 1980s and the draft RBMP is far too weak in relation to these. It does not go far enough, with enough urgency, to save and restore them. Nor does it give enough attention to information about these sites, the pressures on them and trends over time. The EPA notes *“the dramatic reduction in the number of our most pristine rivers, which has fallen from over 500 sites to only 20 sites in 30 years”*.⁵⁹

As part of this catastrophic decline, the number has continued to fall over the past two RBMP cycles; from 324 high status sites at the start of the first cycle to 290 at the start of the second cycle and now 230 at the start of this third cycle. The 20% reduction since 2018 is despite the fact that addressing the decline in high status waters was a key objective of the second RBMP.

Due to their vulnerability, action to save these sites from further deterioration, and to restore lost sites, is required urgently. While the ‘Blue Dot’ programme and Waters for LIFE project are welcome, there is not enough urgency or focus on implementing actual measures on the ground nor a timeline for doing so.

It also appears from the plan that less than two thirds (62%) of the waterbodies with a high status objective are in areas targeted for action (238 out of 384) and it remains unclear whether action plans will also be developed for the remaining 38% (146).⁶⁰ Urgent integrated sub-catchment management plans with targeted measures, an assigned responsible agency and strong stakeholder engagement are needed for ALL these sites. As recommended by the EPA report on high status waters⁶¹, these plans must include better controls on unregulated activities.⁶² In addition, it is vital that protection of HSS is integrated into planning and licensing controls so that applications undergo screening to determine if they are in the catchment of a HSS, followed by a WFD-specific assessment if necessary to ascertain whether the development would compromise the high status water.

In order to save the critically endangered freshwater pearl mussel, the 2009 sub-basin plans must be updated and legally published.

⁵⁹ EPA (2020), Ireland's - Environment An Integrated Assessment 2020 [Environmental Protection Agency – Ireland's Environment – An Integrated Assessment 2020 \(epa.ie\)](https://www.epa.ie/publications/reporting/assessments/2020/Environment_An_Integrated_Assessment_2020)

⁶⁰ Water Bodies either currently at high status or requiring restoration to high status).

⁶¹ Ní Chatháin B., Moorkens E. and Irvine K. (2012) Management strategies for the protection of high status water bodies. Environmental Protection Agency

⁶² Such as land drainage, cultivation of previously unimproved land, significant changes in livestock density, water abstraction, livestock or machinery entry to watercourses

RECOMMENDATION 12

- a) Include a commitment for the urgent development of integrated sub-catchment management plans, with targeted measures, for ALL high status objective waterbodies. These should follow the 'Threat Response Plan' approach and include emergency response plans to save the 20 remaining pristine waterbodies.
- b) Update and legally publish the sub-basin plans for the critically endangered freshwater pearl mussel.

13. Abstraction

SWAN is concerned that abstraction is not even listed as a pressure in the draft plan and that the impacts are not adequately outlined or addressed. Furthermore, abstraction is primarily referenced in relation to the setting of alternative objectives, i.e. exemptions. This is of particular concern in the context of climate change projections for increased droughts in certain regions of the country. While the plan states that all registered abstractions and associated waterbodies will be assessed to “*determine if they are meeting WFD objectives..*” this will leave many waterbodies from which water is abstracted un-assessed since many abstractions fall below the registration threshold.

While abstraction is currently not a very prevalent pressure on our waters at a national level,⁶³ SWAN research identifies significant threats:⁶⁴

- It can pose a significant risk at local level to vulnerable waterbodies, their adjoining natural habitats such as groundwater-dependent wetlands, and rural domestic wells.
- It has impacts on hydrology and ecology of water bodies, including reduced base-flows in rivers, fluctuating lake water levels and declining groundwater levels.
- Even small abstractions can have a significant impact on certain sites, and this is exacerbated where there are multiple abstractions from the same waterbody.
- These impacts are also very variable across seasons and will be exacerbated by climate change. An EPA report from this year predicts extended drought periods potentially increasing by almost 50% by mid-century.⁶⁵ We need to future-proof our water management.

Abstraction pressures are also likely to increase with increased economic growth, including agricultural intensification and the proliferation of data centres. In order to manage abstractions, especially the cumulative impacts of multiple abstractions, it is necessary to get an accurate picture of how many abstraction points there are, where they are and how much water is being abstracted. According to research led by TCD for the EPA “*Progress on evaluating the current status of abstraction for Irish rivers...was severely hampered by the lack of an integrated national database of abstraction*”.⁶⁶ Neither the draft plan nor the proposed Water Environment (Abstraction) Bill will address this, primarily due to the excessively high current threshold of 25m³ for registration and the proposed threshold of 2000m³ (and 250m³ where deemed significant by the EPA) for licensing being proposed in the legislation. Under the Bill as currently set out, very substantial abstractions (250m³ is equivalent of approximately 420 households or 2000 dairy cows) will not be exempt from licensing.⁶⁷

⁶³ According to the River Basin Management Plan for Ireland 2018 - 2021, 6% of waterbodies are at risk from abstraction. This still comprises 254 waterbodies and almost 10% (9%) of all monitored lakes

⁶⁴ Craven, K. Emerson, E., Kenny, J., McLoughlin, N., O'Reilly, C. (2020) Water Abstractions Interactions with the Water Framework Directive & Groundwater Directive and Implications for the Status of Ireland's Waters. Prepared under contract for SWAN

⁶⁵ Nolan, P (2020) Ensemble of regional climate model projections for Ireland. EPA Research Report No. 159. http://www.epa.ie/pubs/reports/research/climate/research159ensembleofregionalclimatemodelprojectionsforireland.html#.VlwLUt_hCEJ

⁶⁶ Webster K.E., Tedd K., Coxon C. & Donohue, I. (2017). Environmental flow assessment for Irish rivers. Environmental Protection Agency Research Report 2014-W-DS-21. <https://www.epa.ie/pubs/reports/research/water/EPA%20RR%202003%20final%20web-3.pdf>

⁶⁷ See SWAN's [Opening Statement to the Joint Oireactas Committee on Housing, Local Government & Heritage on the Water Environment \(Abstraction\) Bill](#) for more on this.

RECOMMENDATION 13

The plan should include measures for all waterbodies at risk from abstraction and should include a commitment to the establishment of a comprehensive, publicly accessible National Abstraction Register which includes all abstractions greater than 10m³/day and a licensing regime for all abstractions greater than 20m³/day, in line with Northern Ireland.

14. Other Water Management Issues

14.1 Urban Runoff Pressures

Question 14: What are your views on the issue of urban runoff pressures and the proposed measures outlined within the draft plan?

SWAN welcomes the increased emphasis on sustainable and nature-based solutions, the recognition of the importance of making space for water and the action to “develop recommendations for an implementation strategy for nature-based Sustainable urban Drainage Systems at a national scale”. This should have a timeline against it in the final plan. We strongly recommend that the use of nature-based sustainable urban drainage systems and this strategy is underpinned by legislation and fully integrated into the planning code. This must include stricter controls on ‘urban creep’, that is the proliferation of impermeable surfaces due to exempted development, in particular the paving over of gardens for parking or their replacement with plastic lawns.

RECOMMENDATION

- Underpin a national nature-based SUDS strategy in legislation and reduce the planning exemption threshold to better control conversion of outdoor areas from permeable to impermeable surfaces.

14.2 Domestic Waste Water Discharges

Question 15: What do you think are the main barriers to people accessing the grants available to upgrade domestic waste water treatment systems?

This question is too specific, focusing as it does on only one aspect of this issue. Our response is directed at the wider issues on pollution from domestic wastewater discharges.

We note the high failure rate in the domestic waste water treatment systems national inspection programme reported in the draft RBMP: “nearly half of the systems assessed failed to meet the required standards”. We further note, with concern, that 24% of systems that failed between 2013 and 2020 have not been fixed.⁶⁸

The draft plan does not make clear the degree to which the national inspection plan and the grant scheme will or will not serve to restore the 188 waterbodies “that have a significant impact from domestic waste water”.

RECOMMENDATION

- In line with the recommendation for outcome-based targeted measures in Section 1, the RBMP should set out specific measures to restore the 188 waterbodies “that have a significant impact from domestic waste water”.

⁶⁸ EPA (2021) Review of the National Inspection Plan for Domestic Waste Water Treatment Systems 2018-2021.

14.3 Cross-border cooperation

SWAN supports the statement in the draft plan that Ireland is a single environmental unit, with shared waters. Due to this, it is important that the RBMPs in both jurisdictions are complementary and that formal cross-border engagement mechanisms (such as the North South Ministerial Council) are employed to support cooperative action. With the challenges presented by the UK's exit from the European Union, formal cross-border cooperation, especially on environmental matters is arguably now more important than ever. Differing objectives and indicators between neighbouring countries risks further complicating transboundary cooperation.

We welcome the inclusion of the action to develop a shared waters document. However, this action should be made more specific. It should include a timeline and more detail on what will be included within it.

Within the final plan, we recommend that, at a minimum, the range of pressures acting on the cross-border waterbodies be identified, for example, the risk of undocumented movement of waste across the border, impacts of intensive agriculture installations in NI on shared catchments etc. If it is not possible to identify the cross-border pressures then an action to address this knowledge gap should be included in the final plan. Furthermore, it must include a description of how the jurisdictions will work together to address the identified issues.

The jurisdictional issues in the cross-border loughs - Lough Foyle and Carlingford Lough present an added complexity for addressing water quality issues in these areas. Previous inaction in these regions has led to environmental vulnerabilities, for example unlicensed aquaculture leading to the introduction of invasive non-native species. The Governments of both jurisdictions must work to resolve this ongoing issue as a matter of urgency.

RECOMMENDATION

- The range of pressures acting on the cross border waterbodies should be identified in the final plan, a description of how the jurisdictions will work together to address the identified issues should be included.

Appendix I: SWAN Member Organisations & Board of Directors

SWAN National Groups		SWAN Regional & Local Groups	
1.	An Taisce	15.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland		
3.	Birdwatch Ireland	16.	Cavan Leitrim Environmental Awareness Network
4.	Coastal Concern Alliance		
5.	Coastwatch Europe Network		
6.	Coomhola Salmon Trust Ltd.	17.	Celebrate Water
7.	Eco-UNESCO	18.	Cork Environmental Forum
8.	Friends of the Earth	19.	Cork Nature Network
9.	Friends of the Irish Environment	20.	Dodder Action
10.	Irish Peatland Conservation Council	21.	Longford Environmental Alliance
11.	Irish Seal Sanctuary	22.	Macroom District Environmental Group
12.	Irish Whale and Dolphin Group	23.	River Shannon Protection Alliance
13.	Irish Wildlife Trust	24.	Save The Swilly
14.	Voice Of Irish Concern for the Environment (VOICE)	25.	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
John Armstrong, Director	Cork Nature Network
Keith Scanlon, Director	Dodder Action

Appendix II: SWAN's Key Asks Summary Table from our SWMI Consultation Response

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.

Appendix III: SWAN's Key Ask regarding transparency & information on Urban Water Discharges: Extract from SWMI submission

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 UWW 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.

