

# Water Framework Directive

## Meeting of the Water Policy Advisory Committee

Thursday, 10 March at 2pm  
via WebEx Video Conference

### Draft Minutes

#### Attendees:

Feargal Ó Coigligh (Chairperson) David Flynn Colin Byrne Graham McGovern Donal Cronin Marie Archbold Averil Gannon Ann Goggin Aisling Glynn Eimear O’Keeffe Declan Grehan	Department of Housing, Local Government and Heritage (D/HLGH)	Monica Lee	Geological Survey of Ireland (GSI)
Eimear Cotter Mary Gurrie	Environmental Protection Agency (EPA)	Karl Cashen Carol McCarthy Fran Igoe	The Local Authority Waters Programme (LAWPRO)
John Casey	Irish Water (IW)	Mark Adamson	OPW
Greg Forde Cathal Gallagher	Inland Fisheries Ireland (IFI)	Leanne Roche	Department of Agriculture, Food and the Marine (DAFM)
Tommy Ryan Colette Byrne	CCMA/Local Authorities	Antonia Gaughran Leah Kenny	RPS
<b>Apologies</b>	Andy Bleasdale, NPWS Noel Regan, DECC Ted Massey, DAFM Anthony Breslin, HSE		

**Actions:**

- Irish Water's Pathway to Compliance document to be circulated in advance of and discussed at the next meeting
- Irish Water to provide written update incorporating answers to queries from the DHLGH, on projects outlined in the second-cycle RBMP, to be circulated to the Committee
- DHLGH to engage directly with IFI regarding the legality of other bodies/agencies reporting on cross compliance
- DHLGH to follow up on an application for funding from Nore Vision Community Group

**1. Actions / Minutes from previous meeting**

Minutes of the previous meeting were agreed, with all actions either completed or down for discussion on the agenda.

**2. Updates from WPAC members**

DHLGH updated the committee on the draft RBMP consultation including engagements with stakeholders and would welcome submissions from organisations represented on the committee as part of the public consultation period which will close at the end of the month.

EPA provided an update on their draft strategic plan currently out for public consultation, in parallel EPA are taking a strategic look at their own water programme to see how it aligns with overall EPA strategies. In addition, there is also a public consultation on heavily modified water bodies, after the consideration of submissions a recommendation for decision on designations will be made to the Minister. Submissions from members of this group would be welcomed for both public consultations. Work has also been completed on assigning status to unmonitored water bodies with details currently available on the EPA's GIS web portal and arrangements being made to also include them on Catchments.ie. It was noted that the EPA's Water Quality in Ireland report will be launched later in the year and the EPA Water Conference will take place on 18-19 May in Galway.

The CCMA provided an update on the review of local authority water functions, which will take approximately 2 years to complete. The project board, chaired by John Mulholland, has been established and met a number of times; the project initiation document was approved and 3 subcommittees established; and a survey of current local authority staff resources is currently underway. In the meantime the Group have identified gaps in

agricultural inspections and will look at possible interim measures pending the outcome of the full business case.

Irish Water gave an update on the 255 projects listed in the 2nd cycle, with 137 completed by 2021. 37 had been put on hold and are now being reviewed as part of the new investment plan. Irish Water also provided an update on their Gap Analysis work for the 3<sup>rd</sup> cycle work and their plans for a high level 'pathway to compliance' document, which will suggest measures and delivery dates up to 2027 for final plan. The Eastern and Midlands region component of the National Water Resources Plan, which is currently out to public consultation and progress on their pilot drinking water source protection scheme at Belturbet was also provided.

LAWPRO gave feedback from the South Eastern and South Western Regional Operational Committees. Some of the issues raised were:

- In derogation the entry controls are insufficient.
- There has been falsification of slurry movement records.
- There is an inability of Local Authorities to access DAFM's real time data on movement of manures/slurry etc.
- The area of EIA (AG) Regs and their application and transparency of decision making.
- There is a need for greater recognition on the impact of individual incidents and also the attitude of some when confronted by Local Authorities is concerning. They seem to be more concerned on who reported an issue rather than the public health or the issue to be addressed.
- Inaccurate information provided for planning (e.g., storage, herd size etc) – previously examples provided by Cork CoCo to the SWROC and to NAP consultation.
- The connections between water courses and farmyards via drains which have been widely reported across most counties where we got feedback.
- There is an issue around inadequate storage and poor nutrient management practices.
- The spreading of slurry during closed period.
- Clean yards does not necessarily mean no impact – an area that was unexpected (e.g., either accidental or deliberate washing into drains).
- Advice and perception that riparian buffers pose risk to Basis Farm Payments.

### **3. Agricultural Pressures**

The Chair provided an update on the Nitrates Action Programme and Good Agricultural Practice Regulations, which were recently signed by the Minister, and details of the upcoming vote by the EU Commission on the derogation, the outcome of which will require amending regulations to reflect the Commission's decision.

### **3.1. Nitrates Action Programme**

DHGLH provided an update on the new Good Agricultural Practice for Protection of Waters (GAP) Regulations and the content of the Fifth Nitrates Action Programme.

CCMA raised the issue of the Commission's concern with the level of enforcement/prosecutions by local authorities and a proposal for a targeted national inspection programme. The current level of local authority resources to carry out inspections was noted.

The Chair indicated that the need for compliance was often raised by the agricultural sector themselves, and while the issue around resources was acknowledged would like to see resources targeted to make sure rules are enforced.

### **3.2. Observations on GAP Regulations compliance and good practice**

LAWPRO gave a presentation on examples of poor farm practices highlighted through the Regional Operational Committees and the need for a more day to day focus on managing risk to water quality in all farm activities.

IFI agreed that the issues highlighted were also experienced by their staff. They are aware of large scale slurry spreading and informed the Committee that they do carry out inspections on high risk farms. While prosecutions are pursued, it can be difficult given staff resources and other priorities and in some cases final court judgements are lenient. IFI also raised the issue of the legality of other bodies/agencies reporting on cross compliance and it was agreed that the DHLGH would discuss this issue directly with the IFI.

DAFM acknowledged that it was good to be aware of issues on the ground and noted engagement with farm organisations. DAFM highlighted the doubling of their inspection rates and how farms not in compliance will be penalised and removed from the derogation. In addition, a move to an online system for tracking the movement of slurry and proposed amendments to the EIA Regulations should help with compliance. DHLGH noted the inclusion of a number of derogation farms in the presentation, which are supposed to farm to the highest standards. This issue should be brought to the attention of the Nitrates Committee and both departments will need to consider the most appropriate means of addressing this issue effectively.

GSI highlighted the need to also work with DECC on the linkages to carbon budgeting and the resourcing of climate measures, which can also benefit biodiversity and water quality projects.

#### **4. Presentation on the Water and Planning Guidance for Local Authorities**

Colin Byrne provided an overview of the draft guidelines for the incorporation of the Water Framework Directive into the planning system and timelines for delivery. Declan Grehan from the EU and International Planning Regulation gave an update on the legislative amendments required to underpin this new assessment, with heads of the bill prepared but timelines not finalised as yet for the legislation. Consultants have been appointed to undertake a Strategic Environmental Assessment (SEA) of the guidance documents with the documents and SEA Report expected to be published for consultation in the summer.

RPS, who were contracted to develop the guidelines provided a detailed presentation on the content of the guidance documents, including a case study on how they will work in practice.

The Chair thanked RPS for the work and information provided. It was noted that while this was another task for local authorities to carry out, opportunities to streamline and avoid overlap with AA/SEA can be identified. The DHLGH noted the work put in by RPS and the Steering Group on the development of the guidance. The Guidance will be discussed again at this Committee following the public consultation.

Local Authority sector acknowledged the importance of the proposed training programme, which it was felt should cover all local authority staff not only planning staff.

#### **5. AOB**

Funding of community groups, such as Nore Vision, was raised with DHLGH agreeing to follow up separately on the matter.

#### **6. Date for next meeting**

Date to be arranged.