



An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreachta  
Department of Housing,  
Local Government and Heritage

# Guidelines for the incorporation of the Water Framework Directive (WFD) into the Planning System

Presentation to the Hydromorphology Expert Group

Lisa Egan

10<sup>th</sup> July 2024

# Overview



- Assist planning authorities in meeting their legal obligations under WFD
- Ensure consideration of WFD requirements is proportionate (plan level, risk, scale, nature & location)
- Provide a transparent and consistent approach across planning authorities
- Proactively integrate WFD considerations earlier
- Maximise synergies between the assessment process and SEA, EIA, AA and FRA processes
- In addition to status, consideration of objectives for protected areas (Register of Protected Areas; Annex IV WFD)

## New Actions Required by the Guidelines

- Undertake a **Strategic Water Status Impact Assessment (SWSIA)**
- Undertake a **Water Status Impact Assessment (WSIA)**

**WFD giving rise to legal cases / Infringement**

**Legal Status – TBD**



## Strategic Level

- Strategic Water Status Impact Assessment (SWSIA)
- Opportunities for alignment with existing processes (e.g. SEA)
- Production of SWSIA File

## Development Management Level

- Water Status Impact Assessment (WSIA)
- Screening / WSIA Report
- Mitigation
- Article 4(7)

**Goal:** undertake the assessment as early as possible in the planning process

# Volume 1



- Introduces the formal (S)WSIA process for plans and projects
- Role of the planning authority / practical advice on how to integrate WFD objectives into the planning system
- How plan-making can contribute to integration of WFD objectives (planning hierarchy)
- Process stages
- Key matters to consider in the assessment / checklist
- Key synergies / inter-dependencies in terms of environmental assessment processes (AA, EIA, FRA and SEA) at plan and project scale
- Outline of steps for (S)WSIA
- Decision-making process for assessing whether an exemption from achieving WFD objectives is justified under the strict criteria of Article 4(7)



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**Working DRAFT**  
**Guidelines for the  
Incorporation of the Water  
Framework Directive into the  
Planning System**

Volume 1 – Draft Guidelines for  
Planning Authorities

February 2023

Prepared by RPS Group on behalf of  
The Department of Housing, Local Government and Heritage  
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# Volume 2

- Technical appendices useful for staff working in planning authorities, applicants and their agents in addressing more detailed implementation of the guidelines.
- Supplementary supporting technical guidance on the best available environmental practices.
- Step-by-step guidance on undertaking SWSIA for forward planning and WSIA for development management [screening, scoping, consultation, assessment, reporting, mitigation and monitoring, justification for Article 4(7) derogation].
- Case studies to illustrate the process.
- Examples of good practice and mitigation measures in the consideration of the potential effects and risks of development to WFD objectives.
- Links to key information on the water environment and examples of mapped data.



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Volume 2 – Draft Technical  
Appendix

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# Technical Note



- A new technical note on undertaking Morphological Risk Assessments for Rivers is being published in parallel to the guidelines.
- This Morphological Risk Assessment tool enables planning authorities to determine whether or not a planned development in or close to rivers is likely to cause deterioration to the physical condition / health of those rivers.

# Summary of Key Provisions



## Practical Advice

- Planning authorities & practitioners
- How WFD objectives are further integrated into the planning system

## Build on Existing Work

- SEA / AA / FRA
- Already being undertaken by planning authorities

## Technical Guidance

- Technical guidance including case studies to illustrate in practice

## Article 4(7)

- Detailed arrangements provided for derogation / exemption
- How to obtain

## Technical Note

- Method for undertaking Morphological Risk Assessments
- Supporting technical note, not part of guidance

# Implications of Bradán Beo Case

Sweetman -v- An Bord Pleanála & Anor. 2021

Case C-301/22 Peter Sweetman v An Bord Pleanála and the operation of Directive 2000/60/EC

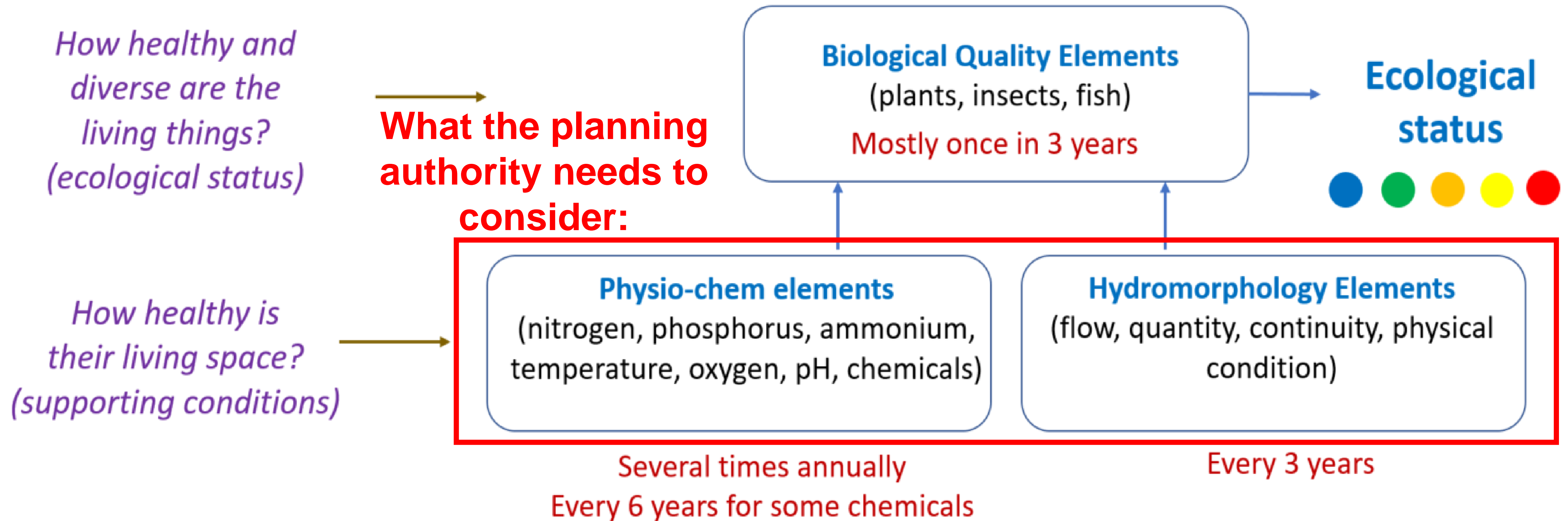


- WFD requires all lakes larger than 50 ha (0.5km<sup>2</sup>) in surface area to be identified as a WFD water body.
- For <50 ha lakes, member states may decide to include these as WFD water bodies if they are significant in the context of the Directive's purposes and provisions.\*
- In Ireland, all lakes greater than 50 ha and smaller lakes in protected areas (SACs / drinking water abstraction) were identified as WFD water bodies by the EPA.
- The EPA has identified 800 lakes WFD lake water bodies of the estimated 12,000 lakes in Ireland.
- For elements of surface water not identified as a WFD water body the basic protection measures listed in Article 11 of the Directive apply (Section 3.5 of Guidance Note 2).

**Issue: In light of Bradán Beo, the planning authority needs to be able to assess for deterioration.**

\*e.g. ecologically important, important to the objectives of a protected area as listed in Annex 5 of the Directive, or having a significant adverse impact on other surface waters

# Supporting Conditions



Standards or guidelines are set for the supporting elements (nutrients, flow etc) at the levels needed to meet/maintain good and high ecological status.

## Next Steps



- Updated to account for passage of time
- Updated to account for the implications of the Bradán Beo judgement (High Court case pending)
- SEA to be updated following revisions
- Public Consultation
- Legal Provision



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