



Public consultation on the draft River Basin Management Plan for Ireland 2022-2027

Consultation Response Template

Note:

The purpose of this document is to help both the consultation response and evaluation process. The information provided by respondents will be used in order to shape the content and focus of the final River Basin Management Plan for the period 2022 - 2027.

Respondents are asked to follow the response template. However, it is not necessary to provide responses to all the questions. Respondents are also invited to supplement their responses with any relevant information, reports and/or analysis.

The public consultation process will run until 31 March 2022. Please provide your feedback as a word document (not PDF) by email to rbmp@housing.gov.ie by close of business on that date. Alternatively, you can send in your submission through the Department website (www.gov.ie/draftRBMP) where you can find the link to an online Survey.

Receipt of submissions will be acknowledged but it will not be possible to issue individual responses.



Section A: Respondent Profile (Optional)

Name	Cllr. David Healy
Organisation	Fingal County Council
Email Address	david.healy@cllrs.fingal.ie

THIS SUBMISSION IS BASED ON THE SWAN TEMPLATE BUT HAS ADDITIONAL TEXT UNDER “ANY FURTHER COMMENTS”.

Please select your gender *(Please place an X in the appropriate box)*

- Female Other
 Male Prefer not to say

Please select your age group *(based on your last birthday)*

- 12 or under 45 – 54
 13 - 18 55 – 64
 19 - 24 65 - 74
 25 - 34 75 and over
 35 - 44 Prefer not to say

County of residence *(optional)*



Sector (Please place an X in the appropriate box)

<input type="checkbox"/>	Government Department	<input type="checkbox"/>	Non Governmental Organisation
<input checked="" type="checkbox"/>	Local Authority	<input type="checkbox"/>	Group Water
<input type="checkbox"/>	Other Public Sector Body	<input type="checkbox"/>	Individual
<input type="checkbox"/>	Other (please specify)	<input type="text"/>	

When seeking information in relation to water issues, which source(s) are you most likely consult? (Please place an X in the relevant box or boxes)

<input checked="" type="checkbox"/>	www.catchments.ie	<input checked="" type="checkbox"/>	Local Authority Waters Programme (LAWPRO)
<input checked="" type="checkbox"/>	EPA	<input type="checkbox"/>	An Fóram Uisce
<input checked="" type="checkbox"/>	Local Authority	<input checked="" type="checkbox"/>	NGO
<input checked="" type="checkbox"/>	Irish Water	<input type="checkbox"/>	Other (please specify below)
<input checked="" type="checkbox"/>	SWAN	<input type="text"/>	



Section B: Consultation Questions

Section 2.3 – What we want to achieve

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?

Despite some positive proposals, the draft River Basin Management Plan (RBMP) falls far short of what is required and fails to set out clearly how the State will restore unhealthy and at risk waterbodies. It must be far more ambitious and include measures to restore ALL waters to healthy status by the 2027 deadline.

More than half our rivers, lakes and estuaries are failing WFD mandatory standards of ‘good status’ and nutrient pollution is increasing¹, demonstrating that current policy and measures are not working. Despite this, the Plan only proposes additional targeted measures for certain priority ‘Areas for Action’ without saying how many unhealthy waterbodies are within these areas and whether they’ll be restored.

Furthermore, many of the listed “Actions” are vague and describe slight changes to existing national programmes and initiatives, with little information about how/if they will deliver improvements.

This approach is not compliant with the Water Framework (WFD) which requires that all waterbodies must be restored to at least good status by 2027², with no deterioration permitted. It 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

- The River Basin Management Plan must be science-based. It must include a full set of targeted 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.

¹ 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

² Unless exemptions are applied under the strict conditions set out in Article 4 of the WFD and the rationale is set out in the RBMP.



Section 3.3 – Artificial and Heavily Modified Water Bodies

Question 2: What are your initial impressions in terms of water quality when you hear a water body described as artificial or heavily modified?

Section 3.4 – Impacts of Climate Change

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

The recent IPCC Assessment Report³ 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*”. The report also states that “*the extent and magnitude of climate change impacts are larger than estimated in previous assessments*”.

The impacts of climate change risks deteriorating water quality and jeopardising the achievement of objectives under the WFD. In addition, if measures in the RBMP are not ‘climate proofed’ under a range of emissions scenarios there is a risk that many of the measures will fail.

SPECIFIC RECOMMENDATIONS:

- Additional and more targeted measures should be included within the Plan. For example; the measure associated with the monitoring programme which is aimed at improving our understanding of climate change trends should be more specific, rather than just stating that it will be ‘examined’.
- All proposed measures in the Plan should be ‘climate proofed’ under a range of emissions climate and emissions scenarios out to 4°C warming.
- The use of nature based solutions should be increased within proposed measures throughout the Plan to increase climate resilience. Nature based solutions should be adequately resourced and given statutory footing in relevant legislation. Restoration targets and measures for depleted habitats should also be included.

³ 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



Section 4 – 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. The progress reported in the draft RBMP relates to activities only, with no link to water quality indicators. It is therefore impossible to respond to this question in a fully informed way.

However, the fact that an additional 3% more waterbodies are unhealthy now than in the last reporting period⁴ and that nitrate and phosphate river pollution is increasing (by 38% and 24% respectively⁵), indicates that progress has been poor.

I believe that the efforts and commitment of staff in the Local Authorities Waters Programme (LAWPro), EPA and others have been negated by conflicting and damaging policy in other areas, especially agriculture, which is driving land use and nutrient inputs in an unsustainable direction which is incompatible with the objectives of the WFD.

Please refer to Sections 5.3.1. and Section 5.4.1. for relevant recommendations.

Section 5.3.1 – 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?

Despite new administrative structures, water management remains fragmented and opaque and while increased reporting is welcome, most of the governance actions proposed are vague and/or not a concrete action that could be confidently linked to water quality improvements⁶.

There is also 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); and the Local Authority Regional Committees and Operational Committees.

⁴ Derived from Fig. 12 of draft River Basin Management Plan, pg. 30

⁵ 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

⁶ E.g. establishment of a working group to identify opportunities for improved compliance



Section 5.3.1 – Implementation / Governance

Policy coherence and well-designed regulatory frameworks are a key element of effective governance. According to the OECD, policy responses *will only be viable if they are coherent*⁷ and *“if well-designed regulatory frameworks are in place”*⁷. 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 propose measures to address this systemic issue.

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, in order to ensure mainstreaming of water protection across government. In the immediate term, policy conflicts must be identified far more clearly in the RBMP with effective measures to address them.

RECOMMENDATIONS:

- ***Immediate priority:*** Water governance must be made transparent and participative, and must be brought into compliance with the Aarhus Convention⁸. The make-up and work of WPAC etc. must be readily accessible, including where water management decisions are being made.
- ***Immediate priority:*** The public⁹ must be involved from the start in the development of action plans for their local waters through the 46 nationwide Catchment Management Plans. This process must have expert facilitation, with catchment groups resourced to ensure effectiveness, equity and inclusiveness.
- The fragmented water governance system must also be fixed with 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.

⁷ 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>

⁸ 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”).

⁹ Including stakeholder organisations, catchment groups, and community groups.



Section 5.3.2 – Areas for Action

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

The proposed plan, whereby only certain areas are selected for 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 do this. As I am not in favour of the prioritisation process, I don’t have a comment on how the prioritised areas were selected.

Please refer to my recommendation in Section 2.3.

Section 5.3.2 – Areas for Action and Appendix 3

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

Please refer to my response to Section 2.3 and Section 5.3.2

My 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 Areas for Action nor whether the actions there will restore/protect them.

Section 5.3.3 – 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 is 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.

While I welcome the establishment of the national water forum and the work of Community Water Officers (CWOs), there are not enough CWOs and they have not been given the resources or the power to facilitate meaningful engagement of communities.

SPECIFIC RECOMMENDATIONS:



Section 5.3.3 – Public Participation

- WFD implementation must be made transparent and participative, and must be brought into compliance with the Aarhus Convention¹⁰. The make-up and work of WPAC and all other management groups/committees must be readily accessible, including making it very clear where water management decisions are being made.
- The public¹¹ must be involved from the start in the development of action plans for their local waters through the 46 nationwide Catchment Management Plans, with catchment groups resourced to ensure effectiveness, equity and inclusiveness.
- The Department of Housing must publish a comprehensive programme for public engagement in RBMP. This should 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.

Section 5.4.1 - Agriculture and water quality management

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

In light of the fact that:

- agriculture is by far the most significant pressure on the Irish water environment
- is responsible for a large proportion of unhealthy water bodies, and
- it is specifically linked to recent marked increases in nutrient pollution,

the Plan is far too weak on nutrient pollution. 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 and CAP. It lists some tightening of regulations and references general improvements under CAP but doesn't set out how these will address nutrient pollution. It is important to note that both NAP and CAP have been deemed inadequate to halt and reverse agricultural water pollution in analysis by SWAN and the Environment Pillar¹².

¹⁰ 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").

¹¹ Including stakeholder organisations, catchment groups, and community groups.

¹² 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>



Section 5.4.1 - Agriculture and water quality management

Critically the Plan does not address the policy conflict between agriculture targets and meeting the objectives of the WFD. Current agriculture policy, centered around increased productivity and intensive livestock agriculture, with associated imports and losses of nutrients, is unsustainable and no credible evidence has been presented by government that it can be continued while protecting and restoring water. The measures in the Plan will not fix this.

The Plan also relies heavily on the voluntary ASSAP initiative¹³, 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. Agriculture policy must be brought in line with the WFD, to halt and reverse escalating agricultural water pollution.

SPECIFIC RECOMMENDATIONS:

- Introduce WFD-specific risk assessments for all intensive farms¹⁴, including derogation farms, through a permitting system.
- Intensification, in particular to derogation stocking rates¹⁵, should only be permitted if it can be demonstrated that it won't impact on the WFD objectives for associated water bodies
- 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.
- Certain sub-catchments should be zoned ineligible for certain stocking rates, if necessary, based on catchment carrying capacity.

Section 5.4.2 - Natural Rivers and Lakes and River Restoration – Hydromorphology

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?

Physical modifications to our waterbodies pose the second biggest pressure on all at-risk waterbodies, with drainage having the most impact due to the significant disturbance and damage to the ecology caused by dredging and other clearance activities. The lack of

¹³ Agricultural Sustainability, Support and Advisory Programme.

¹⁴ Defined by the Department of Agriculture, Food and the Marine as greater than 130 kg livestock manure nitrogen/ha.

¹⁵ Greater than 170 kg livestock manure nitrogen/ha.



Section 5.4.2 - Natural Rivers and Lakes and River Restoration – Hydromorphology

regulation on these activities, despite a 2012 deadline, is in clear contravention of the WFD and has been identified as a significant non-compliance issue by the EU Commission. I therefore welcome the commitment in the draft RBMP to develop a “*new authorisation system for instream engineering works*” “which will “*strengthen controls of land drainage practices and their enforcement*”.

However, I am concerned that the draft Plan does not acknowledge the severe and extensive damage caused to rivers by arterial drainage nor include any measures to address this.

RECOMMENDATIONS:

The draft RBMP should include a commitment to:

1. A WFD-specific assessment in advance of developments potentially impacting waterbodies e.g. dredging; drainage; flood protection. Projects can only go ahead if it can be demonstrated that WFD objectives will not be compromised.
2. A prohibition on wetland drainage and commitment to a national wetland restoration programme.
3. 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.
4. Full integration of water management in the upcoming Land Use Plan committed to by government, so that catchment- and nature-based approaches are central to it.

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?

I am strongly supportive of a national river restoration programme. However, I do not agree that the initial focus should be on barriers (e.g. weirs) only and believe the approach should be more holistic and focus on co-benefits for biodiversity and climate of wider riparian corridor and floodplain restoration.

RECOMMENDATION

- Development of a comprehensive restoration programme that includes re-meandering, reestablishment of natural riparian zones and adjoining wetlands and reconnecting rivers with their floodplains. Coastal wetlands must also be included. This also has benefits for biodiversity and climate resilience (See Section 3.4).



Section 5.4.3 – Forestry

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

Forestry is causing an impact in 233 waterbodies and is the most significant pressure in our most valuable high status waters. It is also one of the key land-uses contributing to impacts on protected habitats under the Habitats Directive, in particular freshwater pearl mussel rivers. The risk posed by forestry is going to increase as the state is facing into a period of significant felling as forest stock reaches maturity and also significant planting to meet government targets for climate mitigation.

However, the Plan does not propose any additional measures to address this imminent pressure, nor does it propose specific targeted measures to address forestry impacts in the 233 waterbodies at risk. Instead it relies on current measures and initiatives, such as conditions in the license application process and grant schemes. This is not enough. It is critical 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.

RECOMMENDATIONS:

- All forestry planting and felling licenses must include a WFD-specific assessment, and contain site-specific conditions for water protection, taking account of catchment-scale cumulative impacts.
- Introduce a prohibition on afforestation on peat soils in acid sensitive headwater catchments, as recommended by the Hydrofor research project¹⁶

Section 5.4.4 - 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)

Before answering the specific question, I want to register my concern that the Plan is not strong enough in addressing sewage pollution. Urban waste water (sewage) 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. This is not acceptable. It is imperative that the Irish Water Investment Plan, with additional funding if necessary, includes measures to halt sewage pollution of these waters, at a minimum.

¹⁶ HYDROFOR is a 2016 EPA and DAFM-supported multi-sector co-operative 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>



Section 5.4.4 - Urban Waste Water

The EPA Waste Water Treatment report for 2020 identified the top 42 priority areas where improvements are most urgently needed to prevent pollution, including discharges to protected Freshwater Pearl Mussel rivers, but Irish Water has not provided a clear time frame to improve treatment at over two thirds of these. These should be prioritised.

Discharges of raw and inadequately treated sewage from Combined Sewer Overflows must also be addressed.

RECOMMENDATIONS:

- 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 over 200 waterbodies. This must happen by the WFD 2027 deadline.
- 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.
- A programme for addressing pollution from Combined Sewer Overflows with a timeline and budget must be developed. This should include pollution alert system for the public.

Section 5.4.5 - 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?

Section 5.4.6 - 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?



Section 5.4.7 - Unknown Pressures

Question 16: How can local communities help with the identification of significant pressures on water bodies with unknown pressures?

Section 5.4.8 - Other Pressures

Question 17: What are your views on the issue of other pressures and the proposed measures outlined within the draft plan?

1. COASTAL AND TRANSITIONAL WATERS

In their response¹⁷ to the Significant Water Management Issues consultation, SWAN advocated for a chapter on coastal and transitional waters to be included. 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 River Basin Management Plan. **Within this response, I have addressed coastal issues under this question associated with ‘other pressures’, however, a standalone chapter should be created for coastal and transitional issues within the final 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*”¹⁸. The lack of identified pressures on transitional and coastal (TRAC) water bodies and targeted measures to address them, makes it unlikely that the status of TRAC water bodies will improve by 2027.

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 seagrass¹⁹ will not only have a positive impact on biodiversity and water quality but will also assist with climate change adaptation and mitigation. Restoration targets for key habitats should be set as a measure within the Plan. A habitat restoration

¹⁷SWAN (2019) Response to Public Consultation on the Significant Water Management Issues for the third cycle River Basin Management Plan for Ireland 2022-2027 <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>

¹⁸ EPA (2016) Ireland’s Environment – An Assessment 2016. Environmental Protection Agency, Wexford <https://epawebapp.epa.ie/ebooks/soe2016/files/assets/basic-html/toc.html>

¹⁹ 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>)



Section 5.4.8 - Other Pressures

programme should be established, whereby priority areas for restoration of declining habitats are identified and the management measures are developed through the use of Designated Maritime Area Plans under the Maritime Area Planning Act 2021 and/or through the new forthcoming MPA process.

SPECIFIC RECOMMENDATIONS:

- Include a chapter on coastal issues - identifying the pressures specific to coastal waterbodies and include targeted measures to address them. The following pressures should be included:
 - Certain types of fishing practices e.g. hydraulic dredging;
 - Offshore renewable energy infrastructure;
 - Shipping;
 - Seaweed harvesting; and
 - Any other activity judged to be contributing to the poor ecological status of TRAC waterbodies

- Establish priority habitat restoration zones

Section 5.4.9 – Peat

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

In the context of the benefits to biodiversity and to climate change mitigation and adaptation, in addition water quality, I believe the plan should propose a prohibition on all peatland drainage.

Section 5.4.10 - Industry, Mines and Quarries

Question 19: What are your views on industry, mines and quarries and the proposed measures outlined within the draft plan to address their impact on water quality?



Section 5.4.11 - Drinking Water Source Protection

Question 20: What needs to be considered when making recommendations on the new approach to drinking water source protection as part of the transposition of the recast Drinking Water Directive?

Section 5.4.12 - Invasive Alien Species

Question 21: What are your views on the measures proposed for tackle the issue of invasive alien species?

Section 5.4.13 - Hazardous Chemicals in the Aquatic Environment

Question 22: What are your views on the issue of hazardous chemicals and the measures outlined within the draft plan?

Section 5.4.14 – 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. The response below focuses on the broader issue with aquaculture within the Plan.

It is welcome to see the inclusion of aquaculture within the draft RBMP. However, the proposed measures will not address all potential pressures from aquaculture sites. It is imperative that targeted measures are implemented across all sections of the RBMP. 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*” are not sufficient or targeted enough to address the identified pressures.



Section 5.4.14 – Aquaculture

Furthermore, it is disappointing that the mapping measure was not incorporated into the Department of Housing Local Government and Heritage (DHLGH) marine plan map viewer²⁰ which was formally launched in February 2022. This information should have been incorporated into the final National Marine Planning Framework (NMPF) to present temporal and spatial data as required by EU Maritime Spatial Planning Directive.

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 Licensing²¹ found that, “*There is ... widespread consensus that the system is in urgent need of reform*” and “*a root-and branch reform of the aquaculture license application processes is necessary ... [which] needs to be comprehensive in scope*”. Furthermore, effective monitoring is not in place to assess whether aquaculture in Ireland is compromising WFD compliance of waterbodies in which it is sited.

SPECIFIC RECOMMENDATIONS:

- Review of all aquaculture licenses for compliance with Water Framework Directive (WFD).
- An assessment of WFD compliance should also be built into all future aquaculture license 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.
- 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).

Question 24: What are your views on the process identified to implement a new legislative and management framework for shellfish waters in Ireland?

²⁰ <https://marineplan.ie/>

²¹ Report of the Independent Aquaculture Licensing Review Group (2017)
<http://www.fishingnet.ie/independentaquaculturelicensingreview2017/>



Section 5.4.15 - Land Use Planning

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

Please refer to my response to Section 5.4.2.

Section 5.5 – Update and Review of the Economic Analysis

Question 26: What are your views on the economic analysis proposed and the measures outlined under this section?

Any further comments?

People may also supplement their responses by attaching any relevant information, reports and/or analysis.

1. High status waters

I am very concerned about the dramatic loss of our most pristine highest status (Q5) sites since the late 1980s²² and I don't believe the draft RBMP goes far enough, with enough urgency, to save and restore these. High status waters are our most pristine and valuable waters and provide refuges for our most endangered species such as the Freshwater Pearl Mussel. 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 for these is welcome, it is not clear when this will result in actual measures on the ground being implemented or what the timeline for these is. It also appears from the Plan that less than two thirds of these high status waters are in areas targeted for action, although it is not clear whether action plans will also be developed for the others.

RECOMMENDATION:

- Include a commitment to the urgent development of targeted catchment management plans for ALL high status site waterbodies²³ in the Plan. These should follow the 'Threat Response Plan' approach.

²² Fallen from approximately 13% to 1.4%. Reference: 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

²³ Specifically all waterbodies with a high status objective (high status or requiring restoration).



Any further comments?

People may also supplement their responses by attaching any relevant information, reports and/or analysis.

2. Abstraction

I am concerned that abstraction is not even listed as a pressure in the draft RBMP and that the impacts are not adequately addressed, especially in the context of climate change projections for increased droughts in parts of the country.

RECOMMENDATION

- The Plan should include (as a minimum) 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.

3. Access to information on sewage pollution

I have been trying for years, with no success, to get the authorities responsible for the sewage system in Fingal to make information on sewage/effluent overflows and unplanned discharges publicly available as soon as they have it, as legally obliged by Regulation 5 of the Access to Information on the Environment Regulations. (I would be happy to supply more information on this.)

The Plan should commit to require these public authorities to supply this information to the public through the catchments.ie website and by other appropriate means as soon as they become aware of the overflow or unplanned discharge.

4. Misconnections

Although misconnections are referred to in the draft Plan as a frequent pressure leading to poor bathing waters, there is no action in the List of Proposed Measures to address this pollution source.

Section C: Submission discretion

Submission confidentiality

We will treat your information in line with data protection laws and policies when we are analysing and publishing the results of this consultation. Overall results that are given by



individuals will be anonymous, that is, it will not be possible for you to be identified in the final report.

All submissions and comments submitted to the Department for this purpose are subject to release under the Freedom of Information (FOI) Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007- 2014. Submissions are also subject to Data Protection legislation.

Personal, confidential or commercially sensitive information should not be included in your submission and it will be presumed that all information contained in your submission is releasable under the Freedom of Information Act 2014.