

# **Sustainable Water Network (SWAN)**

**- Response to Public Consultation -**

## **Water Supply Project - Eastern and Midlands Region Water Supply Options Working Paper**



**August 2015**

Sustainable Water Network (SWAN)  
9 Upper Mount Street  
Dublin 2  
[info@swanireland.ie](mailto:info@swanireland.ie)  
01642 55 83

## Table of Contents

1. INTRODUCTION TO SWAN .....	1
2. INTRODUCTION TO THIS SUBMISSION .....	1
3. THE WATER FRAMEWORK DIRECTIVE (WFD) .....	1
3.1. Lack of WFD & integrated catchment management context .....	1
4. ABSTRACTION.....	3
5. WATER CONSERVATION .....	3
6. CONSTRAINTS .....	4
7. ASSESSMENT CRITERIA.....	4
8. TRANSPARENCY AND PUBLIC PARTICIPATION.....	5
APPENDICES	
Appendix I: SWAN Member Organisations & Board of Directors .....	I

## 1. INTRODUCTION TO SWAN

The Sustainable Water Network (SWAN) is an umbrella network of 26 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 Marine Strategy Framework Directive (MSFD) and other water-related policy and legislation. SWAN member groups are listed in Appendix I. SWAN has been actively engaged in Water Framework Directive (WFD) and other water policy implementation at both national and River Basin District (RBD) level since 2004, responding to water-related public consultations and representing the environmental sector on WFD River Basin District (RBD) Advisory Councils, the South Eastern RBD Management Group, The Irish Water Stakeholder Forum and other water policy-related fora. SWAN has been committed to participation in consultations on water governance and water services from the outset, including making several formal submissions before and after the establishment of Irish Water in relation to water governance and water services planning.

## 2. INTRODUCTION TO THIS SUBMISSION

SWAN's welcomes the publication of the Water Supply Options Working Paper and the opportunity to comment on it. Due to necessary prioritisation of the consultation on the Water Services Strategic Plan (WSSP) in spring (with which there was a significant overlap), SWAN was not in a position to make a submission on the Project Need Report and thus this is our first input to Irish Water on this project. This document provides a good overview of the current status and history of this project but is quite confusing in parts, covering various stages, phases and steps which are not simple to decipher. Due to the complexity of the project and capacity issues, we are not in a position to offer a detailed technical response to the consultation. Rather, we submit a number of key overarching comments based primarily on the requirements of the Water Framework Directive (WFD).

## 3. THE WATER FRAMEWORK DIRECTIVE (WFD)

### 3.1. Lack of WFD & integrated catchment management context

It is vital that the key legislative context for this project is the EU Water Framework Directive (WFD). According to the most recent EPA State of the Environment Report<sup>1</sup>, *'meeting the requirements of the Water Framework Directive (WFD) and protecting our water resources ... are pressing challenges for Ireland.'* The WFD imposed a

---

<sup>1</sup> EPA (2012) 'Ireland's Environment 2012 - An Assessment', EPA, Wexford

statutory obligation on all EU member states to achieve good water status by this year 2015<sup>2</sup>, with only very limited exemptions and extensions and, in addition, prohibits any deterioration in the current status of our waters. It also establishes in law a comprehensive set of environmental objectives for Irish and EU aquatic resources which require them to be managed in a sustainable manner<sup>3</sup>. The most recent EPA water quality report<sup>4</sup> finds just 53% of river water bodies and 42% of lakes achieving WFD standards, illustrating the scale of activity that will be required in order to meet the objectives of the Directive. It also highlights the absolute necessity that this project, whichever option is chosen, must not compromise the achievement of WFD objectives.

It is vital that water services management, including large-scale infrastructure projects such as this, only take place within, and not alongside, catchment management and river basin district planning and this overarching context should be strongly articulated in the Options consultation paper. In fact, integrated catchment management (ICM) and river basin planning are hardly afforded a mention in the paper.

The WFD also requires '*measures to ensure that the hydromorphological conditions of the bodies of water are consistent with the achievement of the required ecological status*' for water bodies and requires a system a system of regulation of morphological alterations to, and abstractions from, waterbodies. This legislation once it is introduced will be extremely significant for this project and should be identified and highlighted as such in the consultation paper. (It is currently more than 3 years overdue.)

It is SWAN's contention that the WFD must clearly provide the overarching assessment criteria if the sustainability of this project is to be ensured and that therefore the WFD should be promoted so as to join the '*Source yield technical assessment*' and '*Habitats Directive Assessment*' as one of the '*most significant screening criteria*'.

It is furthermore not clear how the '*Water Framework Directive / Water Quality*' criteria were used to assess the options carried through from the above step (especially since Appendices D & E are not attached to the consultation draft) and to what extent they informed the decision arriving at the '*reasonable alternatives*'.

Two core elements of the WFD are key to this project and must be considered in all stages of decision-making: These are the ecological impacts of abstraction and the key WFD requirement for measures to incentivise sustainable water use. These are now addressed in the following sections.

---

<sup>2</sup> Defined as biological conditions deviating only 'slightly' from those found under undisturbed conditions

<sup>3</sup> This includes quantitative status of water bodies and also related water consumption levels

<sup>4</sup> Byrne, C & Fanning, F. eds. (2015) '*Water Quality in Ireland 2010-2012*'. EPA, Wexford

## 4. ABSTRACTION

The Water Framework Directive identifies abstraction as a 'significant anthropogenic pressure' and requires the establishment of 'controls over the abstraction of fresh surface water and groundwater, and impoundment of fresh surface water, including a register or registers of water abstractions and a requirement of prior authorisation for abstraction...' (Art 11.3(e)). The Shannon River Basin Management Plan (2009-2015) stated that, 'The legislative framework will be further enhanced to protect and improve water quality through the introduction of strengthened controls on abstractions of water', and as indicated in the recent draft Irish Water WSSP, this vital legislation is imminent.

Water abstraction represents a significant pressure on Ireland's inland surface waters, groundwaters and groundwater dependent terrestrial ecosystems (GWDTEs) and has been identified as such. The 2009 Programme of Measures report on abstraction carried out by the Eastern RBD<sup>5</sup> '*National POM/Standards Study Revised Risk Assessment Methodology for Surface Water Abstractions from Lakes*' identified 79 lakes nationally at high risk from abstraction pressures and stated that '*basic measures will not be sufficient to address abstraction pressures in some lakes and site-specific (supplementary) measures will be needed.*' The accompanying 2008 report '*Revised River Risk Assessment for Abstraction Pressures*<sup>6</sup> found 237 river water bodies to be 'at risk' or 'probably at risk' from abstraction and states that '*Ireland's current institutional arrangements to support the evaluation of the effects of surface water abstractions need to be modernised. The primary governing legislation for water supplies (Water Supplies Act, 1942) does not consider environmental issues.*'

According to the Shannon RBD Plan<sup>7</sup> In the Shannon international River Basin District, '*abstraction poses a potential risk to 32 rivers and 10 lakes due to their possible impact on river flows and lake levels particularly during periods of low flow.*'

As stated in the recent Irish Water WSSP, it is the responsibility of Irish Water to ensure that the quantity of water abstracted by the company is sustainable and will not compromise the achievement of WFD objectives.

It has yet to be demonstrated that any of the four options fulfil this criteria and furthermore the proposed assessment criteria and constraints do not adequately reflect the importance of this requirement. (See below).

## 5. WATER CONSERVATION

Article 9 of the WFD requires the introduction '*water-pricing policies [that] provide adequate incentives for*

---

<sup>5</sup> Shilland, P., Gaston, L. & Moe, H. (2009) *Revised Risk Assessment Methodology for Surface Water Abstractions from Lakes* National POM/Standards Study. Eastern RBD Project/CDM. Dublin.

<sup>6</sup> Kolb, B. (2008) *Revised River Risk Assessment for Abstractions Pressures*. National POM/Standards Study. Eastern RBD Project/CDM. Dublin.

<sup>7</sup> Shannon International River Basin Management Plan 2009 – 2015. Limerick County Council, July 2010 <http://www.shannonrbd.com/pdf/sea/ShIRBD%20RBMP%20Dec2010.pdf>

users to use water resources efficiently, and thereby contribute to the environmental objectives of this Directive'. Furthermore, Article 11 requires 'measures to promote an efficient and sustainable water use' [sic].

It is SWAN's position that until such measures are put in place, the 'needs' assumptions underpinning this project are not sound and may potentially be in conflict with the Directive.

SWAN articulated extreme misgivings regarding the lack of commitments to measures to incentivise sustainable consumption e.g. domestic water conservation measures in the Irish Water WSSP. Much more ambitious, progressive and imaginative strategies are needed to encourage water conservation – both commercial and domestic - in the Eastern and Midlands area before the assumptions for this project can be deemed accurate. This must go far beyond encouraging and/factoring in the use of '*water efficient domestic appliances*'. An ambitious strategy to promote water conservation, including the promotion of rain-water harvesting, and, for example, grant schemes for retrofitting and new-builds must be seriously considered by appropriate experts.

## 6. CONSTRAINTS

It is most regrettable that the WFD does not get the prominence it merits as a potential overarching constraint. On the main consultation web page listing constraints, the WFD is not mentioned – neither under 'ecology' nor 'water', despite the fact that it represents the overarching piece of water management legislation in the EU and thus also Ireland.

In addition it is inaccurate to list the WFD only under '*Water Quality*' as a constraint. The WFD requires the achievement of Good Ecological Status for water bodies which includes much more than traditional water quality. An important element of the WFD is quantitative and wider hydromorphological status also, in addition to quality.

## 7. ASSESSMENT CRITERIA

The assessment criteria do not emphasise the WFD sufficiently and are too vague, listing simply 'water' in Table 7-A. It is vital that options are assessed under all relevant quality elements (Annex V) of the WFD, including:

- Hydrological regime: quantity and dynamics of water flow; connection to groundwater bodies
- River continuity
- Residence time (lakes) and
- Morphological conditions

It is crucial that it is clearly demonstrated through the assessment process that the selected option will not compromise the meeting of WFD requirements under these and all other relevant parameters and this needs to be reflected in the list of criteria.

## 8. TRANSPARENCY AND PUBLIC PARTICIPATION

Due to the technical nature of this project, it is quite challenging for stakeholders to understand the detail of what is being proposed. Whilst we appreciate that various consultations have preceded this, it is SWAN's position that there should be a greater level of transparency as to why earlier options were dismissed and what the diverse range of stakeholder responses were to the recent Project Need Report consultation, for example.

SWAN believes that a well-resourced citizen engagement approach led by suitably qualified professionals is central to the delivery of sustainable water management, including water services and such an approach should be employed in order to garner the benefit of full public participation in this project, rather than the public consultation process being employed (consultation documents and meetings etc.)

Discussion on the key elements of successful public participation / engagement is beyond the scope of this submission, but these are well rehearsed in the literature and have been set out by SWAN in various submissions to the Department of Environment<sup>8</sup>. In summary they should include:

- early engagement, that is well-planned & designed and has been well publicised in advance;
- appropriate mechanisms, structures & processes, that *genuinely* facilitates the participation of those affected (stakeholders), and enables them to influence the outcome(s);
- adequate resources to conduct effective public participation, and to enable stakeholders to fully realise the potential of each engagement opportunity;
- evaluation of operation and outcomes, to inform improvements in how engagement continues;
- specially qualified & trained professionals.

It is SWAN's view that the 'parallel consultation process' referred to on pg. 22 should in fact be a fully integrated public engagement strategy, if you are to secure public support for this project and indeed comply with the requirements of the Aarhus Convention.

---

<sup>8</sup> Sustainable Water Network (SWAN), 2012. SWAN Recommendations for Public Participation Mechanisms in the Department of Environment Community & Local Government (DECLG) 4-Tier Water Governance Proposal. Submission to DECLG and Sustainable Water Network (2012) Getting it Right ✓ or Getting it Right ✓ Ticking boxes vs. delivering genuine public participation in water management in Ireland. Presentation to The joint meeting of the Task Force on Public Participation in Decision-making of the Aarhus Convention & the Meeting of the Parties to the Protocol on Water & Health on 'Public Participation in Environmental Decision Making: Focus on Water and Health', June 2012

## **APPENDICES**

## Appendix I: SWAN Member Organisations & Board of Directors

<b>SWAN National Groups</b>		<b>SWAN Regional &amp; Local Groups</b>	
1.	An Taisce	16.	Carra Mask Corrib Water Protection Group
2.	Bat Conservation Ireland		
3.	Birdwatch Ireland	17.	Cavan Leitrim Environmental Awareness Network
4.	Coastwatch Europe Network		
5.	Coomhola Salmon Trust Ltd.	18.	Celebrate Water
6.	Eco-UNESCO	19.	Cork Environmental Forum
7.	Friends of the Earth	20.	Longford Environmental Alliance
8.	Friends of the Irish Environment		
9.	Irish Doctor's Environmental Association	21.	Macroom District Environmental Group
10.	Irish Peatland Conservation Council	22.	Save Our Lough Derg
11.	Irish Seal Sanctuary	23.	Save Our Lough Ree
12.	Irish Water and Fish Preservation Society	24.	Save The Swilly
13.	Irish Whale and Dolphin Group		
14.	Irish Wildlife Trust	25.	Shannon Whale & Dolphin Foundation
15.	Voice Of Irish Concern for the Environment (VOICE)	26.	Slaney River Trust

<b>SWAN Board of Directors:</b>	
Mark Boyden, Chair	Coomhola Salmon Trust
Mindy O'Brien, Vice Chair & Company Secretary	Voice of Irish Concern for the Environment (VOICE)
Geoff Cooper, Director	Irish Water and Fish Preservation Society
Karin Dubsky, Director	Coastwatch Europe
David Healy, Director	Friends of the Irish Environment
David Lee, Director	Cork Environmental Forum
Elaine Nevin, Director	ecoUNESCO
Joachim Schaefer, Director	Cavan Leitrim Environmental Awareness Network