

Sustainable Water Network (SWAN)

Water Services Strategic Plan Strategic Environmental Assessment Initial Draft Scoping Report

- SWAN response to public consultation -



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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) 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 and the Irish Water Stakeholder Forum.

2. INTRODUCTION TO SUBMISSION

SWAN's welcomes the opportunity to comment on the Initial Draft Scoping Report for the Water Services Strategic Plan (WSSP) Strategic Environmental Assessment (SEA). Well managed water is essential for sustaining healthy and vibrant rural and urban communities and, as recognised in the draft scoping report, business, industry, nature and human health all depend on the integrity of our rivers, lakes and groundwater to provide clean and plentiful water supplies. There is an urgent need to address pressing issues for managing our natural water environment by protecting our water supply sources and the water bodies into which waste water is discharged. The need to do this is reinforced by the EU Water Framework Directive (WFD), which imposes a statutory obligation on all EU member states to achieve good water status by 2015.

It is therefore to be welcomed that the environmental effects of the WSSP are considered.

3. CHALLENGES OF MEETING LEGAL OBLIGATIONS: URBAN WASTEWATER TREATMENT DIRECTIVE (UWWTD) & WATER FRAMEWORK DIRECTIVE (WFD)

According to the most recent EPA State of the Environment Report¹, *'meeting the requirements of the Water Framework Directive (WFD) and protecting our water resources ... are pressing challenges for Ireland.'* The Water Framework Directive (WFD) establishes in law a comprehensive set of environmental objectives for Irish and EU aquatic resources which require them to be managed in a sustainable manner². It requires all surface and groundwaters to achieve 'good' status by 2015³ (with limited application of exemptions) and in addition prohibits any deterioration in the current status of our waters. The most recent EPA water quality report⁴ finds just 52% of river water bodies achieving WFD standards, with

¹ EPA (2012) *Ireland's Environment 2012 - An Assessment*. EPA, Wexford

² It applies to surface waters, i.e. lakes, rivers, transitional waters (estuaries) and coastal waters (up to one nautical mile from land) and to ground waters

³ Defined as biological conditions deviating only 'slightly' from those found under undisturbed conditions

⁴ McGarrigle, M., Lucey, J. & O' Cinnéide, M. (2010) *Water Quality in Ireland 2007-2009*. EPA, Wexford

41% of lakes failing those standards, illustrating the scale of activity that will be required in order to meet the objectives of the Directive.

More recently, the 2013 Integrated Water Quality (IWQ) report for the SE⁵ show that the south-east region of the country is suffering from high phosphate and nitrate levels: 59% did not attain good status with respect to nitrates. Similar was reported in the Louth/Monaghan region for 2011⁶, with only 5 river sites obtaining high quality status, with elevated levels of phosphate and nitrate being of particular concern in the remaining areas. Nitrates are of particular significance in terms of public health of drinking water supplies.

According to the EPA's March 2014 report '*Focus on Urban Waste Water Treatment in 2012*', urban waste water is still one of the principal causes of pollution of water resources in Ireland. The Urban Waste Water Treatment Directive (UWWTD) sets specific requirements for waste water treatment plants and specifies limits for certain parameters in associated discharges. The EPA report emphasises the fact that Irish Water is now responsible for ensuring compliance with this legislation. The report found that 83% of discharges to sensitive areas are not compliant with the Directive and that seven large urban areas did not meet the requirements of the Directive to provide the requisite secondary treatment or equivalent treatment:

- 3 of these 7 sites have an Urban Area Population Equivalent (UA PE) > 15,000 and therefore (per Article 4) should have been compliant by 31 Dec 2000: Killybegs (Estuarine); Ringaskiddy/Crosshaven/Carrigaline (Coastal); Arklow (Coastal);
- 1 of the sites has an UA PE 10,000 - 15,000 and therefore should have been compliant by 31 Dec 2005: Cork Cobh (Estuarine);
- 3 of the sites have an UA PE bet 2,000 - 10,000 and discharge to estuaries. Therefore they should have been compliant by 31 Dec 2005: Clifden (Estuarine); Youghal (Estuarine); Passage West/Monkstown (Estuarine);

In the context of this current unsatisfactory situation and the existence of the European Court of Justice case against Ireland regarding the UWWTD, provision of secondary treatment for these areas and wider compliance with the UWWTD should therefore be progressed by Irish Water as a matter of priority and this must be reflected in the WSSP.

4. OVER-ARCHING COMMENTS

4.1 Public Participation & the WSSP

In light of the importance of a clean and healthy water environment and the ongoing non-compliance issues and risks set out above, the 25-year Water Services Strategic Plan is an extremely significant document of national importance. SWAN welcomes the consultation on this via the SEA process. However, it is also vital that there is full public participation in the wider decision-making around the Plan beyond the SEA process, including investment prioritisation to address *inter alia*

⁵ EPA (2013) *Integrated Water Quality Report 2012, South East Ireland*. Environmental Protection Agency, Wexford.

⁶ EPA (2012) *Integrated Water Quality Report Monaghan and Louth 2011*. Environmental Protection Agency, Wexford

current inadequacies in urban waste water treatment. Whilst we acknowledge that there is no requirement in the Water Services (No. 2) Act for such participation, we believe that this omission runs counter to the requirements of the Aarhus Convention which requires that *'Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public'*.

Closely related to this are the welcome references to stakeholder involvement and engagement in the themes for proposed sections of the WSSP, as set out in the table in Appendix I. According to the table, the Introductory Section of the WSSP will include the theme of *'planning around you'* with *'Stakeholders centre-stage regarding priorities....'*. However it is unclear how such a central role for stakeholders in deciding priorities is to be facilitated, without a dedicated programme of public participation *'during the preparation of the plan'*, as required by the Aarhus Convention. The Irish Water Stakeholder Forum so far has been very much a high-level information exchange forum and due to its format and infrequent meetings, it doesn't effectively facilitate this central role for stakeholders.

In this context, SWAN would strongly urge Irish Water to initiate a full programme of public participation on the wider WSSP, to compliment the more top-down, limited consultation on the SEA. We would also advocate an amendment to the primary legislation to enshrine this in law.

4.2 Source protection and the catchment-based approach

The importance of the catchment-based approach to water resource management cannot be over-estimated and the commitment in the draft scoping report to reflect this in the WSSP and its SEA Environment Report is to be welcomed. The references to catchment protection and *'catchment-based solutions'* in various proposed sections of the WSSP, as set out in Appendix I are welcomed by SWAN. Integrated catchment management and the catchment-based approach are vital to achieving sustainable water management but they are complex and further research is needed in Ireland. It is vital therefore that Irish Water sets its priorities for this more specifically in the WSSP and SEA Environmental Report and makes a specific commitment in terms of resources so that this catchment based approach is not just limited to a theoretical aspiration but imbedded in Irish Water's programmes and activities via the WSSP. SWAN is looking forward to reading in the SEA Environmental Report how the catchment-based approach, including the consideration of cumulative pressures, is to be incorporated into the WSSP and associated implementation plans.

4.3 Consultation & Stakeholder participation: Timeline & Capacity Issues

SWAN welcomes the further opportunity to input when the draft WSSP and SEA Environmental Report are published. Figure 2.1 also provides a very useful overview of the tiered approach to water services planning and implementation and the further opportunities for input via the SEA and AA for the National Water Resources Management Plan and other implementation plans. However, it is important for Irish Water to note that notwithstanding SWAN's promotion of active stakeholder engagement, full participation in the Irish Water planning process is posing increasing capacity challenges for SWAN and SWAN members. It would be reasonable to assume that this is also the case for other not-for-profit / voluntary stakeholder sectoral interests. In order to facilitate full engagement of the environment and other such stakeholder groups,

there is a strong argument for the consideration of funding to address such capacity issues if full participation of key stakeholder groups is to be achieved.

On a more immediate note, we would also be very grateful if Irish Water could issue the timeline for the remaining consultation on the WSSP SEA, so that we may plan our work programme and resources around it. This is especially the case if it is likely to take place during the holiday months as we are dependent on one staff member responding to it.

5. SECTION-SPECIFIC COMMENTS

Section 3.3: Outcomes of the SEA

SWAN supports the additional outcomes (in addition to objectives relating to environmental protection) of the SEA process, as set out in this section: *'The adoption of procedures for the integration of planning and environmental considerations into water services planning'* and *'[t]he use of strategic environmental constraints mapping and assimilative capacity data'*. However, these are mooted as *'other outcomes'* which *'may'* be included. SWAN believes that procedures for integration of environmental considerations into water services are vital, as are the consideration of assimilative capacity in receiving waters. We would therefore propose a change of language to reflect a firmer commitment to both of these.

Section 3.5: What happens next?

Given the capacity constraints outlined above, SWAN requests that a timeline for remaining SEA consultation be issued for the purpose of stakeholder work planning.

Section 4.2 Environmental Sensitivities

The inclusion of the *'Status and quality of rivers, lakes, transitional, coastal, ground and bathing waters'*; the register of protected areas under the WFD and Freshwater Pearl Mussel Catchments are important - and welcome - as identified water-related environmental sensitivities. SWAN proposes that **Groundwater Dependent Terrestrial Ecosystems** under the WFD also be included. Because water status under the WFD includes the holistic ecological health of a water body, including its quantitative and hydro-morphological status, it is vital that in the full SEA Environmental Report these sensitivities are dealt with comprehensively. The physical (as well as water quality) impacts of infrastructure development related to the WSSP must be addressed, in addition to the environmental impacts of abstractions for water supply. These are particular risks / threats and must be identified as such in the SEA Environmental Report, due to the lack of a system of prior authorisation for either **abstraction** or **physical modifications**, both of which are required as basic measures under the WFD, but both of which are regrettably not yet in place in Ireland.

SWAN agrees that it is especially important to *'identify likely interactions with the River Basin Management Plans and associated Programmes of Measures'*. The SEA Environmental Report must recognise that the full implementation of the Urban Waste Water Treatment Directive is considered to be a Basic Measure in the WFD and thus must be included as

such in its River Basin Management Plans and Programmes of Measures. This obvious interaction and key legal requirement must be to the forefront when determining water services investment priorities and finalising the WSSP.

Section 4.5 Potential Environmental Effects

The inclusion of cumulative and synergistic environmental impacts is vital and their inclusion and assessment in the SEA Environmental Report is to be welcomed. This must take into account the assimilative capacity of receiving waters in the context of pressures from other sectors (agriculture, industry etc.). SWAN understands that research on this approach in Ireland is limited to date. SWAN proposes that **Irish Water commissions research on cumulative and synergistic impacts** for all receiving waters for which a significant risk of such impacts is identified, taking into account the precautionary principle.

Section 4.8 Alternatives

SWAN obviously favours the *'holistic, partnering approach'* over the *'Asset Centred Strategy'* outlined in this section, since this is very much in keeping with the position, articulated earlier in this submission, regarding stakeholder participation and the catchment-based approach.

APPENDICES

Appendix I

SWAN Member Organisations

SWAN National Groups		SWAN Regional & Local Groups	
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

Appendix II

SWAN Board of Directors

SWAN Board of Directors:	
Mark Boyden, Chair	Coomhola Salmon Trust
Eamonn Moore, Vice Chair	An Taisce
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	ECO-UNESCO
Mindy O'Brien, Director	Voice of Irish Concern for the Environment
Joachim Schaefer, Director	Cavan Leitrim Environmental Awareness Network