



Eastern River Basin District

Water Framework Directive Compliance Report 2009



eastern
river basin district

Introduction

The European Water Framework Water Framework Directive (WFD) 2000/60/EC came into force in 2000 and required each Member State to transpose it into domestic legislation. In Ireland it was enacted through the European Communities (Water Policy) Regulations 2003 (SI 722 of 2003) which has since been amended in 2005 and 2008. The full text of the Statutory Instrument can be found at www.wfdireland.ie.

Eight River Basin Districts were established in the island of Ireland based on natural catchment geography. The Eastern River Basin District included the 4 principal catchments:

- Boyne
- Liffey
- Nanny/Delvin
- Vartry/Avoca.

Each of these catchments includes other minor catchments as well as lakes and estuaries (transitional waters). In addition, all coastal and groundwaters within the District fall within the objectives of the Directive; these waters can cross catchment and District boundaries.

The work of the Eastern River Basin District (ERBD) was led by Dublin City Council, as coordinating authority, supported by their consultant CDM.

This document outlines the key requirements of each article of the WFD, those in the Irish Statute SI 722 and how each of these has been fully addressed.

Water Framework Directive **Article 1**: Purpose - establish a framework for the protection of all WFD designated water bodies.

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 1** - SI 722 of 2003 (as Amended) and **Article 3** - General duty of Public Authorities.

Requirements	Major Deliverables	Related Activities
Public Authorities to exercise their functions in a manner consistent with the provisions of the Directive and which achieves and promotes compliance with the requirements of the WFD.	Public Authorities participate on the non-statutory ERBD Technical Council to comply with SI No. 722 of 2003 Articles 3(1) (c) to 3(1)(f) inclusive and liaise with EPA in relation to Articles 3(2)(a) and 3(2)(b) re access to information, background documents and contact points.	Regular meetings of the Technical Council chaired by Dublin City Council being the Coordinating Authority of the Eastern River Basin District and comprising the Relevant public authorities cited in the First Schedule of SI No. 722 of 2003 ensure the effective activities of the WFD organisational framework within the ERBD.

Comment: **Local Authorities** acting jointly in the ERBD are establishing environmental objectives, programmes of measures and Advisory Councils and are making the necessary River Basin Management Plans. **Public Authorities** take measures appropriate to their function to promote/achieve implementation of the Directive/Regulations and encourage the active involvement of all interested parties. **The Minister and EPA** provide co-ordination and guidance at national level which is provided for within the established WFD framework.

Water Framework Directive **Article 2**: Definitions

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 2**: Interpretation.

Requirements	Major Deliverables	Related Activities
None	None	None

Comment: The WFD Definitions and SI No. 722 Interpretations are used consistently in all procedural and substantive matters associated with complying with the requirements of the WFD.

Water Framework Directive **Article 3**: Coordination of Administrative arrangements within River Basin Districts.

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 5** - River Basin Districts and **Article 6** - Competent Authorities.

Requirements	Major Deliverables	Related Activities
The ERBD and its constituent main rivers and sub-river basins are statutorily defined, delineated and precisely mapped in appropriate GIS format by EPA and described precisely in the Second Schedule of the transposing Regulations. The Competent Authorities are specified in Article 6(1) and the special co-ordinating role of EPA at national level and the designation of a Co-ordinating Authority in each RBD is also enshrined in law.	The EU has been officially notified of the RBD delineations and Competent Authority designations.	Dublin City Council as Co-ordinating Authority for the ERBD established official coordination links with each of the twelve (12) constituent Local Authorities in the ERBD who are the "relevant Local Authorities" re the establishment of Objectives, Programme of Measures and Advisory Council in the ERBD and for the making of the ERBD River Basin Management Plan.

Water Framework Directive **Article 4:** Environmental Objectives.Transposing Regulations SI No. 722 of 2003 as Amended: **Article 12** - Environmental Objectives and Programme of Measures.

Requirements	Major Deliverables	Related Activities
Objectives to be established by the 12 no. ERBD relevant authorities not later than 16th October 2009 in accordance with SI No. 722 of 2003 as amended by SI No. 219 of 2008 and now to be extended to 16th November 2009 by the Minister.	Each water body has been assigned an Objective such as "Good Status" for a specific target date based on the interim Classification assigned by EPA and other criteria such as the level of confidence in the data used to assign classification and the recovery/protection processes involved for that water body.	Water bodies have been designated as provisionally Artificial or Heavily Modified where appropriate and accordingly the Objective re "Potential" has been assigned for a stated target date for these water bodies.

Water Framework Directive **Article 5:** Characteristics of the River Basin District- anthropogenic impact/ economic analysis of water use.Transposing Regulations SI No. 722 of 2003 as Amended **Article 7** - Characterisation of River Basin District

Requirements	Major Deliverables	Related Activities
EPA to map, designate, categorise, provide differentiating typology and establish type-specific reference conditions for each water body and prepare the information in an appropriate GIS format. Relevant Local Authorities to undertake an analysis of the RBD Characteristics, a review of the impact of human activity on the status of waters and an economic analysis of water use by 22nd December 2004. Public Consultation to be undertaken.	Relevant Local Authorities acting jointly via Coordinating Authority and external Consultants engaged in a 6-month Public Consultation process and delivered to EPA all relevant documents by 22nd December 2004. EPA published and forwarded to Minister and the EU by 22nd March 2005.	The Characterisation process identified several areas where incomplete information and data gaps existed and accordingly a suite of Further Characterisation projects were identified as being essential in the establishment of Objectives and cost effective Programme of Measures and in the making of a realistic River Basin Management Plan for the ERBD.

Water Framework Directive **Article 6:** Register of Protected Areas.Transposing Regulations SI No. 722 of 2003 as Amended: **Article 8** - Register of Protected Areas.

Requirements	Major Deliverables	Related Activities
EPA to establish a Register of Protected Areas not later than 22nd December 2004 and subsequently keep the register under review and up to date.	Register of Protected Areas established as required by EPA.	Further studies scoped to address High Status water body sites and specific species that require special protection and the measures required.

Water Framework Directive Article 7: Waters used for the Abstraction of Drinking Water. Transposing Regulations SI No. 722 of 2003 as Amended: N/A.		
Requirements	Major Deliverables	Related Activities
Member States to identify within each RBD all bodies of water used for the abstraction of water intended for human consumption providing more than 10m ³ /day as an average or serving or serving more than 50 persons and those bodies of water intended for such future use.	Establishment of an Abstractions Register by EPA and identification of specific objectives and measures for water bodies used as the source for treatment to Drinking water quality standard. Aim to protect and enhance the source so as to reduce the level of purification treatment required in the production of drinking water. Safeguard Zones to be established where appropriate.	An Abstractions Pressure study was commissioned as part of the Further Characterisation Projects to specifically examine and propose a Regulatory regime for groundwater abstractions and a methodology to assess the impact of surface water abstractions on status.
Water Framework Directive Article 8: Monitoring of Surface Water Status, Groundwater Status and Protected Areas. Transposing Regulations SI No. 722 of 2003 as Amended Article 10 - Monitoring Programmes and Article 20 - Supervision of Public Authorities by EPA.		
Requirements	Major Deliverables	Related Activities
EPA to engage in Public Consultation and not later than 22nd June 2006 prepare a programme of monitoring of water status to provide a coherent and comprehensive overview of water status for RBD in relation to Abstractions and to all items specified in Article 8 of WFD.	Monitoring Programme issued by EPA as required specifying the nature, frequency and extent of monitoring to be carried out (quantitative and qualitative) by specific public authorities re all designated surface waters, groundwaters and waters in protected areas. Monitoring forwarded to Minister and to EU as required.	Relevant Local Authorities and Public Authorities endeavouring to assign staff and financial resources to comply with the Monitoring Programme and integrate with existing monitoring regimes. The Marine Institute is not in a position to comply with Article 10(8.)
Comment: A review of the Monitoring Programme will commence imminently by EPA as required by the Directive. In addition to reviewing the Monitoring Site locations, the EPA is also reviewing the water body split (especially where the water body is a long river stretch) in order to most effectively capture the cause/effect relationship and provide for the establishment of more cost effective.		
Water Framework Directive Article 9: Recovery of Costs for Water Services. Transposing Regulations SI No. 722 of 2003 as Amended: Article 11 - Cost recovery.		
Requirements	Major Deliverables	Related Activities
The relevant Local Authorities must take account of the principles of recovery of the costs of water services including environmental and resource costs in accordance with the polluter pays principle and the water use analysis at national level. They must also ensure that water-pricing policies and practices are in place in compliance with Article 9 of the WFD not later than 31st December 2009.	An Economics Study was identified as an important item arising in the suite of Further Characterisation Studies and a scope of work was agreed to include a comparative analysis of how these requirements are being addressed by other Member States.	The DEHLG appointed Goodbody Economists to establish a methodology for the application of Cost Effectiveness Analysis (CEA) and Disproportionate Cost Analysis (DCA) in arriving at the Objectives and Programme of Measures that is realistic and has appropriate justification in each instance where Good Status cannot be achieved by 2015.

Water Framework Directive **Article 10**: The combined approach for point and diffuse sources.

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 9** - Classification Systems and **Article 17** - Environmental quality standards for priority substances

Requirements	Major Deliverables	Related Activities
Member States to ensure that all discharges into surface waters are controlled according to the combined approach. EPA to engage in consultation and issue Classification Status not later than 22nd June 2006. EPA also to address environment quality standards for priority substances in the absence of agreement at EU level.	EPA has issued Interim Classification Status in July 2009 to facilitate the establishment of Objectives and Programme of Measures and the making of the River Basin Management Plans.	Work is ongoing in EPA in relation to Classification Methodologies, establishment of Reference Conditions and the establishment of Standards for a range of parameters including relevant pollutants and specific priority substances.

Comment: The GIGS meetings at EU level which are attended by EPA personnel continue to inform the Reference Conditions and Classification designations.

Water Framework Directive **Article 11**: Programme of Measures

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 12** - Environmental Objectives and Programme of Measures and **Article 20** - Supervision of Public Authorities by EPA.

Requirements	Major Deliverables	Related Activities
Programme of Measures to be established by the 12 no. ERBD relevant authorities following a 6-month statutory Public Consultation Phase not later than 16th October 2009 in accordance with SI No. 722 of 2003 as amended by SI No. 219 of 2008 and now likely to be extended to 16th November 2009 by the Minister.	A Draft Programme of Measures was completed in December 2008. A revised Programme of Measures including Basic and Supplementary Measures is now emerging from the Public Consultation Phase and the sought exemptions are being examined in detail and being assessed on the basis of Technical Infeasibility and/or Disproportionate Cost.	Briefings for all the ERBD constituent Local Authorities are planned for September 2009 to present the Final Programme of Measures at water body and at Water Management Unit level prior to the necessary adoption by 16th October 2009 as may be amended to 16th November 2009 by the Minister.

Comments: The Programme of Measures takes into account the parallel processes of Strategic Environmental Assessment and Appropriate Assessment (Habitats Directive) and addresses any Mitigation Measures arising from these necessary parallel statutory processes. A Draft Environmental Statement will issue with the Final Programme of Measures for adoption.

Water Framework Directive **Article 12**: Issues which cannot be dealt with at Member State Level

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 4** - Co-ordination, assistance and guidance by Minister

Requirements	Major Deliverables	Related Activities
A Member State may report an issue to the Commission or another Member State to effect the resolution of a pollution problem and the Commission will respond within 6-months. In Ireland the Minister coordinates the implementation of WFD across RBDs and together with the Competent Authorities in the State and in Northern Ireland in relation to International RBDs.	The three International RBDs on the island of Ireland namely Shannon, North-West and Neagh-Bann are delivering on Objectives, Programmes of Measures and Plans to the same time schedule as the RBDs wholly contained in either the State or in Northern Ireland.	The Common Implementation Strategy (CIS) Documents at EU level, the cooperation with SNIFFER and UKTAG and the National Guidance Documents on River Basin Management Planning provide a suite of guidance to allow harmonisation across RBDs and across international boundaries.

Water Framework Directive Article 13 : River Basin Management Plans. Transposing Regulations SI No. 722 of 2003 as Amended: Article 13 - River Basin Management Plans.		
Requirements	Major Deliverables	Related Activities
<p>River Basin Management Plans to be made by the 12 no. ERBD relevant authorities as a reserved function following a 6-month statutory Public Consultation Phase not later than 16th October 2009 in accordance with SI No. 722 of 2003 as amended by SI No. 219 of 2008 and now likely to be extended to 16th November 2009 by the Minister. If the deadline is not achieved the making of the Plan shall cease to be a reserved function and shall become an executive function exercisable by the managers of the relevant authorities.</p>	<p>The Draft River Basin Management Plan was completed by December 2008. A revised River Basin Management Plan is now emerging following the 6 month Public Consultation with all the bona fide submissions being addressed and a separate Submissions Report being prepared. The Final Plan will be the subject of briefings to all the ERBD constituent Local Authorities in September 2009 and will go forward for vote as stipulated. The Plan was supported by detailed PowerPoint presentations on the web site for each sub catchment or water body in the District which described the pressures, protected areas, programme of measures and target date to achieve GES.</p>	<p>The local authorities have been given access to a web based River Basin Management System designed to help them work through the WFD process for all waters in their jurisdiction.</p> <p>Many Local Authorities have more than one RBD in their jurisdictional area and accordingly it would be ideal to have harmony both in terms of Plan content and in terms of procedure for adoption. In many instances the Local Authorities are also producing their own Local Authority Plan as an extract from each of the relevant RBD Plans that coincide with the jurisdictional area.</p>
<p>Comment: The anomalies arising in Ireland as a result of our Local Government system and lack of tradition in relation to catchment management focus has been a constant difficulty notwithstanding the very good cooperation from all involved in cooperating at RBD level. There are no National Water Authorities or River Basin District Authorities in Ireland and accordingly no management structure or management control system with budget.</p>		

Water Framework Directive **Article 14**: Public Information and Consultation.

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 14** - Public information and consultation on Plan; **Article 16** - River Basin District Advisory Council (SI 413 of 2005); **Article 19** – Websites.

Requirements	Major Deliverables	Related Activities
<p>In addition to Consultation on the Characterisation process and the Monitoring Programme the relevant authorities must prepare and publish for 6-month statutory consultation a) by 22nd June 2006 a timetable and work programme for the production of a RBMP including a statement as to the consultation measures to be taken, b) by 22nd June 2007 an overview of the significant water management issues identified in the RBD and c) not later than 22nd December 2008 (amended by SI 219 of 2008) draft copies of the RBMP. An Advisory Council must be established not later than 22nd December 2004 by the relevant authorities. The relevant Local Authorities and EPA shall establish websites with all relevant background documents, maps, reports and information.</p>	<p>All requirements in relation to Public Information and Consultation, the establishment of RBD Advisory Councils and the provision of appropriate websites have been addressed and there is full compliance with the WFD in this regard. Local Elections in June 2008 resulted in the dissolution of the Advisory Council at a critical time when the River Basin Management Plan needs to be made as a reserved function of the newly elected members to each of the ERBD constituent Local Authorities. It is planned to establish a new Advisory Council in late 2009 or early 2010.</p>	<p>Many of the Co-opted Members onto the old Advisory Council represented specific sectors and interested parties and the Public Consultation phase did include these sectors. An invitation to the constituent Local Authorities to nominate two Appointed Members each will shortly issue and a competition for Co-opted Members will ensue shortly thereafter.</p> <p>In addition to the statutory deliverables numerous local meetings were held throughout the District and public information days held to publicise and explain the draft significant water management issues report and the draft river basin management plan.</p>

Water Framework Directive **Article 15**: Reporting.

Transposing Regulations SI No. 722 of 2003 as Amended: **Article 15** - Progress Reports.

Requirements	Major Deliverables	Related Activities
<p>The EPA must submit a Report on the Plans to the Minister by 16th December 2009 and the Minister can then decide to forward to EU or take other measures as prescribed. The EPA is the Competent Authority for the purposes of reporting to the European Commission. The relevant Local Authorities must send to the EPA an interim report describing progress in the implementation of the Programme of Measures not later than 30-months after a Plan or update Plan comes into effect.</p>	<p>The Coordinating Authority acting jointly with the constituent Local Authorities in the ERBD is on track to deliver the Final Plan (and associated Programme of Measures) to the Local Authorities for adoption as a reserved function in accordance with the current Regulation notwithstanding that a likely 1-month extension by the Minister has been notified. The EPA has asked for the Plans as soon as possible due to the very short time for EPA to report to the Minister.</p>	

Water Framework Directive Article 16 : Strategies against Pollution of Water Transposing Regulations SI No. 722 of 2003 as Amended:		
Requirements	Major Deliverables	Related Activities
None	None	None
Water Framework Directive Article 17 : Strategies to prevent and control pollution of Groundwater. Transposing Regulations SI No. 722 of 2003 as Amended: Article 18 - Criteria for assessment of Groundwater.		
Requirements	Major Deliverables	Related Activities
The EU requires the prevention and control of groundwater pollution and the achievement of good groundwater chemical status. The EPA must, in the absence of the adoption at European Community of criteria in relation to Groundwater for the purposes of Article 17 of the Directive, make recommendations to the Minister not later than 22nd September 2005 as to the criteria which should be established for that purpose.	The EPA has complied with the requirements of the WFD in relation to setting criteria for groundwaters. The EPA has initiated a national source water protection study. The River Basin Management Plan includes measures for each groundwater body.	The Groundwater aspects of the Diffuse Mobile Organics Study, the Urban Pressures Study and the Abstractions Pressures Study (under the suite of Further Characterisation Studies) all contributed alongside other specific Groundwater Projects to inform the Groundwater personnel at EPA re the criteria most appropriate in Ireland to be set to achieve good chemical status.
Water Framework Directive Article 18 : Commission report Transposing Regulations SI No. 722 of 2003 as Amended: N/A		
Requirements	Major Deliverables	Related Activities
The EU Commission must publish a report on the implementation of the Directive at the latest by 22nd December 2012 and every 6-years thereafter and submit it to the European Parliament and to the Council. The Commission must also publish a report on progress in implementation based on the summary reports that Member States submit under Article 15(2) and submit it to the European Parliament and the Member States at the latest 2-years after the Article 5 and Article 8 deadlines.		
Water Framework Directive Article 19 : Plans for Future Community Measures. Transposing Regulations SI No. 722 of 2003 as Amended: N/A		
Requirements	Major Deliverables	Related Activities
Once a year, the Commission must for information purposes present to the Regulatory Committee an indicative plan of measures having an impact on water legislation which it intends to propose in the near future, including any emerging from the proposal, control measures and strategies developed under Article 16 (Strategies against pollution of water).		

Water Framework Directive Article 20 : Technical Adaptations to the Directive Transposing Regulations SI No. 722 of 2003 as Amended: <i>N/A</i>		
Requirements	Major Deliverables	Related Activities
None	None	None
Water Framework Directive Article 21 : Regulatory Committee Transposing Regulations SI No. 722 of 2003 as Amended: <i>N/A</i>		
Requirements	Major Deliverables	Related Activities
None	None	None
Water Framework Directive Article 22 : Repeals and Transitional provisions Transposing Regulations SI No. 722 of 2003 as Amended: <i>N/A</i>		
Requirements	Major Deliverables	Related Activities
None	None	None
Water Framework Directive Article 23 : Penalties Transposing Regulations SI No. 722 of 2003 as Amended: <i>N/A</i>		
Requirements	Major Deliverables	Related Activities
Member States must determine penalties applicable to breaches of the national provisions adopted pursuant to the WFD. The penalties thus provided for must be effective, proportionate and dissuasive.		
Water Framework Directive Article 24 : Implementation Transposing Regulations SI No. 722 of 2003 as Amended: S.I. No. 722 of 2003 as amended by S.I. No. 413 of 2005 (Establishment of Advisory Councils) and S.I. No. 219 of 2008 (Extension of Deadlines)		
Requirements	Major Deliverables	Related Activities
Member States must bring into force the laws, regulations and administrative provisions necessary to comply with the Directive at the latest 22 December 2003.	All necessary national legislation transposing the WFD into Irish law has been enacted to fully comply with the requirements of the WFD.	
Water Framework Directive Article 25 : Entry into force Transposing Regulations SI No. 722 of 2003 as Amended: <i>N/A</i>		
Requirements	Major Deliverables	Related Activities
None	None	None
Water Framework Directive Article 26 : Addresses Transposing Regulations SI No. 722 of 2003 as Amended: <i>N/A</i>		
Requirements	Major Deliverables	Related Activities
None	None	None



Comhshaoil, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



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Dublin City Council
Comhairle Cathrach Bhaile Átha Cliath



comhairle chontae na mí
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