

Managing Our Shared Waters

A Joint North/South Consultation Paper on
International River Basin Districts and
Administrative Arrangements for Implementation of the
EC Water Framework Directive (2000/60/EC)

March 2003

CONTENTS

	Page
Joint Ministerial Foreword	1
Part One	
Introduction	
Background	3
Consultation Paper	3
Invitation to Comment	3
Closing Date	4
Further Information	4
Part Two	
Requirements of the Directive	
Water Framework Directive	5
Co-ordination and Common Approaches	5
River Basins: Internal	5
River Basins: Cross-border	6
Subsidiarity	6
Part Three	
Implementation Proposals	
North/South Co-ordination	9
Co-ordination Group of Officials	9
International River Basin Districts (IRBDs)	10
Participation by Interested Parties	10
Part Four	
Questions	
Questions	13
Annex 1. Key Implementation Deadlines	15
Annex 2. Map 1. Cross Border River Basins	17
Map 2. Proposed International River Basin Districts and River Basin Districts	19
Map 3. Hydrometric Areas	21
Annex 3. Description of IRBDs	23

Foreword

The EC Water Framework Directive, which came into force on 22 December 2000, is widely regarded as the most important piece of European water legislation ever. It establishes a new, integrated approach to the protection, improvement and sustainable use of Europe's rivers, lakes, estuaries, coastal waters and groundwaters. It proposes a system of water quality management based on natural river catchments. All Member States have expressed a commitment to implement the Directive in a way that achieves the best possible balance between the protection and improvement of the water environment and the interests of those who depend on it for their prosperity and quality of life.

Within the European Union there are many river basins which are shared between Member States. An important feature of the Directive is the planning mechanism – what the Directive refers to as international river basin management plans – by which these States can co-operate to ensure that water quality targets are met.

Implementation of the Directive on the island of Ireland presents us with the opportunity to co-operate, North and South, on the sustainable management of our water environment. As a first step, our relevant Departments – the Department of the Environment in the North and the Department of the Environment and Local Government in the South – have proposed the delineation of three international river basin districts within which appropriate administrative arrangements must be in place to ensure that water management is co-ordinated in accordance with the Directive.

The publication of this Joint Consultation Paper marks an important step in translating the Water Framework Directive into practical action on the island of Ireland. It identifies the three international river basin districts proposed by our Departments, and invites your views on how best to protect and conserve these shared river catchments. The Paper is being sent to a wide range of interested parties including agricultural, commercial, industrial, recreational and community interests, environmental organisations and individual citizens. We look forward to receiving your responses.

Martin Cullen TD
Minister for the
Environment and Local
Government

Angela Smith MP
Parliamentary Under-Secretary of State
at the Northern Ireland Office

PART ONE

INTRODUCTION

Background

- 1.1 **Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy** came into force on 22 December 2000. The Directive is generally known as the Water Framework Directive and provides for a new system for the protection and improvement of Europe's water environment. The general arrangements being made or proposed for implementation of the Directive were the subject of –
- two information and consultation seminars in the Republic of Ireland presented by the Department of the Environment and Local Government in November and December 2001; and
 - a Consultation Paper in Northern Ireland issued by the Department of the Environment in March 2002 and four subsequent local consultation seminars.

Consultation Paper

- 1.2 The purposes of this Consultation Paper are specifically to –
- outline the arrangements being proposed by public authorities North and South for implementation of the Directive in relation to cross-border river basins on the island of Ireland; and
 - invite the views of interested parties in relation to the proposed arrangements.

Invitation to Comment

- 1.3 If you wish to offer any comments for consideration, please send them to one or both of the addresses given below. Your comments are invited in particular in relation to the specific questions set out in Part 4. As this is a joint consultation exercise all responses will be made available North and South. The addresses to which responses should be sent are: -

Mr Andy Bogie
Water Quality Section
Department of the Environment and Local Government
Custom House
Dublin 1
Email: Andrew_Bogie@environ.irlgov.ie
Telephone: 01-8882317

Mr Geoff O'Donnell
Department of the Environment
Environmental Policy Division
20-24 Donegall Street
Belfast
BT1 2GP
Email: geoff.odonnell@doeni.gov.uk
Telephone: 028 9054 4552
Textphone: 028 9054 0642

Closing Date

- 1.4 The closing date for receipt of responses is 30th May 2003.

Further Information

- 1.5 This Consultation Paper contains summary information in relation to certain aspects of the Directive of special relevance to cross-border waters. The Directive is available on the website of the European Union (www.europa.eu.int/eur-lex/en/index.html).

PART TWO

REQUIREMENTS OF THE DIRECTIVE

Water Framework Directive

- 2.1 The Directive provides for a new, strengthened system for the protection and improvement of water quality and dependent ecosystems. It aims at maintaining “high status” of waters where it exists, preventing any deterioration in the existing status of waters and achieving at least “good status” in relation to all waters by 2015. The status of waters will be determined by reference to chemical and biological criteria (which together form an assessment of ecological status) in the case of surface waters, and chemical and quantitative criteria in the case of groundwaters. The Directive sets a demanding timescale for implementation. Some of the key tasks and implementation deadlines are set out in Annex 1.

Co-ordination and Common Approaches

- 2.2 An objective of the Directive is to promote common approaches, standards and measures for water management across Member States of the European Community and to provide for the monitoring of water status on a systematic and comparable basis throughout the Community. It also aims at ensuring that water management is co-ordinated on the basis of whole river basins i.e. by reference to the natural, environmental unit rather than by reference to administrative or legal boundaries, which often fragment river basins.

River Basins: Internal

- 2.3 With the aim of ensuring that water management is structured on the basis of whole river basins, the Directive requires each Member State to identify the individual river basins lying within its territory and to assign these basins to River Basin Districts (RBDs) which would serve as the main “administrative areas” for implementation of the Directive (Article 3.1).
- 2.4 The Directive gives wide discretion to each Member State for the delineation of RBDs in their national territory provided that each RBD includes either one whole river basin or a group of neighbouring river basins (together with their associated groundwaters and coastal waters).
- 2.5 The facility to combine adjacent river basins into a single RBD is an important provision as it helps to ensure that resources can be applied in a cost-efficient manner to a coherent area for water management.

- 2.6 The Directive requires that a single River Basin Management Plan be prepared in relation to each RBD within a Member State (Article 13.1).

River Basins: Cross-border

- 2.7 The Directive aims at achieving a co-ordinated river basin approach to water management even where river basins are divided by national boundaries. For this purpose the Directive requires that a river basin covering the territory of more than one Member State is assigned to an International River Basin District (IRBD) (Article 3.3). The Member States concerned must together ensure that the requirements of the Directive, and in particular all programmes of measures, are co-ordinated for the whole of the IRBD (Article 3.4). The Member States concerned must also ensure co-ordination with the aim of producing a single International River Basin Management Plan for each IRBD (Article 13.2). If this is not possible a river basin management plan must be established for the portion of an IRBD lying within each Member State.
- 2.8 The Directive allows Member States discretion for the delineation of IRBDs to ensure that cross-border river basins, including if appropriate some neighbouring internal river basins, are managed as effectively as possible.
- 2.9 The requirements of the Water Framework Directive (WFD) in relation to cross-border river basins are of special significance for authorities in Ireland, North and South, given that –
- substantial areas in each jurisdiction lie within cross-border river basins (see Map 1 at Annex 2)
 - the waters from substantial areas of each jurisdiction flow into or through the other jurisdiction;
 - in relation to rivers and lakes, the whole island of Ireland is designated as a single ecoregion (Ecoregion 17 under WFD, Annex XI, Map A): this will require a high degree of co-ordination between authorities, North and South, to ensure consistent management of the entire aquatic environment; and
 - all coastal and transitional waters surrounding the island of Ireland are also included in one ecoregion (Ecoregion 1 under WFD, Annex XI, Map B) and must similarly enjoy a high level of co-ordination in their management.

Subsidiarity

- 2.10 The Directive makes it clear that individual Member States carry full responsibility for ensuring implementation of all aspects of the Directive in relation to their national territory including any part of an “international river basin district” which lies within their national territory (e.g. Article 5.1,

11.1, 13.2, 13.3, 15.1). Consistent with the principle of subsidiarity, the Directive generally allows Member States wide discretion as to the manner of implementation at local, regional, national or international level. It does not require the establishment of any new authorities or any transfer of functions between authorities. The need for, or the desirability of, any such approach is a matter for the Member State concerned.

- 2.11 In relation to cross-border river basins, the principle of subsidiarity is reflected by the flexible nature of the Directive, which, while requiring co-ordination between Member States, does not prescribe the mechanisms for such co-ordination. The Directive does not, for example, require the establishment of joint bodies on a formal or statutory basis but allows the Member States concerned to develop and implement, by agreement, joint or common approaches to water management in relation to shared river basins or, indeed, in any areas.

PART THREE

IMPLEMENTATION PROPOSALS

North/South Co-ordination

- 3.1 It is proposed that the arrangements for implementation of the Water Framework Directive in relation to cross-border waters, and more generally, will be co-ordinated on a bilateral basis at Ministerial level by the Minister with responsibility for the Environment (North) and by the Minister for the Environment and Local Government (South). Public authorities involved in aspects of water management, North and South, will continue to discharge their existing statutory functions and will participate in co-ordination arrangements established by the Ministers. The Ministers will have regard to any guidance becoming available at European Community level and to developments and experience in Ireland, the United Kingdom generally and other EU Member States.

Co-ordination Group of Officials

- 3.2 The Ministers will be assisted in their task of implementation by a North/South Water Framework Directive Co-ordination Group. This group will comprise officials acting on a non-statutory basis and drawn from: -
- the Department of the Environment (DOE) and its Agency, Environment and Heritage Service (EHS) in the North;
 - the Department of the Environment and Local Government (DELG) and the Environmental Protection Agency (EPA) in the South; and
 - other government departments, their agencies and relevant organisations, North and South, with responsibility for implementation of the Directive.
- 3.3 The Co-ordination Group will establish such technical, advisory or other expert groups as may be necessary to support its work, within a general framework approved by the Ministers. A number of groups are already operating on a specialist technical basis in relation to the co-ordination of particular aspects of the Directive in UK, Ireland and at EU level, including appropriate North/South groups. Irish and UK officials participate in meetings of UK and Irish technical groups, respectively. The objective of these activities is, as required by the Directive, to –
- establish a water quality monitoring and management system in relation to each IRBD / RBD
 - provide the baseline information required for development of river basin management plans

- identify all significant impacts on water quality and quantity, set quality objectives and identify and put in place the necessary monitoring and management measures to achieve these objectives
- to promote and facilitate participation by all interested parties in the implementation of the Directive, particularly in relation to the preparation of river basin management plans.

International River Basin Districts (IRBDs)

3.4 It is proposed that the cross-border river basins, and other small adjacent river basins, be arranged in groups which form a total of three International River Basin Districts as illustrated at Map 2 in Annex 2.

These IRBDs are: -

- the Shannon IRBD comprising the Shannon river basin together with related, small coastal river basins in counties Clare and Kerry
- the Neagh Bann IRBD comprising the Lough Neagh and River Bann basins and including those river basins draining to the outer estuarine limits of Dundalk Bay (rivers Fane, Castletown, Cully Water, Kilcurry, Ballymascanian and Flurry) and Carlingford Lough (Newry river), and
- the North Western IRBD, comprising the Erne and Foyle river basins, together with the basins of Lough Melvin, Bradoge river, Lough Swilly and related small coastal river basins in west County Donegal.

3.5 These IRBDs include the appropriate coastal waters as defined by the Directive i.e. to a distance of one nautical mile from the baseline from which the extent of territorial waters is measured. They also include their associated groundwaters.

3.6 To a large extent, the proposed IRBDs are delineated on the basis of the grid of 40 hydrometric areas identified by the relevant authorities North and South in the 1970s for the purpose of water management. The hydrometric areas are illustrated at Map 3 in Annex 2.

3.7 The three proposed IRBDs, together with the proposed five separate RBDs internal to either the North or South, would group the 400 (approximately) river basins in Ecoregion 17 (i.e. the whole island of Ireland) into a total of eight river basin districts. All of these districts are illustrated at Map 2 in Annex 2.

3.8 A more detailed description of the proposed IRBDs is set out in Annex 3 and includes some notes on the basis for assignment of particular areas.

Participation by Interested Parties

3.9 A particular objective is to encourage and facilitate participation by all interested parties in the implementation of the Directive generally and especially in relation to the development of proposals for River Basin

Management Plans. It is desirable that interested parties should participate at the earliest stages of implementation of the Directive and not merely in relation to the development of River Basin Management Plans. This consultation exercise is intended to inform, and hopefully assist, participation by interested parties including agricultural, commercial, industrial, recreational and community interests, environmental organisations and individual citizens. It is envisaged that a broad range of activities will be required to facilitate public participation and suggestions are especially invited as to the most appropriate ways in which participation by all interested parties can be encouraged and facilitated.

PART FOUR

Questions

- 4.1 Following are some specific questions which arise from the proposals set out above and comments are especially invited in relation to these questions together with any general or other comments: -
1. What implications does the delineation of these IRBDs have for you, your business or your statutory obligations?
 2. In what ways do you think that statutory and non-statutory agencies should work together to deliver the requirements of the Directive?
 3. We recognise the need to develop mechanisms for improved coordination in water management. Have you any suggestions which would help to inform or support this process?
 4. What suggestions do you have as to the most appropriate methods for encouraging and facilitating participation in water management by interested parties?
 5. The proposed seaward limit of IRBDs is set, in accordance with the Directive, at one nautical mile from the baseline. Do you have any reasons which would require that, for practical management purposes, this limit should be extended to cover a wider area?

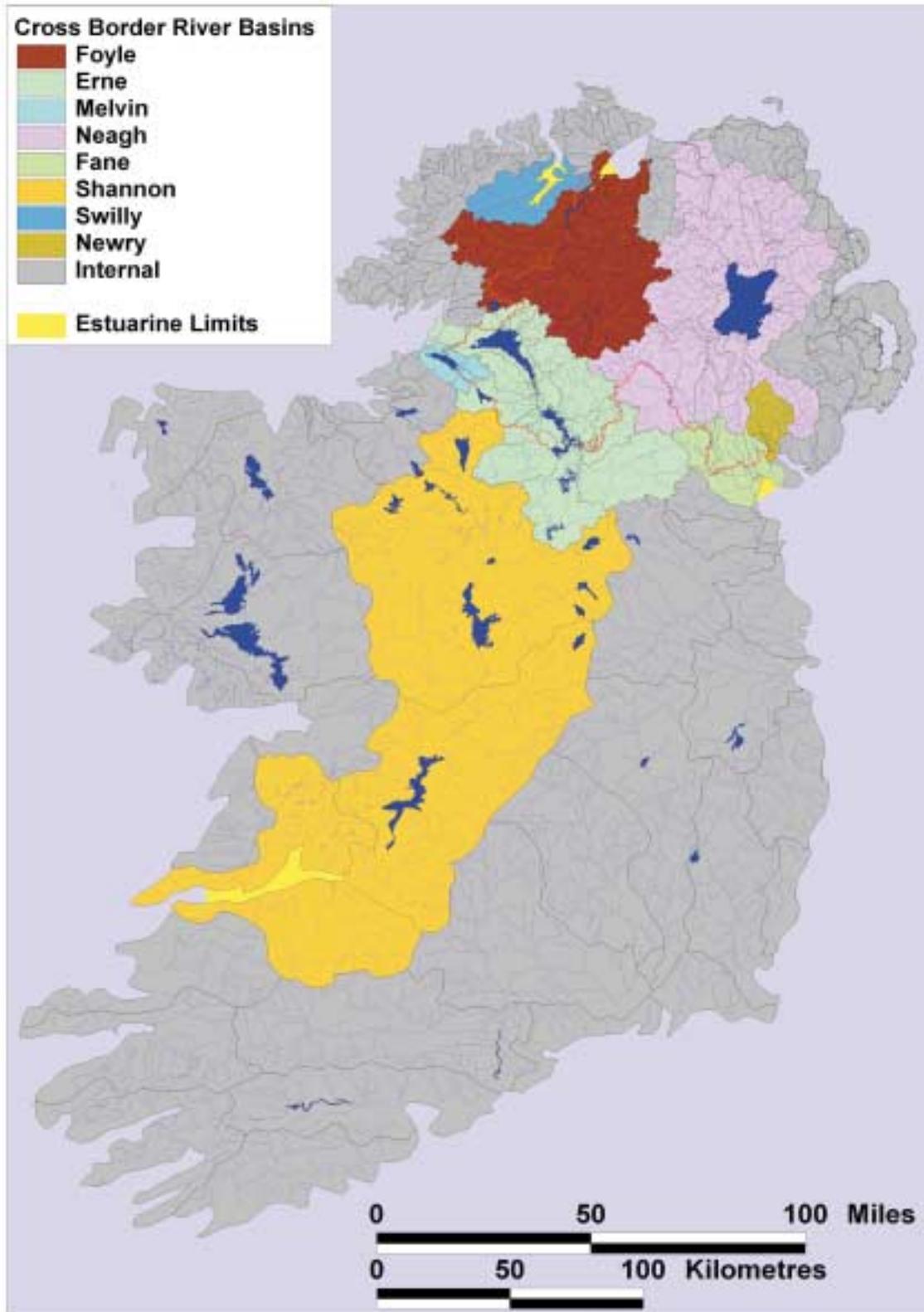
WATER FRAMEWORK DIRECTIVE

KEY IMPLEMENTATION DEADLINES

Deadline	Action Required
December,	
2000	• Directive enters into force.
2003	• Directive to be transposed into national law. • IRBDs and RBDs to be identified. • Competent authorities to be identified.
2004	• Characterisation of surface and groundwaters to be completed. • Impacts of human activity (industry, farming etc) to be identified. • Economic analysis of water use to be completed. • Location and boundaries of water bodies to be identified. • Reference conditions for water status to be defined. • Register of protected areas to be established.
2006	• Environmental monitoring to be established and operational to ensure comprehensive view of water quality in each RBD. • Work programme for production of River Basin Management Plans (RBMPs) for each RBD to be published.
2007	• Interim overview of the significant water management issues for each RBD to be published.
2008	• Draft RBMPs to be published for consultation.
2009	• RBMPs to be finalised and published. • Programmes of measures to be established in each RBD to meet environmental objectives.
2010	• Water pricing policies to be in place.
2012	• Programmes of measures to be fully operational. • Interim progress reports to be prepared on implementation of planned programmes of measures.
2015	• Main environmental objectives to be met. • RBMPs to be reviewed and updated every six years thereafter.

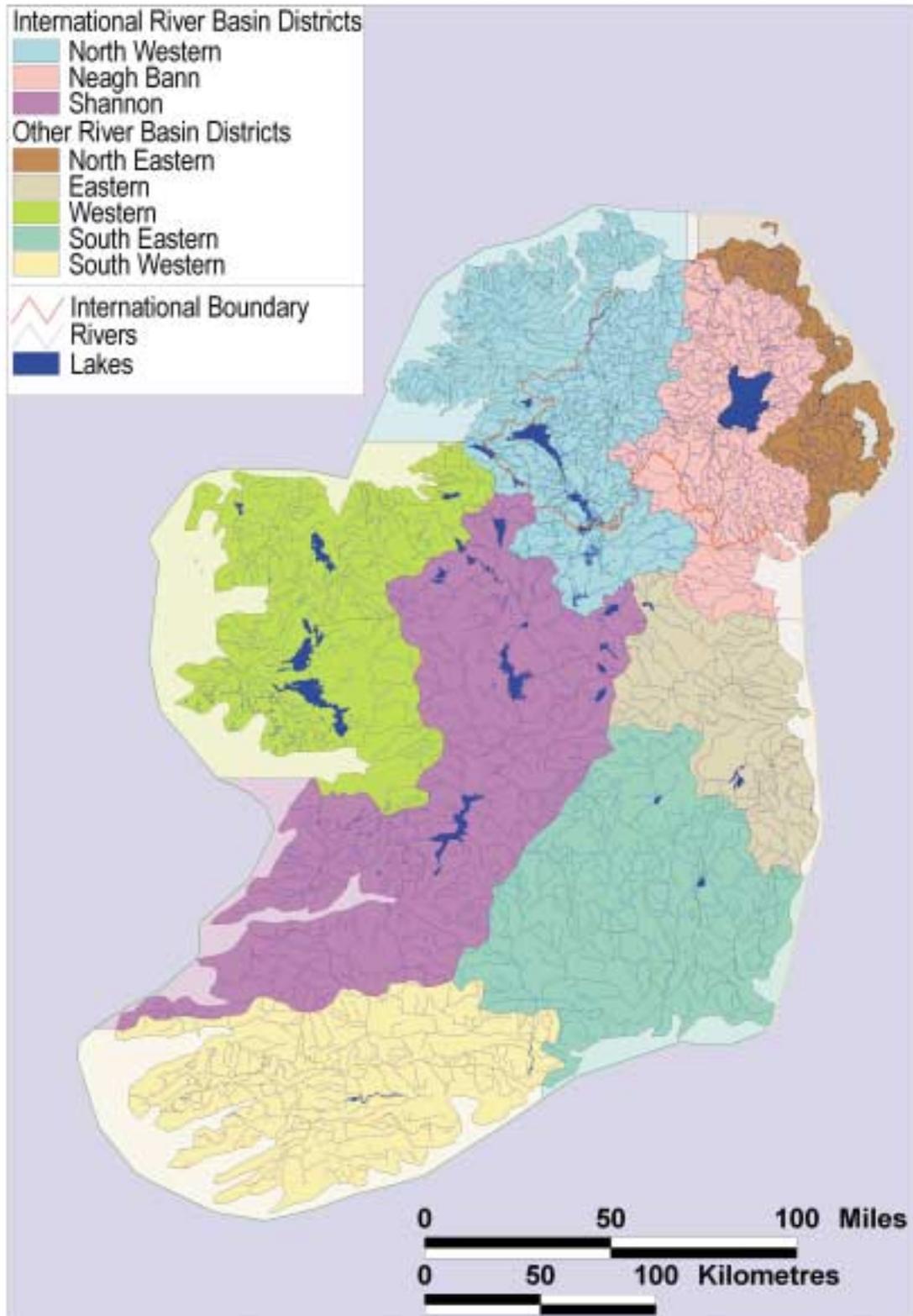
Map 1.

Cross Border River Basins



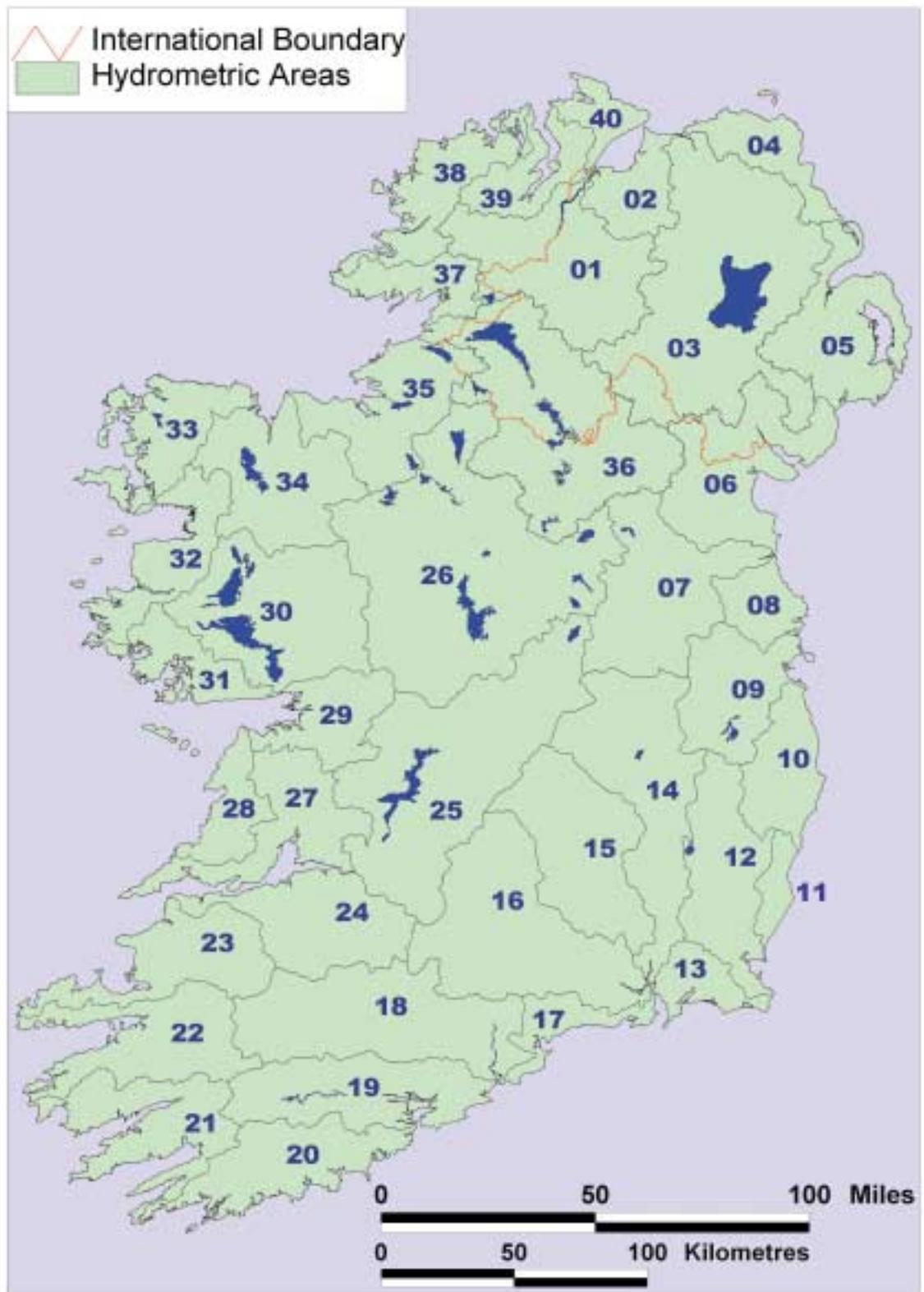
Map 2.

Proposed International River Basin Districts and River Basin Districts



Map 3.

Hydrometric Areas



DESCRIPTION OF PROPOSED IRBDS

1. Following is a description of the proposed International River Basin Districts (IRBDs) and some factors influencing their delineation.

Shannon IRBD

2. The proposed Shannon IRBD is based on hydrometric areas 23 to 28 inclusive and comprises the land area (including associated coastal waters and groundwaters) of the River Shannon basin and adjoining coastal river basins along the Clare and Kerry coastlines. An area of approximately six square kilometres at the headwaters of the River Shannon basin lies within Northern Ireland (in the vicinity of Killykeeghan, County Fermanagh). Regardless of the fact that this represents a very small percentage of the catchment, the entire river basin must be identified within an IRBD to comply with the requirements of the Water Framework Directive. The small river basins along the Clare and Kerry coastlines (i.e. hydrometric areas 23 and 28) are included with a view to facilitating co-ordinated management of coastal waters and cost-effective administration by the competent authorities.

Neagh Bann IRBD

3. The proposed Neagh Bann IRBD is based on hydrometric areas 03 and (most of) 06 and comprises the land area (including associated coastal waters and groundwaters) of the Lough Neagh and River Bann basins together with numerous small river basins draining to Carlingford Lough and Dundalk Bay. This delineation facilitates the co-ordinated management of Carlingford Lough and Dundalk Bay as whole units.

North-Western IRBD

4. The proposed North-Western IRBD is based on hydrometric areas 01, 02, 36, 37, 38, 39, 40 and the northern portion of hydrometric area 35 and comprises the land area (including associated coastal waters and groundwaters) of the Lough Foyle, River Erne, Lough Swilly and Lough Melvin basins including adjacent small coastal river basins in West Donegal. The areas in West Donegal are included with a view to facilitating co-ordinated management of coastal waters and cost-effective administration by the competent authorities.