

Preface and Acknowledgements

Preface

The European Union Water Framework Directive (WFD) requires of all member countries a comprehensive, integrated, basin-based approach to water management.

The aims of the WFD include:

- Expanding the scope of water protection to all waters, including surface water, groundwater, transitional waters and coastal waters
- Achieving at least “good status” for all waters by a set deadline
- Water management based on river basin districts
- A combined approach of emission limit values and quality standards
- Getting citizens more directly involved.

In Ireland, the Eastern River Basin District (ERBD) is the area within hydrometric areas 7 – Boyne, 8 – Nanny, 9 – Liffey, and 10 – Vartry-Avoca. The land area is 6, 263 km². There are 13 territorial (city, county and borough) authorities in the area including Dublin City.

Water quality management plans have previously been prepared for the Boyne, Tolka and Liffey Rivers and for Dublin Bay. The Three Rivers Project for monitoring and management of the Boyne and Liffey Catchments has recently been completed.

Acknowledgement

CDM wishes to acknowledge the many authorities, organisations and individuals whose assistance contributed directly or indirectly to the preparation of this report. In particular we acknowledge the work carried out by the consultant teams for the South Eastern River Basin District (SERBD) Management Project and the Shannon River Basin District (SRBD) Management Project, EG Pettit & Company and Kirk McClure Morton. We have relied on the initial research carried out for these projects, in particular by Kirk McClure Morton for the SERBD project. We have also relied on the assistance provided by Dublin City Council and other participating Local Authorities and on the material provided by the Department of Environment, Heritage and Local Government, the Environmental Protection Agency, and the European Union on the Water Framework Directive and other EU and Irish water management policies

Final Background Policy, Legislation and Authorities Report

Executive Summary

Introduction

The overall objective of the ERBD Management Project is to establish an integrated monitoring and management system for all waters within the ERBD, to develop a dynamic programme of management measures and to produce a River Basin Management (RBM) Strategy that can be continually updated to:

- Prevent further deterioration and protect aquatic ecosystems and groundwater
- Promote sustainable water use
- Provide enhanced protection of the aquatic environment , and
- Assist in compliance with EU directives and national legislation.

In June 2003, the Dublin City Council, as the coordinating authority for the ERBD, appointed CDM to execute the following scope of work for the four-year project:

- Develop background information on policy, legislation and authorities
- Characterise the ERBD
- Develop a RBM System, including a monitoring system, a geographical information system, a programme of measures, a public awareness and consultation programme, and an environmental management system
- Coordinate initial implementation of the RBM system
- Prepare a comprehensive river basin management strategy
- The report will summarise statutory authority, geographical jurisdictions, competencies, roles and responsibilities. It will identify areas of overlap, compatibility and conflict. For each category of authority the Consultant will identify responsibilities for data collection, water allocation, reporting, quality control, policy setting, enforcement, financing and public outreach.

This report describes the policies, legislation and authorities, both European and Irish, which guide, inform, drive and which ultimately will provide the context for implementing the Eastern River Basin District Management Project.

Policies – EU and Irish

Protection of water has long been a priority for the European Union (EU) Commission. Prior to Water Framework Directive (WFD), water policy and legislation used the Water Quality Objective (WQO) approach or the Emission Limit Value (ELV) approach for the protection of water. Since the implementation of the Water Framework Directive, EU policy is framed in a Combined Approach in which a programme of measures will both limit values and control emissions with a focus on achieving good water quality. There are two central aspects to this new water policy: firstly to make Europe's waters cleaner and keep them that way; and secondly, to have the citizen integrally involved in this process. The WFD acknowledges that the best model for a single system of water management is management by river basin - the natural geographical and hydrological unit - instead of according to administrative or political boundaries. Since 1977, the direction of Irish policy toward water management has been towards planning on an integrated basis to include surface and ground waters, as well as estuarine and tidal waters. This fits well with the combined approach using river basin management districts mandated by the Water Framework Directive. The ERBD project is an example of Ireland's implementation of this model, crossing administrative boundaries that include 13 local authorities, to prepare a river basin management strategy.

Legislation – EU and Irish

On the 22nd December 2003 the EU Water Framework Directive was fully transposed into Irish Law by the passing of the European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003). These Regulations establish a new framework for the management and protection of water quality in Ireland by reference to river basin districts and put in place competent authorities to provide a combined approach for the implementation of the Water Framework Directive. Other National Legislation is also in place to bring into effect most EU Directives concerning the management of water.

The most notable exception being the Nitrates Directive (91/676/EEC) concerning the protection of waters against pollution caused by nitrates from agricultural sources which was to have been transposed into Irish law by 1995. The European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations, 2003 (S.I. No. 213 of 2003) made by the Minister for the Environment, Heritage and Local Government on 29 May, 2003 formally identified the "whole country" as the area to which an action programme under the Nitrate Directive will be applied, thereby designating the entire country as a nitrate vulnerable zone. A draft action programme under the EU Nitrates Directive was prepared on December 19, 2003. The national action programme will be the subject of a consultation process with the main farming organisations and other stakeholders.

Existing legislation provides for the designation of certain waters and areas that must comply with specific statutory environmental quality standards as a consequence of their particular beneficial uses. Within the Eastern River Basin District these include: Designated Bathing Waters; Sensitive Waters; Salmonid Waters; Shellfish Waters; Blue Flag Beaches and Marinas (2002) (see www.blueflag.org); Special protection areas for birds; and Special Protection Areas and Special Areas of Conservation under Natura 2000.

Authorities– EU and Irish

EU authorities, including the Commission, the Council of Ministers and the Parliament, are chiefly relevant to the ERBD inasmuch as they will promulgate new EU legislation required by the Water Framework Directive or deriving from the same policies as the Water Framework Directive or for the role they may play in ensuring compliance with the Water Framework Directive.

The European Communities (Water Policy) Regulations, 2003 specifies that the principal Irish Authorities in relation to the ERBD are the Minister for the Environment, Heritage and Local Government (DEHLG), the Environmental Protection Agency (EPA) and the 13 Local Authorities (Dublin City Council, Wicklow County Council, Meath County Council, Kildare County Council, Fingal County Council, South Dublin County Council, Dun Laoghaire/Rathdown County Council, Louth County Council, Offaly County Council, Wexford County Council, Westmeath County Council, Cavan County Council and Drogheda Borough Council) within whose areas the ERBD is situated. The Minister of the Environment, Heritage and Local Government plays a key role in promoting the co-ordinated implementation of the Directive across all river basin districts in the State and across international river basin districts in association with the competent authorities in the State and Northern Ireland. The DEHLG is sponsoring the various river basin management projects, including the ERBD, and representatives from the DEHLG will play key roles on the project steering committee and the river basin management group.

The primary responsibility for implementation of the WFD in Ireland (and the ERBD) rests with the EPA. The EPA is the “competent authority” for co-ordinating measures by the 13 Local Authorities in the ERBD for implementation of the Directive especially as it relates to technical and reporting measures.

The relevant local authorities, acting jointly, within each RBD are charged with the responsibility of making the River Basin Management Plan (RBMP) for their district and for water quality protection as described in the legislation described in Section 3. Dublin City Council (DCC) has been appointed as the lead co-ordinator for the purposes of administering the ERBD project. Once the RBMP has been adopted and is being implemented, each local authority will be responsible for the administration of the RBMP for those water bodies and terrestrial ecologies that lie within its own territory, possibly within or constrained by a new overall competent authority yet to be defined or established but ultimately accountable to the EPA.

It should be noted that as the new law stands, the establishment of a programme of measures and the adoption of a river basin management plan are reserved functions and, therefore, the responsibility of the various local authorities’ elected members and not the city or county management staff. However, if these two functions are not implemented by their due date (22 June 2009), they cease to be reserved functions and become executive functions carried out by the managers of the relevant authorities.

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Section 1 - Introduction

1.1 Project Background

The Eastern River Basin District (ERBD) Management Project commenced in June 2003 under the leadership of Dublin City Council, acting as lead authority on behalf of the thirteen participating Local Authorities. Other lead authorities are Wicklow County Council, Meath County Council, Kildare County Council. The remainder of the RBD comes under the jurisdiction of Fingal County Council, South Dublin County Council, Dun Laoghaire/Rathdown County Council, Louth County Council, Offaly County Council, Wexford County Council, Westmeath County Council, Cavan County Council and Drogheda Borough Council. The Eastern River Basin District comprises the areas of land and coastal zones lying within Hydrometric Areas, as identified by the EPA, 07 (Boyne), 08 (Nanny), 09 (Liffey – including Dublin Bay) and 10 (Vartry, Avoca), together with their associated waters (see Figure 1-1).

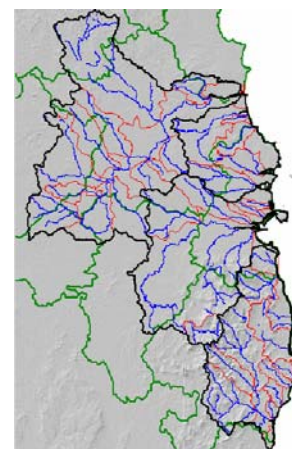


Figure 1-1: ERBD

1.2 Project Objectives and Purpose of this Report

This report is prepared in response to Task 1 of the project brief which states:

This report will include a description of the statutory arrangements for water management within the River Basin District, including terrestrial ecosystems dependant on water. It will identify all competent authorities and their areas of responsibility and will serve to guide and inform the various tasks of the project.

The overall objective of the ERBD project is to develop, establish and, during the period of the contract, implement a River Basin District Management System including a programme of measures, and develop a River Basin District Management Strategy in order to achieve at least good status for all waters in the Eastern River Basin District. In addition to this report, the major tasks include:

- Characterisation of the River Basin District
- The establishment of a River Basin Management System consisting of:
 - A Monitoring System identifying water status, facilities and strategic monitoring subsystems
 - A Geographical Information System and associated databases and analysis modules
 - A Programme of Measures
 - A Public Awareness and Consultation Programme
 - An Environmental Management System (EMS)

- Interim and Final Reports on implementation of the River Basin Management System
- A River Basin Management Strategy

This report is designed to give all background information relating to relevant legislation, policy and authorities at national and EU level. The report will include a description of the statutory arrangements for water management within the Eastern River Basin District, including terrestrial ecosystems dependent on water. It will identify all relevant authorities and their areas of responsibility, and will serve to guide and inform the various tasks of the project.

1.3 Format and Structure of this Report

Figure 1-2 illustrates the manner in which the report has been structured. Discussion flows from, and links, government policies (in Section 2) to/with EU Directives and/or Irish Law (in Section 3) and, finally, the statutory authorities and government entities that are the relevant actors in water management.

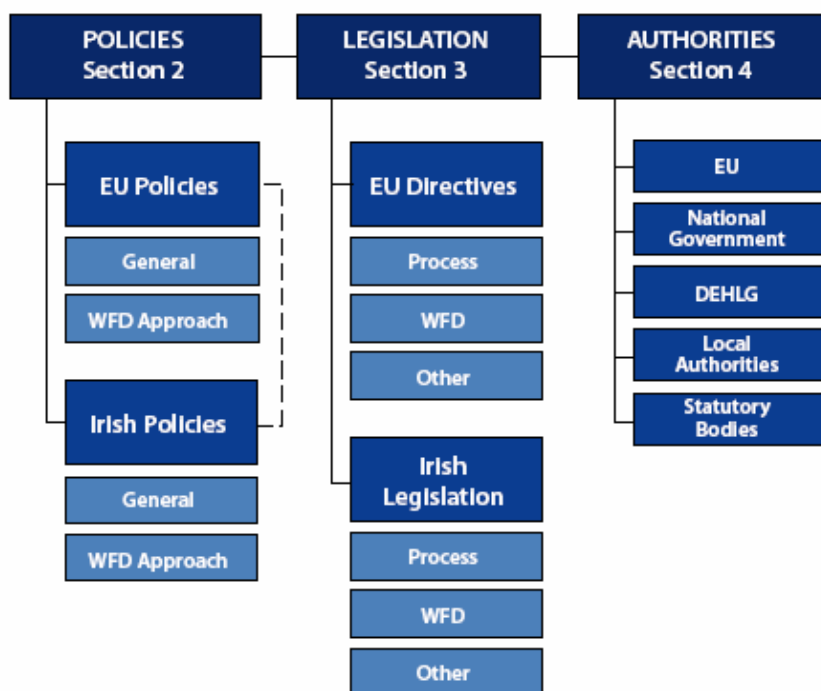


Figure 1-2: Flow of this report

Section 2 - Policies

2.1 European Policy

2.1.1 Introduction

Protection of water has long been a priority for the European Union (EU) Commission with water protection policy evolving from the first legislation in 1975 into a global water policy, which is encapsulated in the Water Framework Directive. Prior to Water Framework Directive, water policy and legislation used the *Water Quality Objective (WQO)* approach which establishes the minimum quality requirements of water to limit the cumulative impact of emissions, both from point sources and diffuse sources or the *Emission Limit Value (ELV) approach* which focuses on the maximum allowed quantities of pollutants that may be discharged from a particular source in to the aquatic environment. Since the implementation of the Water Framework Directive, EU policy is designed to use a *Combined Approach* in which a programme of measures will be based on a combination of water quality objectives and/or limit values with a focus on achieving good water quality.

2.1.2 Responsibility for setting and implementing policy

EU policy is effectively set by the European Commission as it drafts proposals for new European laws, which it presents to the European Parliament and the Council. It is also responsible for ensuring compliance with directives and other legislation. For major shifts in policy, such as the move to a combined approach to water protection, the Commission collaborates with the European Parliament and the Council of Ministers as well as others. For example, prior to the implementation of the Water Framework Directive, the Commission accepted requests from the European Parliament's environment committee and from the Council of environment ministers. The new European Water Policy was developed in an open consultation process involving all interested parties. As the culmination of this open process, a two day Water Conference was hosted in Brussels in May 1996. This Conference was attended by some 250 delegates including representatives of Member States, regional and local authorities, enforcement agencies, water providers, industry, agriculture and, not least, consumers and environmentalists.

2.1.3 European policy prior to implementation of the Water Framework Directive

2.1.3.1 First Phase EU Water Legislation

Early European water legislation began in 1975 with a *WQO* approach that set standards for rivers and lakes used for drinking water abstraction and culminated in 1980 in setting binding quality targets for drinking water. It also included quality objective legislation on fish waters, shellfish waters, bathing waters and groundwaters. Its main *ELV* element was the Dangerous Substances Directive.

First Phase WQO-Oriented EU Legislation

1975 Directive on Surface Water for Drinking Water Abstraction (75/440/EEC as amended by Directives 79/869/EEC and 91/692/EEC).

1976 Bathing Water Directive (76/160/EEC)

1978 Freshwater Fish Directive (78/659/EEC) as amended by Directive 91/692/EEC)

1979 Shellfish Water Directive (79/923/EEC as amended by Directive 91/692/EEC)

1980 Directive relating to the quality of water intended for human consumption (80/778/EEC)

First Phase ELV-Oriented EU Legislation

1976 Dangerous Substances Directive (76/464/EEC) 2 and daughter directives

1980 Ground Water Directive (80/68/EEC as amended by Directive 91/692/EEC)

1982 Directive on Discharges of Mercury from the chlor-alkali electrolysis industry (82/176/EEC)

1983 Directive on Discharges of Cadmium (83/513/EEC)

1984 Directive on Discharges of Mercury from other sources (84/156/EEC)

1984 Directive on Discharges of Hexachlorocyclohexane (84/491/EEC)

1986 Directive on Discharge of List I Substances (Directive 86/280/EEC as amended by Directives 88/347/EEC and 90/415/EEC)

2.1.3.2 Second Phase EU Water Legislation

In 1988, the Frankfurt ministerial seminar on water reviewed the existing legislation and identified a number of improvements that could be made and gaps that could be filled. This resulted in some very important and influential pieces of legislation, such as the adoption of the Urban Waste Water Treatment Directive in 1991, providing for secondary (biological) waste water treatment, and even more stringent treatment where necessary. The same policy was still in place, using either treatment at source (ELV) or imposition of standards (WQO) to achieve protection of water.

Second Phase WQO-Oriented EU Legislation (see also amendments of directives as noted above)

1998 Drinking Water Directive (98/83/EC)

1991 Freshwater Fish Directive (78/659/EEC) as amended by Directive 91/692/EEC)

Second Phase ELV-Oriented Legislation (see also amendments of directives as noted above)

1991 Urban Waste Water Treatment Directive (91/271/EEC, as amended by Directive 98/15/EC) and related decision 93/481/EEC

1991 Nitrates Directive (91/676/EEC)

2.1.4 Effect of Water Framework Directive

2.1.4.1 The Water Framework Directive

The Water Framework Directive was enacted against a background of increasing interest by citizens and environmental organisations in improving water quality in all water bodies in Europe. In response, the Commission made water protection one of its major priorities.

The WFD represents one of the most important pieces of legislation in setting and implementing a **new European Water Policy that uses a combined approach to make polluted waters clean again, and ensure clean waters are kept clean**. It provides an integrated approach to water quality management and will ultimately replace several existing directives as described below under 'Key Objectives of the WFD'. **There are two central aspects to this new water policy: firstly to make Europe's waters cleaner and keep them that way and secondly to have the citizen integrally involved in this process**. A reference for the Water Framework Directive is found in **Appendix A**.

2.1.4.2 Key Objectives of the WFD

The key objectives of the WFD are:

Expand the scope of water protection to all waters, surface waters and groundwater

One of the innovations of the WFD is that it provides a framework for integrated management of groundwater and surface water for the first time at European level. Each river basin, including the Eastern River Basin, must integrate the objectives of general protection of the aquatic ecology, specific protection of unique and valuable habitats, protection of drinking water resources, and protection of bathing water.

Achieve "good status" for all waters by a certain deadline and maintain "high status" where it exists

These standards are the minimum standards applicable in the Eastern River Basin. The WFD introduced a general requirement for ecological protection, and a general minimum chemical standard, to cover all surface waters – that is "good ecological status" and "good chemical status". Good ecological status is defined in Annex V of the Water Framework Proposal, in terms of the quality of the biological community, the hydrological characteristics and the chemical characteristics. Good chemical status is defined in terms of compliance with all the quality standards established for chemical substances at European level. In the case of groundwater, the presumption is that it should not be polluted at all so the approach taken by the WFD is a precautionary one comprising a prohibition on direct discharges to groundwater, and (to cover indirect discharges) a requirement to monitor groundwater bodies so as to detect changes in chemical composition, and to reverse any anthropogenically induced upward pollution trend. The WFD also addresses the quantitative status of groundwater by limiting abstraction of groundwater to that portion of the overall recharge not needed by the ecology.

Establish water management based on river basins, with a combined approach to emission limit values and quality standards

The WFD acknowledges that the best model for a single system of water management is management by river basin - the natural geographical and hydrological unit - instead of according to administrative or political boundaries. This approach is reflected in the RBDs established in the South-East, South-West, West, Shannon, and Eastern River Basin District. These represent geographical rather than administrative divisions. The Directive requires that river basins which cross national frontiers must be assigned to an international RBD and the Member States involved must together ensure the co-ordination of measures for its implementation. In Ireland, this involves joint action with authorities in Northern Ireland in relation to cross-border catchments. It seems likely that these IRBD's will be delineated on the basis of (a) the Shannon basin (b) the Erne/Foyle/Swilly, and Melvin basins, and (c) the Lough Neagh River Basin Carlingford Bay and Dundalk basins. Progress towards these international initiatives is documented in the "Managing Our Shared Waters" a joint consultation

document produced by the DEHLG and the Dept of Environment in Northern Ireland in March 2003 is available on www.wfdireland.ie.

The ERBD project is an example of Ireland's implementation of this model, crossing administrative boundaries to include all or parts of 13 Local Authorities, to prepare a river basin management plan. On the source side, the WFD requires that as part of the basic measures to be taken in the river basin, all existing technology-driven source-based controls must be implemented as a first step. It then sets out a framework for developing further such controls. The framework comprises the development of a list of priority substances for action at EU level, prioritised on the basis of risk; and then the design of the most cost-effective set of measures to achieve load reduction of those substances, taking into account both product and process sources. On the effects side, the WFD co-ordinates all the environmental objectives in existing legislation, and provides a new overall objective of good status for all waters, and requires that where the measures taken on the source side are not sufficient to achieve these objectives, additional ones are required.

Get the price of water right There is a need to strike a balance between the need to conserve adequate supplies of water and the increasing demands on those supplies. Article 9 of the WFD is designed to address this inherent tension by imposing a requirement on all Member States to use the principle of recovery of the costs of water services and in particular by 2010 to have a water pricing policy in place that fits the objectives of the WFD. Member States may, however, have regard to the social, environmental and economic effects of the cost recovery as well as the geographic and climatic conditions of the region or regions affected. The European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003) requires that the relevant Local Authorities take account of the principle of recovery of the costs of water services, including environmental and resource costs and in accordance with the "Polluter Pays Principle", ensure compliance with Article 9 of the Directive. The "established practices" of recovering costs for water services referred to in Article 9.4 of the Directive shall include the provisions of section 12 of the Local Government (Financial Provisions) Act, 1997 (No. 29 of 1997). National Government has adopted the "Polluter Pays Principle" as policy in the Water Services Investment Programme. Non-domestic users are required to pay their share of the costs of water and wastewater infrastructure including the operation and maintenance costs. No charges are presently levied on domestic users.

Have the citizen more closely involved Citizen involvement is a very important element of the WFD, which specifically addresses and extends the role of public participation in water management in Europe (Article 14). The rationale behind this is twofold: firstly to ensure that the process is open to the scrutiny of all stakeholders, given that implementing the WFD necessarily involves balancing the interests of many groups – in some cases crossing national boundaries; and secondly in the belief that the greater the transparency in the entire process both at an EU and a national level, the easier it will be to implement all the objectives of the WFD and the individual river basin management plans. Within the ERBD project, the Consultant for this project is directed to initiate and maintain consultation with all relevant regulatory agencies and stakeholders with the view to establishing their individual requirements and objectives/concerns. The consultant will also, in association with the local authorities and other statutory bodies, undertake appropriate public awareness programmes with the view towards mobilising public support and co-operation in order to encourage improved water management by the various sectors.

The public can participate in the project in several ways including:

- Through their elected representatives
- through NGO's
- as individuals

Through Elected Representatives Elected representatives are the democratically chosen voice of the public. In terms of the ERBDMP, decision-making rests with the constituent Local Authorities. This is the clearest and most powerful influence the public have on the Project. The manner in which elected representatives will participate on behalf of the public is through the local Council as decision-makers, the Strategic Policy Committees of that Council as primary contact point between council and project, the River Basin Management Group as the body overseeing the project.

Through Non-Government Organisations (NGO's) NGO bodies are recognised as an essential element of the national partnership structure. This allows them representation on the Strategic Policy Committees (SPC) of Local Authorities. The composition of SPC's includes the "Pillars" as they are represented in the national partnership structure i.e. Business, Trades Unions, Agriculture, Community & Voluntary. There is provision within the "Better Local Government" guidelines for a sector to represent environmental, conservation and cultural matters and for it to be drawn from within the Community Voluntary Forums (CVF). This is already used within some of the lead authorities in the ERBD. Article 16 of the European Communities (Water Policy) Regulations (S.I. 722 of 2003) gives a legal status to the involvement of NGO's. It states that a River Basin District Advisory Council (RBDAC) must be established not later than December 2004 for an initial period of not more than five years and thereafter a new RBDAC will be established for every subsequent period of five years. It provides for the local authorities to determine the membership of the RBDAC, subject to certain conditions.

The most important conditions are:

- the chairperson of a RBDAC shall be a member of a relevant local authority;
- the membership of a RBDAC is to be not less than 20 persons and not more than 50 persons;
- the number of members of the RBDAC who are members of the relevant local authorities shall not exceed one quarter of the total membership of the RBDAC.

S.I. 722 of 2003 also provides that the RBDAC will be assisted in secretarial terms by an employee of a local authority and that it shall meet twice a year. The RBDAC will, according to S.I. 722 of 2003 "consider matters relating to the preparation of river basin management plans and other matters relevant to the protection and use of the aquatic environment and water resources in the district and to advise and make recommendations on these matters to the relevant public authorities". While local authorities are obliged to have "regard to the advice and recommendations of the council for the district", the role is, as the name suggests, an advisory one.

The local authorities will determine membership of the council. The system of recruitment to the Strategic Policy Committees (SPC) of the local authorities under Better Local Government guidelines is most likely the process to be used for this purpose. It is proposed that the SPCs nominate members to the council from within the constituent local authorities. Since the new water policy regulations makes it a rule that no more that a quarter of the membership can be members of a local authority, it is likely that some authorities will nominate only NGO nominees through the SPCs. This should provide a broad-based representation across the partnership pillars. Should it not, the instrument allows for the RBDAC to seek nominations from “such other persons as may be determined by the relevant local authorities”.

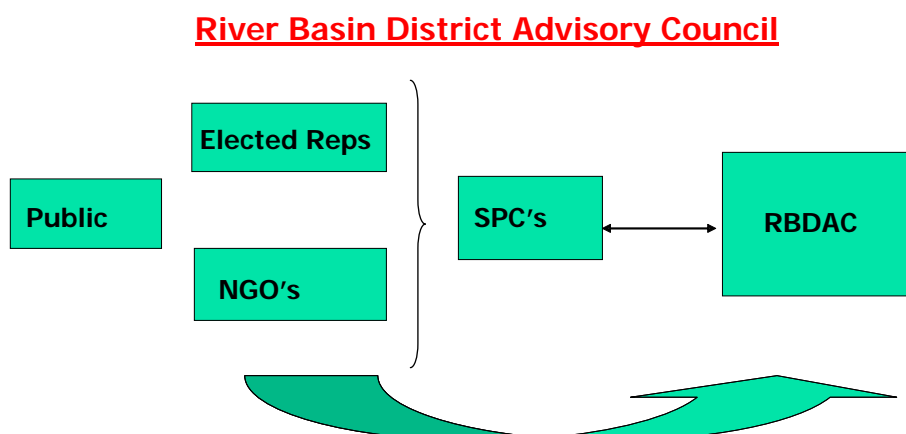


Figure 2-1: River Basin District Advisory Council

As Individuals Through an extensive public awareness and public consultation programme. Article 14 of S.I. 722 of 2003 requires the relevant local authorities to invite the provision of comments by the general public regarding the timetable and work programme leading up to the development of an RBMP and to allow a period of at least 6 months for the provision of such comments and article 19 requires the Local Authorities and the EPA to provide a website containing the pertinent documents and maps required by the regulations for the development of the RBMP.

Streamline legislation The WFD replaces seven of the earlier directives on water quality management, providing a more coordinated, integrated approach. Article 22 provides that the operative provisions of the following directives will be taken over in the framework directive, allowing them to be repealed within the time span stated:

Seven years after entry into force of WFD

Directive 75/440/EEC Surface Water Drinking Water Abstraction

Decision 77/795/EEC Common Procedure for the exchange of information on the quality of Surface Water

Directive 79/869/EEC Methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water.

Thirteen years after the entry into force of WFD

Directive 78/659/EEC Freshwater Fish

Directive 79/923/EEC Shellfish Water

Directive 80/68/EEC Ground Water

Directive 76/464/EEC Dangerous Substances, with the exception of Article 6, repealed on the date of entry into force of the WFD.

*EU water policies and the Water Framework Directive can be found at:
http://europa.eu.int/comm/environment/water/water-framework/index_en.html*

2.1.4.3 WFD and the Common Implementation Strategy

The implementation of the WFD was widely seen as posing complex technical, administrative, and social challenges for all Member States. Particular areas of concern were the demanding timetable, the complexity of the text and the diversity of possible solutions to scientific, technical and practical questions, the problem of capacity building and the need to further develop and elaborate on various scientific and technical issues in Annexes I and V to facilitate practical and effective implementation. Therefore in May 2001, following meetings between the EU Water Directors and the Norwegian Water Directors, the Member States, Norway and the EU Commission agreed on a common strategy for the implementation of the WFD. This common implementation strategy is a tool to facilitate a coherent and harmonious implementation of the WFD throughout all Member States and does not operate as a fixed approach to implementation in each individual Member State. Therefore the findings and analysis of the various working groups and expert advisory established to facilitate the common implementation strategy do not impose any direct obligations or duties on the ERBD project or its stakeholders. Nonetheless their work products and findings may be of significant help to the ERBD project and the implementation of the River Basin Management Strategy, particularly in the area of Geographic Information Systems (GIS) and public consultation. For example, it was agreed between DCC, DEHLG and the Consultant for this project that the Consultant would have regard to the requirements of above guidance documents produced by the common implementation strategy in the development and execution of all material aspects of the ERBD Management Project.

Implementation is overseen in Ireland by the DEHLG. It has established a National Coordination Group (NCG) in which all five RBDs in the Republic are represented on this group. The DEHLG is in regular contact with Northern Irish Authorities with regard to the International RBDs on the island. The NCG has established a Irish National Working Groups covering the following areas in parallel with the EU Working Groups: Typology/Characterisation/Reference Conditions; Groundwater; Pressures and Impacts; Economic Analysis; Fish Stock Assessment; GIS, IT Compatibility; Public Consultation, Participation; Hydrology.

*More detail about the Common Implementation Strategy can be found at:
<http://europa.eu.int/comm/environment/water/water-framework/implementation.html>*

2.1.4.4 Proposed Groundwater Directive

One of the innovations of the Water Framework Directive was that it provides a framework for integrated management of groundwater and surface water for the first time at European level.

In September 2003, the European Commission adopted a proposal for a new Directive to protect groundwater from pollution (COM(2003)550). Based on an EU-wide approach, the proposed Directive introduces, for the first time, quality objectives, obliging Member States to monitor and assess groundwater quality and to identify and reverse trends in groundwater pollution. This is a daughter directive of the Water Framework Directive. In 2012, a comprehensive programme of measures to prevent or limit pollution of water, including groundwater, will become operational under the Water Framework Directive. Monitoring results obtained through the application of the proposed Directive on groundwater will be used to design the measures to prevent or limit pollution of groundwater.

Existing EU groundwater policy, that is Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, aimed at protecting groundwater from direct and indirect discharges of a number of pollutants but does not set any clear quality objectives or require comprehensive monitoring. As a result, there is not much data available about the quality of groundwater in Europe. This proposed directive on groundwater will ensure that groundwater quality is monitored and evaluated across Europe in a harmonised way. As currently drafted, the proposed Directive requires the Commission to propose specific measures to prevent and control groundwater pollution and achieve good groundwater chemical status. These measures have to include criteria for assessing the *chemical status of groundwater* and for *identifying trends in pollution of groundwater bodies*. The present proposal in addition introduces measures for protecting groundwater from indirect pollution (discharges of pollutants into groundwater after percolation through the ground or subsoil).

2.2 Irish Policies

2.2.1 Introduction

Ireland's environmental policies have generally followed the same principles and embraced similar strategies as those developed at an EU commission level. Many sectors of Ireland's economy, including farming, tourism, fishing and forestry, depend directly on sustainable management of our natural environment. Since 1977, the direction of Irish policy toward water management has been toward planning on an integrated basis to included surface and ground waters, including estuarine and tidal waters. This fits well with the combined approach using river basin management districts mandated by the Water Framework Directive.

2.2.2 Responsibility for setting and implementing Ireland's environmental policy

The Irish National Government sets environmental policy. This policy is implemented by the DEHLG. The DEHLG acts at national level and also participates with other states at EU level. It provides an active link between EU thinking, national Government policy and the local authorities in Ireland through which much of the practical implementation takes place.

In monitoring the activities of the local authorities, the Department also liaises with the EPA, which oversees the environmental activities of Local Authorities.

Most environmental strategies are implemented in an integrated manner through **Local Authorities** which work closely with other stakeholders and members of the public. Ireland was among the leaders in Europe in establishing an **Environmental Protection Agency (EPA)**, in 1993, that is independent and impartial. It was set up under Irish legislation. The EPA is an impartial body with the responsibility for monitoring and protecting the Irish environment. One of the principle reasons for establishing the EPA was to licence and control large-scale activities which have the potential to cause significant environmental pollution. Recently, the Waste Management Act (1996) has also given the EPA responsibility for the licensing of landfill sites, both private sites and those sites run by the Local Authorities. The EPA also advises and supports Local Authorities in relation to management of sewage treatment plants and drinking water quality. In addition to monitoring the quality of water, the EPA carries out a National Hydrometric Programme for the collection of information on the levels, volumes and flows of water in rivers, lakes and groundwaters in the State. This can be vital information for developmental and infrastructural planning and for environmental protection purposes. S.I. 722 of 2003 has specified that the EPA will play the lead role in co-ordinating and supervising the environmental protection functions, the monitoring programmes and the programme of measures prepared by local authorities relating to the implementation of the WFD. This role represents an extension of the EPA's functions under section 63 of the EPA Act, 1992. The extension relates solely to the implementation of the WFD and the transposing Regulations. In effect, the primary responsibility for implementation of the WFD in Ireland (and the ERBD) rests with the EPA.

More details on Ireland's water protection and water management policies can be found at <http://www.environ.ie> and <http://www.epa.ie/>

2.2.3 Irish policy following implementation of the Water Framework Directive

The implementation of the river basin district-based structure of the WFD integrates well with the direction of Irish water management over the past 25 years. In that time, Ireland has moved to a catchment-based strategy integrating surface and groundwaters. In May 1997, the Department of Environment published its strategy document, *Managing Ireland's Rivers and Lakes – A Catchment Based Strategy against Eutrophication*, which was followed in July 1997 by the establishment of the Lough Derg and Lough Ree catchment management project. Work also took place to develop catchment management systems for the Rivers Boyne, Liffey and Suir, and Lough Leane.

The strategy is statutorily underpinned by the Local Government (Water Pollution) Act, 1977 (Quality Standards for Phosphorus) Regulations, 1998 which sets targets for reducing phosphorus levels in rivers and lakes by 2007. The Regulations in addition give further effect to certain provisions of Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged to the aquatic environment.

Water quality in Ireland is generally considered good and compares favourably with many other Member States. The main challenge for water quality is to deal with eutrophication arising from excess inputs of phosphorus from all sources. The extent of eutrophication in

the river system has been increasing persistently since the 1970s and has been identified by the EPA as the most serious general environmental pollution problem in Ireland.

Existing catchment management projects have focused on the eutrophication of rivers and lakes as the chief task facing water pollution control agencies in Ireland. However, there is also need to address other sources of pollution, to give further effect to the requirements of EU Directives such as the Nitrates Directive (91/676/EEC) and the Urban Waste Water Treatment Directive (91/271/EEC), and to undertake a more comprehensive evaluation of groundwater and of estuarine/coastal waters.

The European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations, 2003 (S.I. No. 213 of 2003) made by the Minister for the Environment, Heritage and Local Government on 29 May, 2003 formally identified the whole country as the area to which an action programme under the Nitrate Directive will be applied and thereby designating the entire country as a nitrate vulnerable zone. This “whole territory” approach involves the development and implementation of a national action programme and will provide statutory support for the application of established standards of good agricultural practice.

A draft action programme under the EU Nitrates Directive was prepared on December 19, 2003. The draft action programme would limit land application of livestock manure by Irish farmers to 210 kg N/ha per annum, under the first four years of the programme (transitional period), followed by further reductions (170 kg N/ha per annum is the limit imposed by the Directive). Ireland is to seek a derogation from the EU for amounts up to 250 kg N/ha per annum to be allowed in certain circumstances based on a similar derogation agreed by the EU for Denmark. The land application of fertilisers shall be consistent with good agricultural practice as set out in ‘Nutrient and Trace Element Advice for Grassland, Tillage, Vegetable and Fruit Crops’ by Teagasc, 2004 or any published amendment to that document.

This “whole territory” approach was supported by the necessity to give further effect to a number of other EU Directives i.e. the Water Framework Directive, the Urban Waste Directive and the Dangerous Substances Directive. Six other Member States (Austria, Denmark, Finland, Germany, Luxemburg and the Netherlands) have adopted a “whole territory” approach. Additionally, a judgment of the European Court of Justice in June 2002 (Case C-258/00, Commission v France) indicated a need to take action under the Nitrates Directive in relation to eutrophic waters even where eutrophic conditions are due primarily to phosphorus, rather than nitrates, from agriculture. The national action programme will be the subject of a consultation process with the main farming organisations and other stakeholders.

The Minister made Regulations [Water Quality (Dangerous Substances) Regulations 2001] setting environmental quality standards for a number of additional substances to give further effect to the provisions of the Dangerous Substances Directive (76/464/EEC), and consequently there is need to establish better baseline conditions, and to determine compliance for these substances in the Irish aquatic environment.

More recently, on 22 December 2003, the Minister for the Environment, Heritage and Local Government passed new regulations referred to as the European Communities (Water Policy) Regulations (S.I. No. 722 of 2003) which fully transpose the EU WFD into Irish

national law. Based on the WFD, the new regulations establish a framework for management and protection of water quality by direct reference to river basins districts.

More details on the implementation of the Water Framework Directive in Ireland can be found at <http://www.wfdireland.ie/>

Section 3 - Legislation

3.1 European Legislation

3.1.1 EU legislative process

Pending finalisation and ratification of a European Constitution, the founding Treaties and instruments amending and supplementing them (known as primary law) set the constitutional framework for the EC. Law made by the Community institutions in exercising the powers conferred on them by the Treaties is referred to as secondary legislation.

The EU legislative process operates on different levels depending on the type of legislative instrument. The EU directive is the EU legislative instrument that most affects environmental and water quality issues in member states in general and the ERBD area in Ireland in particular. In the case of EU directives, the process follows one of four procedures - the consultation procedure, the cooperation procedure, the co-decision procedure or the approval procedure. The co-decision procedure was used for the implementation of the Water Framework Directive. The co-decision procedure (Article 251 of the EC Treaty, formerly Article 189b) was introduced by the Treaty of Maastricht. It gives Parliament the power to adopt instruments jointly with the Council. **Figure 3-1** shows how this process operated with regard to the passage into EU law of the WFD.



Figure 3-1: Legislative process for WFD in EU

More details on the workings of the EU and the EU legislative process can be

found at: <http://europa.eu.int/eur-lex/en/about/index.html>.

3.1.2 Effect of EU legislation on legal systems of member states

A directive generally represents an important agreed European Community objective. A directive is binding on the Member States as regards the objective to be achieved but leaves it to the national authorities to decide on how the agreed Community objective is to be incorporated into their domestic legal systems. The national authorities must ensure that the rights and obligations arising from the directive can be relied on by Community citizens. In the case of the WFD, individual Member States must have the necessary legislation, regulations or other provisions in place by 22nd December 2003, to give full national effect to the WFD. The ERBD project, like the other similar centrally-funded river basin projects in Ireland, is an important element in Ireland's programme of compliance with the WFD.

3.1.3 The Water Framework Directive

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the Field of Water Policy (the Water Framework Directive) is the principal piece of legislation affecting all of the River Basin Management Projects currently underway in Ireland and in particular this current project, the Eastern River Basin District Management Project (ERBD). While myriad other legislative instruments, both EU and Irish, will affect



the performance of this project, the Water Framework Directive (WFD) is the most important legislative reference point and all other laws and regulations that form part of the legislative context of this project must be consistent with the provisions of the WFD. Reference of the Water Framework Directive is included in **Appendix A** of this report.

The WFD is the most substantial piece of EU water legislation to date. It requires all inland and coastal waters to reach “good status” by 2015. The mechanism by which this target will be reached is through the establishment of river basin districts which may cross national boundaries and within which demanding environmental objectives will be set, including ecological targets for surface waters. The objectives of the WFD were discussed in detail in Section 2.1.4.2.

Table 3-1 sets out the various tasks and deadlines imposed by the WFD and how these impact the ERBD project.

Table 3-1: Tasks and Deadlines set by the WFD

Year	Issue/Reference	Impact on ERBD Project
2000	Directive entered into force (Art. 25)	
2003	Transposition in national legislation (Art. 23) Identification of River Basin Districts and Authorities (Art. 3)	European Communities (Water Policy) Regulations, 2003 (S.I. 722 of 2003) ERDB and other river basins districts already identified and established
2004	Characterisation of river basin: pressures, impacts and economic analysis (Art. 5)	Underway. One of the tasks of the ERBD project
2006	Establishment of monitoring network to cover both surface and groundwater (Art. 8) Start public consultation (at the latest) (Art. 14)	Underway. One of the tasks of the ERBD project. Underway. The ERBD project stipulates a public awareness and consultation programme, including participation by all relevant regulatory agencies and stakeholders and public outreach/awareness programmes in association with the local authorities and other statutory bodies.
2008	Present draft river basin management plan (Art. 13)	Underway. A River Basin Management System is one of the deliverables of the ERBD project
2009	Finalise river basin management plan including programme of measures (Art. 13 & 11)	Underway. A River Basin Management System is one of the deliverables of the ERBD project
2010	Introduce pricing policies (Art. 9)	Not relevant yet to ERBD project

Year	Issue/Reference	Impact on ERBD Project
2012	Make operational programmes of measures (Art. 11)	Underway. A programme of measures is included in the River Basin Management System which is a required deliverable for the ERBD project.
2015	Meet environmental objectives Art. 4	ERBD project deliverable and implementation of River Basin Management System will ensure compliance with environmental objectives
2021	First management cycle ends Art. 4 & 13	N/A
2027	Second management cycle ends, final deadline for meeting objectives Art. 4	ERBD project deliverable and implementation of River Basin Management System will ensure compliance with objectives

3.1.4 Other relevant EU legislation

Table 3.2 below outlines the principal pieces of European legislation in the water protection sector (including the WFD). Most of these decisions and directives have been implemented in Ireland through statutory instruments. The proposed groundwater directive was discussed in Section 2.1.4.4. above. **Appendix B** provides a more detailed description of these directives.

Table 3-2: European Legislation in the Water Protection Sector

Legislation
<p>Combined approach</p> <ul style="list-style-type: none"> Proposed Groundwater Directive (2003) Water Framework Directive (2000/60/EEC) Decision on list of priority substances in the field of water policy and amending directive (2000/60/EC) <p>Water Quality Objective oriented:</p> <ul style="list-style-type: none"> Bathing Water Directive (76/160/EEC) Directive on Surface Water for Drinking Water Abstraction (75/440/EEC as amended by Directives 79/869/EEC and 91/692/EEC) Directive relating to the quality of water intended for human consumption (80/778/EEC) Drinking Water Directive (98/83/EC) Freshwater Fish Directive (78/659/EEC) as amended by Directive 91/692/EEC Shellfish Water Directive (79/923/EEC as amended by Directive 91/692/EEC) <p>Emission Control Value oriented:</p> <ul style="list-style-type: none"> Urban Waste Water Treatment Directive (91/271/EEC, as amended by Directive 98/15/EC) and related decision 93/481/EEC Nitrates Directive (91/676/EEC)¹

Legislation	
<ul style="list-style-type: none"> Ground Water Directive (80/68/EEC as amended by Directive 91/692/EEC) 	
<ul style="list-style-type: none"> Dangerous Substances Directive (76/464/EEC)² and daughter directives; <ul style="list-style-type: none"> i) Directive on Discharges of Mercury from the chlor-alkali electrolysis industry (82/176/EEC) ii) Directive on Discharges of Cadmium (83/513/EEC) iii) Directive on Discharges of Mercury from other sources (84/156/EEC) iv) Directive on Discharges of Hexachlorocyclohexane (84/491/EEC) v) Directive on Discharge of List I Substances (Directive 86/280/EEC as amended by Directives 88/347/EEC and 90/415/EEC) 	
¹ The Nitrates Directive (91/676/EEC) also contains the water quality objective where the criteria for designation of vulnerable zones includes for groundwaters containing more than 50 mg/l nitrates.	
² The Dangerous Substances Directive 76/464/EEC and its Daughter Directives on mercury, cadmium, hexachlorocyclohexane and List 1 substances provide as a rule an emission control approach. However, as an alternative they allow, under certain circumstances, a water quality objective approach.	

3.2 Irish Legislation

3.2.1 Irish legislative process

In Ireland, Acts of the Oireachtas and secondary or delegated legislation in the form of Statutory Regulations are used to create new law and to transpose the various EC directives into Irish law. The principal Acts of the Oireachtas that empower the appropriate Minister to introduce regulations to implement the requirements of EU directives relating to water bodies are: the European Communities Act 1972; the Water Pollution Act 1977; the Environmental Protection Act 1992; and the Waste Management Act 1996.

Local authorities are empowered to make bye-laws as set out by the Local Government Act 2001 and other local government acts (see Section 4.2.2.1).

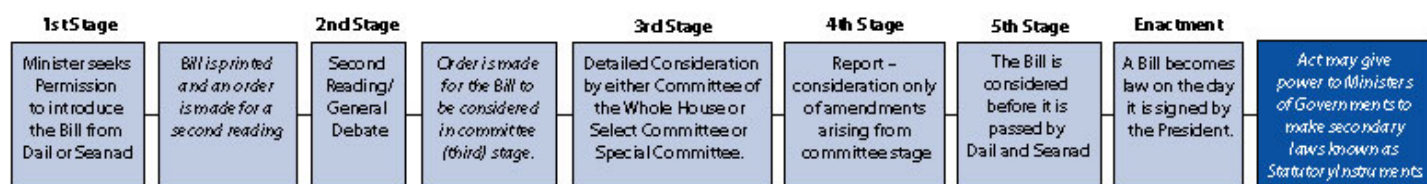


Figure 3.2: Irish Legislative

Figure 3-2 shows how the Irish legislative process generally works.

3.2.2 Irish legislation required or flowing from the WFD

The WFD became effective as soon as it was published in the Official Journal of the European Community (December 2000) and it immediately imposed an obligation on all Member States, including Ireland, to set equal or more stringent requirements than those set out in the WFD by the deadlines set out in the WFD. **Appendix C** includes a full review of the effect of the various articles of the WFD on Irish National Law and identifies gaps in current legislation, which may be needed for full transposition and implementation of the WFD.

From a legislative standpoint, a number of Acts of the Oireachtas and Statutory Instruments exist that give effect to much of the WFD, in particular with regard to monitoring and control of discharges. Several of the River Basin District Management Plans are underway without the need for any additional legislation or regulations being promulgated. On the 22nd December 2003, in accordance with the requirements of the WFD, the WFD was fully transposed into Irish Law by the passing of the European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003).

3.2.3 Existing Irish legislation affecting water bodies within the ERBD region

Whether in order to comply with EU directives or otherwise, various Acts of the Oireachtas or statutory instruments have created special classes of water bodies or areas within the ERBD region. The Consultant for this project must liaise with all of the relevant authorities who have roles and responsibilities under these statutory instruments and Acts of the Oireachtas. In addition, long-term coordination will be required once the River Basin Management Strategy is underway. **Appendix D** provides a more detailed description of many of the pieces of legislation discussed in this section as well as an overview of water-oriented legislation showing the authority responsible for implementation.

3.2.3.1 European Communities (Water Policy) Regulations

S.I. No. 722 of 2003: European Communities (Water Policy) Regulations, 2003. The EU Water Framework Directive was fully transposed into Irish Law by the passing of S.I. No. 722 of 2003 which establishes a new framework for the management and protection of water quality in Ireland by reference to river basin districts and puts in place competent authorities to provide a combined approach for the implementation of the Water Framework Directive.

The Minister for the Environment, Heritage and Local Government has the task of co-ordination, assistance and guidance in relation to implementation of the WFD across RBDs and IRBDs (together with competent authorities in the State and in Northern Ireland).

The EPA has the lead role of promoting and facilitating the co-ordination of activities by Local Authorities for the purposes of implementation of the WFD especially technical and reporting measures. The EPA shall consult and co-operate with the competent authorities in Northern Ireland to identify and map IRBDs. The EPA also has specific functions including:

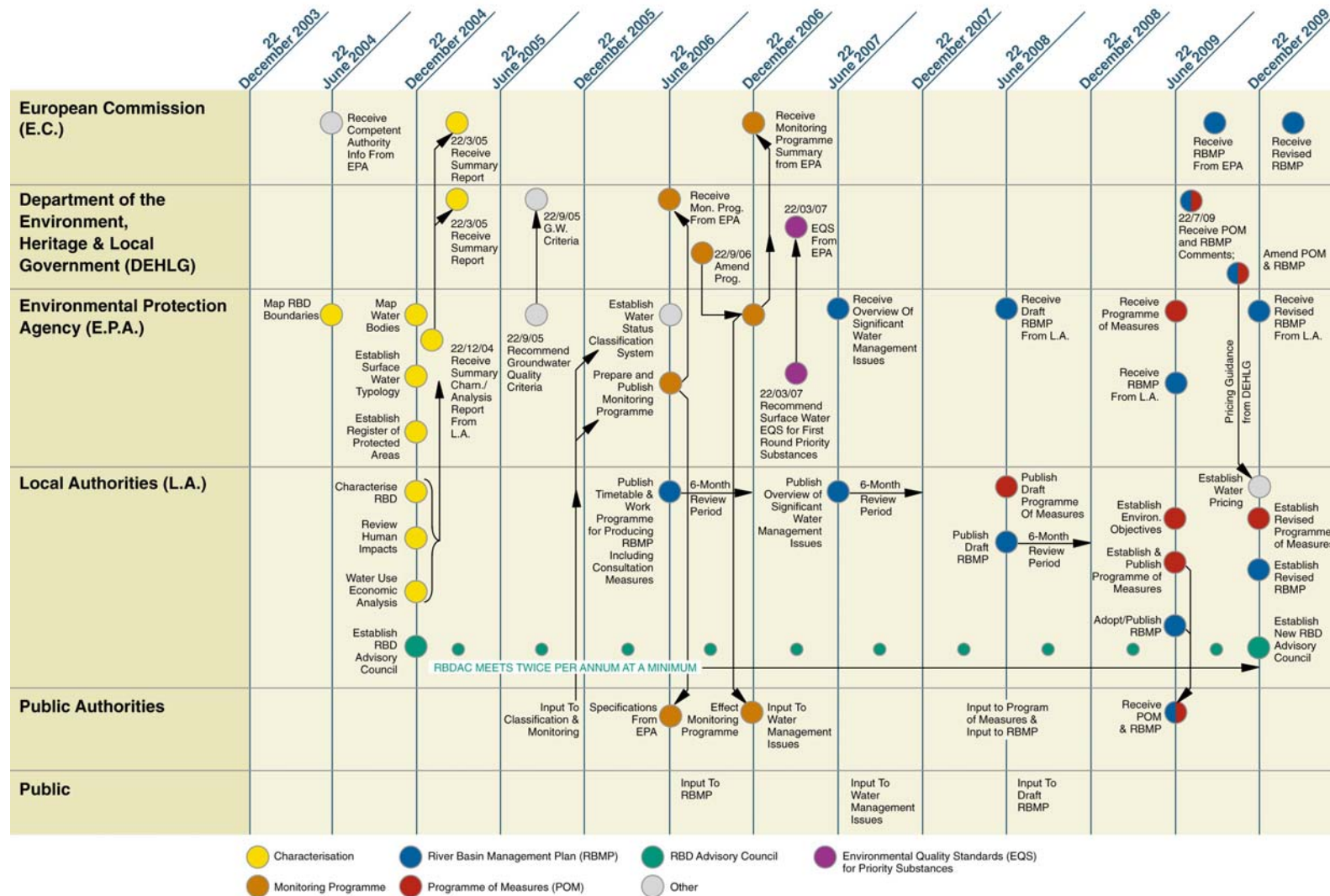
- Identifying and mapping RBDs and the location and boundaries of water bodies
- Providing the typology for differentiating surface water bodies and establishing type-specific reference conditions for such water bodies
- Making recommendations to the Minister in relation to environmental quality standards for priority substances and in relation to criteria for assessment of groundwater
- Developing and maintaining a register of protected areas
- Developing classification systems for water status, establishing a programme of monitoring of water status (this is an extension of the existing powers of EPA under section 65 of the EPA Act, 1992)

- Providing a report to the Minister in relation to a “programme of measures” and a RBMP adopted by local authorities
- Supervising the environmental protection functions of public authorities insofar as they relate to the implementation of the Directive and these Regulations (this represents an extension of the functions of the EPA under section 63 of the EPA Act, 1992 and relates solely to the implementation of the Water Framework Directive and the transposing Regulations)
- Providing reports on a wide range of matters to the European Commission
- Displaying information on websites

Local Authorities primary responsibility, acting jointly, is to prepare river basin management plans. In addition, one of the local authorities will act as the co-ordinating authority in relation to all the relevant local authorities in each RBD. The local authorities also have specific functions including:

- Performing an analysis of the characteristics of each RBD
- Carrying out a review of the impact of human activity on the status of waters in each RBD
- Carrying out an economic analysis of water use in each RBD
- Establishing in each RBD a River Basin District Advisory Council to provide a forum for systematic involvement of interested parties and dialogue between such parties and the public authorities
- Establishing monitoring systems in accordance with the established monitoring programmes
- Establishing environmental objectives and a “programme of measures” to achieve those environmental objectives and to give effect to the wide range of water-related requirements arising under specified Directives e.g. Directives on Bathing Waters, Birds, Drinking Water, EIA, Habitats, IPPC, Major Accidents (Seveso), Nitrates, Plant Protection, Sewage Sludge, and UWWT
- Facilitating public participation by the publication by specified dates of various documents leading up to the development of an RBMP
- Developing and adopting a RBMP which will summarise all the maps and information in relation to a RBD developed in “characterisation”, objectives, measures to be taken, responsible authorities etc
- Preparing and publishing progress reports on implementation of the programme of measures
- Displaying information on websites

Figure 3.3 provides a summary of the implementation schedule and responsibilities arising from S.I. No. 722 of 2003.



CDM

Irish Statute 722, EC (Water Policy) Regulations 2003
Summary of Implementation Schedule & Responsibilities

Figure 3.3 Irish Statute 722, EC (Water Policy) Regulations 2003 (Summary of Implementation Schedule & Responsibilities).

3.2.3.2 Designated Bathing Waters

S.I. No. 177/1998: Quality of Bathing Waters (Amendment) Regulations, 1998 (Designated Bathing Waters) ensures that bathing water quality is maintained and if necessary improved so that it complies with specified standards designed to protect public health and the environment.

Local Authorities have primary responsibility for collecting water quality data. Their responsibilities include submitting this data to the **EPA**; notifying the public where water quality fails to meet standards; taking measures to ensure compliance. Public reports are published by the **EPA**.

The following are the designated waters in the ERBD area.

County	Designated Waters
Dublin	Dollymount Strand (DCC); Merrion Strand (DCC); Sandymount Strand (DCC) ; Killiney (DL/R); Seapoint (DL/R); Balbriggan (F); Donabate (F); Loughshinny (F); Malahide (F); Portmarnock (F); Portrane (F); Rush, South Beach (F); Skerries (F); Sutton, Burrow Beach (F) DCC: <i>Dublin City Council</i> DL/R: <i>Dun Laoghaire-Rathdown</i> F: <i>Fingal</i>
Louth	Clogherhead; Port, Lurganboy; Seapoint; Shelling Hill, Templetown
Meath	Laytown/Bettystown
Wicklow	Bray Beach; Brittas Bay North; Brittas Bay South; Clogga Beach; Greystones; Silver Strand
Westmeath	The Cut Lough Lene, , Portnashangan, Lilliput

3.2.3.3 Sensitive Waters

S.I. No. 254 of 2001 Urban Waste Water Treatment Regulations, 2001. Prescribes requirements for provision of collection and treatment standards and systems generally are in sensitive areas. Also provides for monitoring procedures in relation to treatment plants and makes provision for industrial wastewater pre-treatment requirements.

Sanitary authorities, which are part of the local authorities have responsibility for implementation.

The following are the sensitive waters in the ERBD area.

Waterbody	Section
Part I	
River Boyne, County Meath	6.5 km section downstream of sewage treatment works outfall at Blackcastle, Navan, County Meath
River Liffey	Downstream of Osberstown sewage treatment works to Leixlip reservoir, County Kildare
	Liffey Estuary
Part II	
Broadmeadow Estuary (Inner) -	From the bridge west of Lissenhall (Broadmeadow River) to the railway viaduct
Liffey Estuary	From Islandbridge weir to Poolbeg Lighthouse, including the River Tolka basin and South Bull Lagoon

3.2.3.4 Salmonid Waters

S.I. No. 293 of 1988 (Salmonid Waters) The DEHLG designate certain fresh water bodies as salmonid waters which are capable of supporting salmon and sets certain standards for those waters.

Local Authorities have primary responsibility for collecting water quality data. Results are to be submitted to the **DEHLG** at 2-yearly intervals. If water quality fails to meet standards, Local Authorities are responsible for taking measures to ensure compliance.

The following are designated salmonid waters within the ERBD area

River	Section
River Boyne, Louth	Main Channel
River Dargle, Wicklow	Main Channel
River Vartry, Wicklow	Main Channel

3.2.3.5 Shellfish Waters

Quality of Shellfish Waters Regulations, 1994 The Department of Communications, Marine and Natural Resources designates some waters as shellfish waters capable of supporting shellfish and sets certain standards for those waters. If water quality does not meet standards, DEHLG shall, in consultation with the local authority or sanitary authority, establish as far as possible the reasons for nonconformity and shall adopt an action programme comprising necessary measures where appropriate to ensure conformity with the standards.

The **Local Authority** or sanitary authority then take all steps to ensure conformity with the standards. There are no designated shellfish areas in the ERBD.

3.2.3.6 Birds Directive

Article 4 of the 'Birds Directive', (79/409/EEC) Member states are obliged to establish Special Protected Areas for wild birds listed in Annex 1 of the directive. Ireland supports populations of 28 Annex I species including Bewick's and Whooper Swan, Greenland White-fronted and Barnacle Goose, Corncrake, Golden Plover, Bar-tailed Godwit, five species of Tern, Hen Harrier, Peregrine, Merlin and Short-eared Owl as well as Nightjar, Kingfisher and Chough. States are also required to protect sites which are important for migratory species such as ducks, geese and waders. Wetlands that regularly support 20,000 or more waterfowl, or more than 1% of a migrant population of any one species are internationally important and qualify for SPA designation. Breeding seabird sites that meet the same criteria similarly qualify.

Special Protected Areas are designated by the **DEHLG** generally following recommendations made by **National Parks and Wildlife Service**. Local Authorities do not have a direct role in the designation or monitoring of SPAs but the designation of an area as an SPA will have an impact on local authority activities including planning and development.

The following are SPAs within the ERBD area.

Site Name	Site Number	Site Area (ha)	Location	Annex 1 Bird Species
North Bull Island	6	1,395	Dollymount, Co. Dublin	Golden Plover, Bar-tailed Godwit. Also Great Northern Diver, Little Egret, Peregrine, Merlin, Short-eared owl
Rockabill	14	1	Islands 7 km east of Skerries, Co. Dublin	Roseate Tern, Common Tern, Arctic Tern
Rogerstown	15	195	North of Donabate, Co. Dublin	Golden Plover, Bar-tailed godwit, Little Tern. Also Egret, Hen Harrier, Ruff
Baldoyle	16	203	Baldoyle, Co. Dublin	Golden Plover, Bar-tailed godwit, Sandwich Tern, Kingfisher
Sandymount Strand/ Tolka Estuary	24	654	Sandymount-Dun Laoghaire, and Clontarf, Co. Dublin	Bar-tailed Godwit, Roseate Tern, Common Tern, Arctic Tern. Also Red-throated Diver, Great Northern Diver, Mediterranean Gulf
Broadmeadow/ Swords Estuary	25	546	Malahide, Co. Dublin	Golden Plover, Bar-tailed Godwit. Also Little Egret, Ruff, Kingfisher
Wicklow Mountains	40	15,399	Co. Wicklow	Peregrine, Merlin

Site Name	Site Number	Site Area (ha)	Location	Annex 1 Bird Species
Poulaphuca Reservoir	63	1,949	South-east of Blessington, Co. Wicklow	Bewick's Swan, Whooper Swan, Golden Plover, Kingfisher
Lambay Island	69	612	4 km east of Portrane, Co. Dublin	Barnacle Goose, Peregrine
Boyne Estuary	80	387	East of Drogheda	Golder Plover, Bar-tailed godwit, Little Tern, Ruff
Kilcoole Marshes	85	150	On the coast between Kilcoole and Newcastle, Co. Wicklow	Berkwick's Swan, Whooper Swan, Golden Plover, Bar-tailed Godwit, Little Tern. Also Red-throated Diver, Little Egret, Ruff, Hen Harrier, Peregrine, Merlin, Sandwich Turn, Kingfisher
Howth Head Coast	113	102	North side of Dublin Bay, Co. Dublin	Fulamr, Cormorant, Shag, Herring Gull, Kittiwake, Guillemot, Razorbill, Black Guillemot
Ireland's Eye	117	90	Island 1.5 km north of Howth Harbour, Co. Dublin	Peregrine
Skerries Islands	122	62	1-2 km east of Skerries, Co. Dublin	Golden Plover, Sandwich Turn, Roseate Tern, Common Tern, Short-eared Owl
Wicklow Head	127	134	1.5 km south of Wicklow	Peregrine, Merlin
Broad Lough	128	242	North of Wicklow town, Co. Wicklow	Little Egret, Hen Harrier, Peregrine, Merlin, Ruff, Bar-tailed Godwit, Kingfisher

3.2.3.7 Special Protection Areas and Special Areas of Conservation

Natura 2000 sites including Special Protection Areas (SPA) and Special Areas of Conservation (SAC) protected by the European Union (Natural Habitats) Regulations, 1997. [23891/02] The Habitats Directive transposed into national legislation by the European Union (Natural Habitats) Regulations, 1997, establishes a network of protected areas throughout the EU. It is the responsibility of each member state to designate SACs to protect habitats and species, which, together with the SPAs designated under the 1979 Birds Directive, form Natura 2000. In the Habitats Directive, there is a list of habitats Annex I requiring conservation measures: it includes raised bogs, active blanket bogs, turloughs, machair, heaths, lakes and woodlands among others. Annex II is a list of

protected species: it includes the Bottle-Nosed Dolphin, Otter, Freshwater Pearl Mussel, Killarney Fern, Lamprey species and juvenile Salmon.

SPAs and SACs are designated by the **DEHLG** generally following recommendations made by the **National Parks and Wildlife Service**. Local Authorities do not have a direct role in the designation or monitoring of SPAs but the designation of an area as an SPA will have an impact on local authority activities including planning and development. There are upwards of 100 SPAs and SACs already designated within the ERBD area (details are included in **Appendix E**).

Certain activities that are restricted within SACs, SPAs and NHAs can only be carried out with permission from the Minister for the Environment, Heritage and Local Government. Activities which may be restricted include; the use of fertilisers, pesticide or herbicide near the river-bank; the alteration of the river flow; the removal of trees or vegetation from within 30 metres of the river-bank.

3.2.3.8 Blue Flag Beaches

The Blue Flag is an exclusive eco-label awarded to almost 2900 beaches and marinas in 24 countries across Europe and South Africa in 2003. There are several criteria for the designation to be awarded including compliance with requirements and standards such as those of the EU Bathing Water Directive and compliance with requirements for sewage treatment and effluent quality such as are contained in the EU Urban Waste Water Directive. The blue flag description is not a legislative designation. Nonetheless there are five blue flag beaches in the ERBD region and the local authorities will be keen to maintain this special status.

The Blue Flag Scheme is administered in Ireland by An Taisce and at European level by the Foundation for Environmental Education (FEE). Local Authorities sample the bathing areas. The EPA collate the water quality results from each local authority every year and compile a national report.

The following are Blue Flag beaches within the ERBD area:

Dublin	Westmeath
Seapoint	The Cut, Lough Lene
Wicklow	
Greystones Beach	

3.2.4 Other water quality-oriented legislation

Other water quality oriented legislation which will affect how the local authorities in the ERBD area go about the business of implementing the ERBD and complying with the WFD are described below. **Appendix F** gives a detailed overview in tabular format showing which entity is responsible for ensuring compliance.

3.2.4.1 Local Government (Water Pollution) Act, 1977

This Act is the main framework for the prevention of water pollution including monitoring of waters and discharges of trade effluents and sewage effluents and other matter to waters and sewers. Each **Local Authority** must establish and maintain a register of all licences it has issued under Section 4 & 16 and water abstractions. This is to be available to the public. Local Authorities have the power to prevent and abate pollution in certain circumstances.

3.2.4.2 S.I. No. 12 of 2001 -Water Quality (Dangerous Substances) Regulations, 2001.

These regulations give further effect to EU Council Directive 76/464/EC (Dangerous Substances) and also to certain provisions of the Council Directive 2000/60/EC (Water Framework Directive). The EU Dangerous Substances Directive lays down a framework for the control of water pollution from certain dangerous substances which are grouped into List 1 and List II. Under this Directive, Member States must implement measures to eliminate List 1 substances and reduce pollution occurring from List II substances.

Local Authorities are responsible for license applications under Sections 4 & 16 of the Local Government (Water Pollution) Act, 1977. The **Environmental Protection Agency (EPA)** is responsible for licence applications under Section 83 of the EPA Act, 1992. The EPA is also responsible for preparing and publishing reports on the progress made in relation to the implementation of these Regulations and may monitor on behalf of a Local Authority under the Environmental Protection Agency Act, 1992. Each Local Authority must submit a report to the EPA by 31 July 2004 on the implementation of measures taken or to be taken by the Local Authority in accordance with Section 8. The EPA and Local Authorities must secure compliance with the specified standards by 31 December 2010 (Specified standards are listed in Tables 1 & 2 of 'Schedule Standards'). **An Bord Pleanála** determines appeals under Sections 8 or 20 of the Local Government (Water Pollution) Act, 1977.

3.2.4.3 S.I. No. 258 of 1998. Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus) Regulations, 1998.

These Regulations give further effect to EU Council Directive 76/464/EC (Dangerous Substances). **Local Authorities** must submit to the EPA a report on progress in relation to the implementation of the requirements of the Regulations at intervals not exceeding 2 years until 31st July 2008 and the EPA must publish a report 9 months after this date on the progress made in the implementation of these Regulations.

3.2.4.4 S.I. No. 43/1984 European Communities (Detergents) Regulations, 1984. S.I. No. 7/1988 European Communities (Detergents) (Amendment) Regulations, 1988.

These Regulations give further effect to Council Directives 73/404/EEC (Detergents) that has been amended by Directive 82/242/EEC. These Directives relate to the biodegradability of detergents. A **person authorised by the Minister** may enter, inspect a premises (excluding private residence) and take samples where there are grounds for believing that a detergent that defies the Regulations is being produced and put on the market.

3.2.4.5 S.I. No. 183/1991: European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991.

These Regulations give effect to Council Directive 86/278/EEC (Sludge to Land Directive), which sets restrictions on the application of sewage sludge to agricultural land in terms of the concentration of certain heavy metals allowed in the sludge and receiving soil. There are also limits on the amount of heavy metals that can be applied to soils over 10 years. Each **Local Authority** is to maintain “the sludge register” and is responsible for supervising the supply and use of sludge in agriculture. It is up to a facility to carry out monitoring. The local authority can inspect any facility.

3.2.5.6 S.I. No. 41 of 1999. Protection of Groundwater Regulations, 1999.

These Regulations give further effect to Council Directive 80/68/EEC (Groundwater). A Register must be maintained at the **EPA** or by any **Local Authority** that applies for a licence. The EPA is responsible for monitoring groundwater in relation to (1) the effects of a discharge on groundwater when a licence has been granted, (2) compliance with the conditions attached to a licence.

3.2.4.7 Nitrates Legislation

There is as yet no Nitrates Legislation in Ireland in compliance with Council Directive 91/676/EEC (Nitrates Directive). There are however 'Codes of Practice' in Ireland and the government is committed to compliance with the nitrates directive. The European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations, 2003 (S.I. No. 213 of 2003) made by the Minister for the Environment, Heritage and Local Government on 29 May, 2003 formally identified the whole country as the area to which an action programme under the Nitrate Directive will be applied and thereby designating the entire country as a nitrate vulnerable zone. A draft action programme under the EU Nitrates Directive was prepared on December 19, 2003. The draft action programme would limit land application of livestock manure by Irish farmers to 210 kg N/ha per annum, under the first four years of the programme followed by further reductions (170 kg N/ha per annum is the limit imposed by the Directive). Ireland is to seek a derogation from the EU for amounts up to 250 kg N/ha per annum to be allowed in certain circumstances. The land application of fertilisers shall be consistent with good agricultural practice as set out in 'Nutrient and Trace Element Advice for Grassland, Tillage, Vegetable and Fruit Crops' by Teagasc, 2004 or any published amendment to that document.

The national action programme will be the subject of a consultation process with the main farming organisations and other stakeholders.

Section 4 - Authorities

4.1 EU Authorities

The following are the main EU authorities relevant to the conception and implementation of the ERBD project. EU authorities are not particularly relevant to the day-to-day implementation of the ERBD project, but are responsible for ensuring that Ireland is in compliance with all deadlines and requirements set by the WFD and for proposing additional directives and legislation to support the WFD and the EU water policy, for example the groundwater directive now under consideration which is a daughter directive of the WFD.

4.1.1 European Parliament

Parliament's duties include examining and adopting secondary European legislation. Under the co-decision procedure, Parliament shares this power equally with the Council of Ministers (as happened with the passage of the WFD). Parliament should have no further role in the implementation of the WFD or the ERBD project but will play a role in examining and adopting future directives that may impact the ERBD, for example the proposed groundwater directive.

4.1.2 Council of the European Union

The Council of the European Union - formerly known as the Council of Ministers - is the main legislative and decision-making body in the EU. It brings together the representatives of all the Member State governments.

4.1.3 European Commission

The European Commission drafts proposals for new European laws, which it presents to the European Parliament and the Council. The Commission makes sure that EU decisions are properly implemented and supervises the way EU funds are spent. It also makes sure that member states comply with European treaties and European law.

The Environment DG is one of 36 Directorates-General (DGs) and specialised services which make up the European Commission. Its main role is to initiate and define new environmental legislation and to ensure that measures, which have been agreed, are actually put into practice in the Member States. The Environment DG is based largely in Brussels and has around 550 staff.

4.1.4 Court of Justice

The Court of Justice settles disputes over how the EU treaties and legislation are interpreted. If a dispute arose as to the interpretation of the WFD or any other directive and Irish national courts are in doubt about how to apply the EU rules, the Court of Justice should be consulted. Individual persons can also bring proceedings against EU institutions before the Court.

4.2 Irish Authorities

4.2.1 Central Government

4.2.1.1 Department of Environment, Heritage and Local Government

The Department of Environment, Heritage and Local Government (DEHLG) has primary responsibility for policy and legislation with respect to the quality of water in Ireland. The DEHLG plays a key role in the ERBD project and in the implementation of the WFD generally.

S.I. No. 722 of 2003 (European Communities (Water Policy) Regulations, 2003) assigns the Minister for the Environment, Heritage and Local Government the task of promoting the co-ordinated implementation of the WFD across river basin districts and, together with competent authorities in the State and in Northern Ireland, implementation of the Directive across international river basin districts. The Minister may provide assistance, including financial assistance, to the relevant public authorities in relation to the discharge of their functions under these Regulations and may issue guidance and general policy directions in relation to the implementation of these Regulations. The Minister has reserve powers to amend certain measures established by local authorities and/or the EPA i.e. monitoring programme, programme of measures and river basin management plan.

The DEHLG has established a **WFD Co-ordination Group** to co-ordinate and promote implementation of the WFD in Ireland. The first meeting of this group took place on 9 February 2001 and it has met regularly since then. Minutes of these meeting are available on www.wfdireland.ie. This national group is supported by a number of advisory/technical working groups in specialist topics, including Groundwater, Economic Analysis, GIS/ IT Compatibility, and Fish Stock Assessment. The participants in the group include officials of relevant Government Departments, their related technical agencies and local authorities.

In addition to co-ordination at national level, officials of the Department of Environment, Heritage and Local Government, other Government Departments, and their agencies are participating in technical groups and other initiatives to promote consistent and co-ordinated implementation of the WFD in the European Community, on a North/South basis and at a regional level.

DEHLG is sponsoring river basin management projects for River Basin Districts, including the ERBD project. The overall objective of these projects is to develop a River Basin Management System, including a programme of measures designed to maintain and/or achieve at least good water status for all waters, and to facilitate the preparations of River Basin Management Plans. Representatives from the DEHLG play a major role in the Technical Forum and the **Project Steering Committee** for the ERBD project.

Extensive activities are under way, especially at technical level, to secure consistent application of the Directive across all EU Member States. These activities include participation by Irish officials from the DEHLG and other ministries in North/South and UK **Technical Working Groups**.

4.2.2 Competent Authorities

One of the requirements of the WFD is the appointment of a “Competent Authority”. The main sections that affect the establishment of competent authorities in Ireland are described below:

Articles 3.2 states:

“Member States shall ensure the appropriate administrative arrangements, including the identification of the appropriate competent authority, for the application of the rules of this Directive within each river basin district lying within their territory”

Article 3.6 states:

“Member States may identify an existing national or international body as competent authority for the purposes of this Directive”.

Articles 3.7 and 3.8 impose a deadline of 22nd December 2003 for Member States to identify the Competent Authority and provide the Commission with a list of their Competent Authorities including the information set out in Annex I of the WFD. Annex I requires the following information for each Competent Authority:

- Official name and address
- Geographical coverage of the river basin district
- Legal status of competent authority
- Description of the legal and administrative responsibilities of each competent authority and of its role within each river basin district
- Membership
- International relationships

It is likely that different Member States will appoint different types of organisations as competent authority for the WFD. For example, in the UK, the Environment Agency will be appointed competent authority for England; the Scottish Environment Protection Agency is likely to be appointed competent authority for Scotland, and the Environment and Heritage Service has been proposed as competent authority for Northern Ireland.

In Ireland, S.I. No. 722 of 2003, in accordance with Article 3 of the WFD, identifies the EPA, the relevant Local Authorities, acting jointly, and the Co-ordinating Local Authority as the Competent Authorities in each RBD.

4.2.2.1 Environmental Protection Agency (EPA)

The primary responsibility of implementation of the WFD in Ireland rests with the EPA. S.I. No. 722 of 2003 gives the EPA a lead role promoting and facilitating the co-ordination of activities by Local Authorities for the purposes of implementation of the WFD. The EPA shall consult and co-operate with the competent authorities in Northern Ireland to identify and map IRBDs. The EPA has other specific functions arising from this new legislation including:

- Identifying and mapping RBDs and the location and boundaries of water bodies
- Providing the typology for differentiating surface water bodies and establishing type-specific reference conditions for such water bodies
- Making recommendations to the Minister in relation to environmental quality standards for priority substances and in relation to criteria for assessment of groundwater
- Developing and maintaining a register of protected areas
- Developing classification systems for water status, establishing a programme of monitoring of water status (this is an extension of the existing powers of EPA under section 65 of the EPA Act, 1992)
- Providing a report to the Minister in relation to a “programme of measures” and a RBMP adopted by local authorities
- Supervising the environmental protection functions of public authorities insofar as they relate to the implementation of the Directive and these Regulations (this represents an extension of the functions of the EPA under section 63 of the EPA Act, 1992 and relates solely to the implementation of the Water Framework Directive and the transposing Regulations)
- Providing reports on a wide range of matters to the European Commission

The EPA is also responsible for:

- Licensing and regulation of industrial and other processes with significant polluting potential
- Monitoring of environmental quality
- Advising public authorities in respect of environmental functions
- Promotion of environmentally sound practices
- Promotion and co-ordination of environmental research
- Licensing and regulation of all significant waste disposal and recovery activities
- Implementing a system of permitting for the control of VOC emissions
- Preparation and implementation of a national hydrometric programme for the collection analysis and publication of information
- Overseeing the performance by local authorities in respect of their statutory environmental protection functions

Representatives from the EPA will sit on the Technical Forum and the **Project Steering Committee** for the ERBD project.

4.2.2.2 Relevant Local Authorities

Functions and Responsibilities

The structure and powers of local Authorities are generally established by the various Management Acts and in particular the **Local Government Act 2001**.

The functions of a Local Authority are to:

- Provide a forum for the democratic representation of the local community and to provide civic leadership for that community
- Carry out such functions as may at any material time stand conferred on the relevant authority by or under any enactment
- Take such action as it considers necessary or desirable to promote the community interest in accordance with section 66 of the Local Government Act 2001

In addition to the various Acts of the Oireachtas and statutory instruments described in Section 3 above, the following Acts of the Oireachtas confer functions on Local Authorities that may be relevant to the performance of the ERBD project.

- Environmental Protection Agency Act, 1992
- Canals Act, 1986
- Coast Protection Act, 1963
- Dangerous Substances Acts, 1972 and 1979
- Harbours Act, 1996
- Harbours Acts, 1946 to 1976
- Health Acts, 1947 to 2001
- Health (Fluoridation of Water Supplies) Act, 1960
- Local Government Acts, 1925 to 2001
- Local Government (Sanitary Services) Acts, 1878 to 2001
- Local Government (Water Pollution) Acts, 1977 and 1990
- Waste Management Act, 1996
- Water Supplies Act, 1942

Local Authorities may make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority, whether within or without its functional area or in relation to any connected matter. A local authority may make a bye-law where in its opinion it is desirable in the interests of the common good of the local community that

any activity or other matter should be regulated or controlled by bye-law, or that any nuisance should be controlled or suppressed by the bye-law.

Reserved and Executive Functions

It should be noted that the functions of local authorities are divided into two classes – “Reserved Functions”, performable directly by the elected members, and “Executive Functions”, performed by the city or county manager by order. The reserved functions of a local authority (those performed by the elected members by resolution) comprise decisions on all major matters, for example adopting the annual estimate of expenses and striking the rate; borrowing money; making or varying a development plan; or making, amending or revoking bye-laws. The principal statement of the reserved functions of local authorities is contained in the County Management Act, 1940 and the corresponding City Management Acts. Many reserved functions, however, have also been created by later enactments. Under section 41 of the Local Government Act, 1991, the Minister for the Environment is empowered by order to add to the list of reserved functions.

There is provision under “Better Local Government” (1996 – available from the DEHLG) for Stake holder involvement at Strategic Policy Committee level within County Councils. The “Better Local Government” guidelines outline a system, adaptable to local needs where by environmental matters (and others) receive special attention. Strategic Policy Committees focus on special subjects e.g. environmental are constituted two-thirds by elected representatives and one-third by sectoral representatives, drawn from national partnership pillars.

The ERBDMP will link to the Councils (and NGO Community) through the SPC’s at minimum through regular briefings. It is anticipated that there may be a participation role for SPC’s/Councils on the project while there will be a parallel technical advisory role for the executive arm of the Local Authorities through participation in the Technical Forum. With the passing of S.I. No. 722 of 2003 it should be noted that the establishment of a programme of measures and the adoption of a river basin management plan (RBMP) are reserved functions and, therefore, the responsibility of the various local authorities’ elected members and not the city or county management staff. However, if these two functions are not implemented by their due date (22 June 2009), they cease to be reserved functions and become executive functions carried out by the managers of the relevant authorities.

The implementation of the RBMP strategy will continue to be a function of the Council Executive.

Administration of the ERBD

S.I. No. 722 of 2003 specifies that the Local Authorities, acting jointly, will have the primary role in promoting, establishing and implementing the River Basin Management Projects required to ensure compliance with WFD, of which this project is one. The local authorities also have specific functions including:

- Performing an analysis of the characteristics of each RBD
- Carrying out a review of the impact of human activity on the status of waters in each RBD
- Carrying out an economic analysis of water use in each RBD

- Establishing in each RBD a River Basin District Advisory Council to provide a forum for systematic involvement of interested parties and dialogue between such parties and the public authorities
- Establishing monitoring systems in accordance with the established monitoring programmes
- Establishing environmental objectives and a “programme of measures” to achieve those environmental objectives and to give effect to the wide range of water-related requirements arising under specified Directives e.g. Directives on Bathing Waters, Birds, Drinking Water, EIA, Habitats, IPPC, Major Accidents (Seveso), Nitrates, Plant Protection, Sewage Sludge, and UWWT
- Facilitating public participation by the publication by specified dates of various documents leading up to the development of an RBMP
- Developing and adopting a RBMP which will summarise all the maps and information in relation to a RBD developed in “characterisation”, objectives, measures to be taken, responsible authorities etc
- Preparing and publishing progress reports on implementation of the programme of measures
- Displaying information on websites

The Eastern River Basin District has a land surface area of approximately 6,263km². As in all the other river basin districts, more than one Local Authority is involved. **Table 4-1** shows the various counties and local authorities with administrative responsibility within the ERBD including their relative percentage of land area that corresponds to each county within ERBD and relative percentage of ERBD land area within each county.

Table 4.1 Counties and Local Authorities with Administrative Responsibility within the ERBD

County	Local Authority (ies)	% of county in ERBD	% ERBD in county
Cavan	Cavan County Council	16.7	5
Dublin - City	Dublin City Council	100	2
Dublin - Dun Laoghaire-Rathdown	Dun Laoghaire-Rathdown County Council	100	2
Dublin - Fingal	Fingal County Council	100	7
Dublin - South	South Dublin County Council	100	4
Kildare	Kildare County Council	48	13
Louth	Louth County Council Drogheda Borough Council	10	1
Meath	Meath County Council	86	32
Offaly	Offaly County Council	6.6	2
Westmeath	Westmeath County Council	27	8
Wexford	Wexford County Council	0.8	0
Wicklow	Wicklow County Council	72	23

4.2.2.3 Co-ordinating Local Authority

Within each RBD one of the local authorities will act as the co-ordinating authority in relation to all the relevant local authorities in each RBD unless the Minister for the Environment, Heritage and Local Government has, following consultation with the other relevant authorities in the RBD and such other persons that the Minister considers appropriate, appoints another authority to act as the co-ordinator. **Dublin City Council (DCC)** has been appointed the Co-ordinating Authority for the purposes of administering the ERBD project. The Co-ordinating Authority's responsibilities for the ERBD project are to coordinate the studies, catchment characterisation, management system development and pilot implementation efforts needed to initiate the programme.

4.2.3 Relevant Public Authorities

S.I. No. 722 of 2003 assigns general duties to all public authorities to exercise their functions in a manner consistent with the WFD and to consult, assist, meet with, and to support other authorities for a co-ordinated implementation of the WFD and the new water policy

regulations. The relevant public authorities as listed in the First Schedule of S.I. No. 722 of 2003 are as follows:

Environmental Protection Agency (EPA) www.epa.ie

The primary responsibility of implementation of the WFD in Ireland rests with the EPA.

Relevant Local Authorities

The *thirteen relevant Irish local authorities within whose areas the ERBD is situated* are Dublin City Council, Wicklow County Council, Meath County Council, Kildare County Council, Fingal County Council, South Dublin County Council, Dun Laoghaire/Rathdown County Council, Louth County Council, Offaly County Council, Wexford County Council, Westmeath County Council, Cavan County Council and Drogheda Borough Council.

Regional Authorities

The Regional Authorities within the ERBD.

Central and Regional Fisheries Boards www.cfb.ie

Responsible for managing, protecting, conserving, developing and improving fish life relating to all aspects of the aquatic environment; sustainable development of inland fisheries resources; and maintenance of fish habitats. Representatives from the Fisheries Boards will sit on the Technical Forum and the **Project Steering Committee** for the ERBD project.

Geological Survey of Ireland (GSI) www.gsi.ie

Responsible for acquiring, interpreting and providing the best geological information relating to Ireland's earth resources and physical environment. Representatives from the GSI will sit on the Technical Forum and the **Project Steering Committee** for the ERBD project.

Teagasc www.teagasc.ie

Teagasc provides integrated research, advisory and training services for the agriculture and food industry in Ireland. It is a semi-state organisation which employs over 1,500 staff at 120 locations throughout Ireland. It is a client-based organisation and operates in partnership with all sectors of the agriculture and food industry and with rural development agencies. These relationships are reflected in its board which has representatives from the farming organisations, the food industry, the universities, the Department of Agriculture and Food and Teagasc staff. The organisation has developed close alliances with research, advisory and training agencies throughout the world. Around 75% of Teagasc's yearly budget comes from the Irish exchequer and EU funding with the balance generated from earned income. Some 40% of the budget is devoted to research with the remainder split half and half between advisory and training services.

Radiological Protection Institute of Ireland (RPII) www.rpii.ie

The Radiological Protection Institute of Ireland is the national organisation with regulatory, monitoring and advisory responsibilities in matters pertaining to ionising radiation. In particular the Institute concerns itself with hazards to health associated with ionising radiation and with radioactive contamination in the environment.

Marine Institute www.marine.ie

Recognised by the EU Commission as the National Reference Lab in Ireland for marine biotoxins in shellfish (Directive 91/492), fish health (Directive 91/64) and residues in farmed fish (Directive 96/23). The Marine Institute also co-ordinates, promotes and assists in marine research and development which will promote economic development, create employment and protect the marine environment.

ESB www.esb.ie

Founded in 1927, the Electricity Supply Board (ESB) is Ireland's leading energy company. It is a statutory corporation in the Republic of Ireland and is 95% owned by the Government of Ireland, with the remaining shares held by an employee share option trust.

In addition to generation, ESB is responsible for the management and operations of the electricity distribution network in the Republic of Ireland. It also owns the transmission system. The system operated by ESB includes 2 million poles and more than 100,000 kms of distribution networks. ESB operates a transmission system with over 5,000 kms of high voltage transmission lines and cables. Over €4 billion is being invested in infrastructure in Ireland by ESB in the coming years. Its activities impact on land-use e.g. 6,600 kilometres of medium voltage (MV) line was refurbished in 2002.

The portfolio includes 16 major power stations throughout Ireland, including within the ERBD, ranging from hydro-electric power station on the Liffey to a combined cycle gas unit at Poolbeg completed in the late 1990s. Proximate to the ERBD, ESB is currently constructing two new peat Power Stations in the Midlands. The company is also involved in developing other alternative renewable energy sources including harnessing wind energy through windfarms. Its impact on land-use and potential impacts on water quality are extensive.

Waterways Ireland www.waterwaysireland.org

Waterways Ireland is the North/South Implementation Body for the inland navigable waterway systems of Ireland and was established on 2 December 1999 under the British-Irish Agreement, 1999. The Statutory remit of Waterways Ireland is to manage, maintain, develop and restore the inland navigable waterways principally for recreational purposes. Its aim is to protect and develop Ireland's waterway heritage as a living, working environment with access for all. To that end Waterways Ireland will seek to enhance the development of the economic and social contribution of the waterways to sustainable tourism whilst also ensuring that the navigations are safe places for people to enjoy. Waterways Ireland will also seek to recognise, maintain and enhance the biodiversity and landscape value of the inland waterways and their associated habitats.

Tourism Ireland www.tourismireland.com

Tourism Ireland was established under the framework of the Belfast agreement of Good Friday 1998 to promote increased tourism to the island of Ireland. The board of directors of Tourism Ireland is made up of 12 individuals representing leading tourism industry interests North and South, Fáilte Ireland and the Northern Ireland Tourist Board. A company limited by guarantee, Tourism Ireland is jointly funded by the two governments with the marketing based on a 2:1 ratio South/North. The role of Tourism Ireland is; to carry out strategic all-Ireland destination marketing in all markets outside the island of Ireland; to undertake regional/product marketing and promotional activities on behalf of BFE and the NITB overseas; to own and manage Tourism Brand Ireland and its associated communications materials.

Heritage Council www.heritagecouncil.ie

The Heritage Act 1995 established the Heritage Council, as an independent statutory body with responsibility to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage. The Heritage Act defined heritage as including: monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways. The Heritage Council's function is to promote interest, education, knowledge and pride in, and facilitate the appreciation and enjoyment of the national heritage, co-operate with public authorities, educational bodies and other organisations and persons in the promotion of the functions of the Council, and promote the co-ordination of all activities relating to the functions of the Council. The Minister for Arts, Heritage, Gaeltacht and the Islands appointed the current Heritage Council will serve until July 2005. A review of the Heritage Act is currently being carried out internally within the Department of Environment Heritage and Local Government. The Heritage Council is seeking a new function in the Act which will highlight the link that exists between language and heritage and seeks to build on earlier policy proposals forwarded to government on aspects of both cultural and natural heritage including the need for a Biological Records Centre, a Standards and Accreditation Programme for the Museum Sector, an expansion of partnerships with local authorities and of Councils highly successful grants programme.

Health and Safety Authority (HSA) www.hsa.ie

The HSA has an overall responsibility for the administration and enforcement of health and safety at work in Ireland. The HSA monitors compliance with legislation at the workplace and can take enforcement action (including prosecutions) and is the national centre for information and advice to employers, employees and self-employed on all aspects of workplace health and safety. The Authority also promotes education, training and research in the field. HSA serves the work force and the public by promoting good standards of health and safety at work, inspecting all places of work and ensuring compliance with the law, investigating accidents and causes of ill health, carrying out and sponsor research, publishing guidance notes and advice, providing an information service, developing new laws and standards.

Local Government Computer Services Board www.lgcsb.ie

The Local Government Computer Services Board (LGCSB) is a public sector organisation tasked with providing Local Authorities with the best possible solutions to meet their information and communication needs. The LGCSB helps Local Authorities develop

strategies to underpin their business needs and implement appropriate information and communication solutions. The role of the LGCSB is evolving from a traditional approach of in-house development, based on 3rd and 4th generation databases, to a mix of:

- In-house, web-based development
- Outsourcing of development requirements
- The use of standard packages

The LGCSB is currently exploring the most extensive use possible of emerging technologies in terms of:

- Intranet-based delivery solutions
- The use of GIS over the web
- Mobile computing opportunities and e-procurement opportunities

The remit of the LGCSB is extending to include participation in the Information Society Implementation Agenda and of working both within the local government sector and with other sectors to achieve cohesive delivery of all electronic public services to all the users of such services. As such it is a significant element in the provision of information through GIS thereby assisting the public participation process of the WFD.

Commissioners of Public Works www.opw.ie

The Commissioners of Public Works is the legislative arm of the Office of Public Works (OPW) and consists of the chairman and two commissioners from the OPW management structure. A function of the Commissioners is to acquire, maintain and dispose of land and interests for use by the State, the Commissioners, another State authority and to make schemes for the provision of assistance to persons who suffer undue hardship or personal injury or loss of or damage to land/property by reason of flooding. The OPW is recognised as the body through which Central Government exercises its statutory responsibilities in respect of river drainage and flood relief. The OPW is responsible for ensuring reduction in risk to life and damage to property from fluvial and tidal flooding within scheme catchments; for preserving the productive potential of the agricultural land served by drainage schemes; and for providing a hydrometric and flood relief design services.

The Minister for Enterprise, Trade and Employment www.entemp.ie

The Department of Enterprise, Trade and Employment promotes the sustainable development of a modern competitive enterprise economy based on quality employment, social inclusion and enhanced working and living standards.

The Minister for Communications, Marine and Natural Resources www.marine.gov.ie

The Department of Communications, Marine and Natural Resources (DCMNR) promotes and protects the quality of the Marine Environment; brings into force laws, regulations and administrative provisions necessary to implement the following marine environment directives:

- Regulation and licensing of development on state owned foreshores under the Foreshores Acts 1933 – 1998
- Regulations and licensing of aquaculture activities under the Fisheries Amendment Act 1997
- Regulations and licensing of dumping at sea activities under the Dumping at Sea Act 1996
- The Department has overall policy responsibility for the conservation, management, regulation and development of the inland fisheries resources

The Department of Communications, Marine and Natural Resources multidisciplinary Marine Licence Vetting Committee advises the Minister in respect of foreshore license applications and dumping at sea permit applications (includes for the dumping of dredged spoil).

A multidisciplinary aquaculture license advisory committee advises the minister in respect of aquaculture licence applications.

Representatives from the DCMNR will sit on the Technical Forum and the **Project Steering Committee** for the ERBD project.

The Minister for Agriculture and Food www.agriculture.gov.ie

The Department of Agriculture and Food (DAF) provides grant assistance for animal housing and waste storage facilities to better manage farm wastes etc.; promotes good farming practice as part of a number of DAF schemes; promotes farmers to join REPS where they must comply with nutrient management plans and other measures.

Representatives from the DAF will sit on the Technical Forum for the ERBD project.

4.2.4 Other Public Authorities

Representatives from the following may also sit on the Technical Forum:

Department of Community, Rural and Gaeltacht Affairs (DCRGA) www.pobail.ie

The DCRGA has specific responsibility for community and local development and retains the responsibilities previously held by the former Department of Arts, Heritage, Gaeltacht and the Islands for both the Irish language and the Gaeltacht, and the development of the off-shore islands. The North-South body, Waterways Ireland is under the aegis of DCRGA with a statutory remit to manage, maintain, develop and restore the inland navigable waterways principally for recreational purposes.

COILLTE www.coillte.ie

Coillte Teoranta (The Irish Forestry Board) operates in forestry and related businesses. The company's shareholders are the Minister for Finance and the Minister for Communications, Marine and Natural Resources who own the shares on behalf of the Irish State. The company was established as a private limited company under the Forestry Act 1988 which

sets out its objectives and duties. Among those most relevant to the ERBDMP are its objectives:

- To operate in forestry and related activities on a commercial basis and in accordance with efficient silvicultural practices.
- To establish and carry on woodland industries
- To participate with others in forestry and related activities.

The pursuit of these objectives makes Coillte a significant land-user in the ERBD. Among its stated duties are:

- To have due regard to the environmental and amenity consequences of its operations
- To consult with the Minister for Finance concerning forestry development in areas of scientific interest

Bord na Móna www.bordnamona.com

Bord na Móna is an international supplier of products and services based principally on peat. It is a substantial landowner. It operates on a decentralised basis through subsidiary companies. They operate in the following areas:

- Horticulture: providing horticulture products for commercial growers and hobby gardeners
- Fuels: Peat-based fuels, coal and oil for residential and industrial heating
- Environment: Odour Monitoring & Control, Wastewater Treatment Systems, Environmental Consultancy Services, Accredited Laboratory
- Energy: Peat as a fuel for the generation of electricity

4.2.5 Non-Statutory Stakeholders

Members of the public and non-governmental organisations (NGOs) such as Voice of Irish Concern for the Environment (VOICE) or Birdwatch Ireland, will all be interested in this project to different degrees. NGOs may be concerned that Local Authorities and the EPA are not moving into compliance with the WFD at the right pace to meet all scheduled deadlines. (It is worth noting that an EU directive grants rights directly to citizens of Member States including for some directives the right to sue for infringement of the directive by the Member State in certain circumstances. The liability of a Member State for harm suffered by individuals as a result of an infringement of Community law attributable to that State was established in principle by the Court of Justice in its judgment of 5 March 1996.)

Other organizations, such as farming, industry, and individual members of the public may have concerns about the effect of the implementation on their property or activities. Special Protection Areas and Special Areas of Conservation can be a particularly trying issue since they can affect licensing or permitting for forestry, drainage, windfarms or other activities. Although the ERBD project must be mindful of these designations the local

authorities do not have control over them or much input into their operation in the same way as they do with designated bathing waters or sensitive waters.

Although non-statutory stakeholders do not have a decision-making role in the implementation of the ERBD project and have no direct legislative responsibilities or powers within the ERBF, since one of the objectives of the WFD is the greater involvement of the citizen in water protection policy and implementation, a strong public consultation and information initiative will be part of the ERBD.

Acronyms

CDM	Camp, Dresser and McKee
CFB	Central Fisheries Board
CIS	Common Implementation Strategy
CVF	Community Voluntary Forum
DAF	Department of Agriculture and Food
DCC	Dublin City Council
DCMNR	Department of Communications, Marine and Natural Resources
DCRGA	Department of Community, Rural and Gaeltacht Affairs
DEHLG	Department of the Environment, Heritage and Local Government
DG	Directorates General
EC	European Community
EEC	European Economic Community
ELV	Emission Limit Value
EMS	Environmental Management System
EPA	Environmental Protection Agency
ERBD	Eastern River Basin District
ERFB	Eastern Regional Fisheries Board
ESB	Electric Supply Board
EU	European Union
FCC	Fingal County Council
FEE	Foundation for Environmental Education
GIS	Geographical Information System
GSI	Geological Survey Of Ireland
HSA	Health and Safety Authority
IPPC	Integrated Pollution Prevention Control
IRBD	International River Basin District
KCC	Kildare County Council
LA	Local Authority
LCC	Louth County Council
LGCSB	Local Government Computer Services Board
MCC	Meath County Council
MI	Marine Institute
MV	Medium Voltage
NCG	National Co-ordination Group
NGO	National Government Organisation
NHA	National Heritage Areas
OCC	Offaly County Council

OPW	Office of Public Works
OSi	Ordnance Survey of Ireland
RBD	River Basin District
RBDAC	River Basin District Advisory Council
RBM	River Basin Management
RBMS	River Basin Management System
REPS	Rural Environment Protection Scheme
RFB	Regional Fisheries Board
RPII	Radiological Protection Institute of Ireland
RPII	Radiological Protection Institute of Ireland
SAC	Special Areas of Conservation
SDCC	South Dublin County Council
SERBD	South Eastern River Basin District
SI	Statutory Instrument
SPA	Special Protection Areas
SPC	Strategic Policy Committee
SRBD	Shannon River Basin District
UWWT	Urban Wastewater Treatment
VOC	Volatile Organic Chemicals
VOICE	Voice of Irish Concern for the Environment
WCC	Wicklow County Council
WFD	Water Framework Directive
WMCC	Westmeath County Council
WQO	Water Quality Objective

Glossary

Anthropogenic:

Caused by humans.

Derogation:

The partial taking away of the effectiveness of a law; a partial repeal or abolition of a law.

Euthropic:

A measure of the extent of enrichment of a water body as assessed by the nutrient concentrations, amount of planktonic algae and macrophytes, water transparency and oxygen levels (Refer to Trophic Status below).

GIS (Geographical Information Systems):

A set of integrated techniques for storing, retrieving, transforming and displaying spatially referenced thematic data in map form.

Groundwater:

That part of the subsurface water that is in the saturated zone, i.e. below the water table.

Impact:

A spatial or temporal change in the environment caused by human activity.

Integrated Pollution Control (IPC):

A system of licensing which covers all emissions to air, water and land, including noise, and is intended to minimise the impact on the environment by taking account of pollution that may be transferred from one environment medium to another.

Ionising:

Converting totally or partly into ions.

Nutrient:

Element or chemical essential for growth, e.g., phosphorus, nitrogen, silica, oxygen and carbon.

subdivided into: Bedrock aquifers which are generally unproductive except for local zones (Pl) and Bedrock aquifers which are generally unproductive (Pu).

Priority Substances:

Refer to dangerous substances as listed in Annex III of the WFD.

Promulgate:

Put a law into effect by formal declaration.

River Basin Districts:

Catchment containing one or more river systems established by the Department of the Environment and Local Government as part of the implementation of the Water Framework Directive.

Rural Environment Protection Scheme (REPS):

A country stewardship scheme where grants are available to small farmers who adopt sustainable farming practices.

Salmonid Waters:

High quality waters suitable for the maintenance of viable self-sustaining populations of wild salmon and trout. These may be designated under the EC Freshwater Fish Directive if considered especially important.

Sensitive Waters:

Designated waters under the E.C. Urban Wastewater Treatment Directive as affected by eutrophication. Qualifying sewage treatment plants discharging to these waters must meet a defined effluent quality.

Sewage:

Liquid wastes from communities, conveyed in sewers. Sewage may be a mixture of domestic sewage effluents from residential areas and industrial liquid wastes.

Trophic Status:

The extent of enrichment of a water body as assessed by the nutrient concentrations, amount of planktonic algae and macrophytes, water transparency and oxygen levels. The trophic categories oligotrophic, mesotrophic, eutrophic and hypertrophic are used to describe waters varying from un-enriched to highly enriched.

Water Abstraction:

Water removed from any sources, either permanently or temporarily. Mine water and drainage are included.

Wetland:

An area covered permanently, occasionally, or periodically by fresh or salt water.