



## *National Workshop:*

# *The European Water Framework Directive & Irish Ports*



### ***The Context:***

*The European Water Framework Directive (2000/60/EC) was transposed into Irish Law in December 2003. This Directive aims to protect all surface and ground waters by rationalising and updating existing water legislation.*

*The Directive provides for water management on the basis of River Basin Districts and requires Member States to put in place River Basin Management Plans specific to each of these Districts. This process will involve the setting of environmental objectives for all waters and devising cost effective programmes of measures required to meet those objectives.*

*In December 2008 each Irish River Basin District will publish its first draft River Basin Management Plan for public consultation.*

### ***Workshop Aims:***

*To help Irish Ports better understand the Water Framework Directive and the potential implications of its implementation.*

*To provide a forum for Port Authorities to help them engage with their River Basin District Coordinating Authorities on matters relating the WFD to port operations.*



## **Introductory comments**

In Ireland, the ports, shipping and marine navigation sector have had limited involvement in the upcoming Water Framework Directive (WFD) implementation.

They see the WFD objectives as:

- to improve water quality,
- maintain, where improvement not possible, and
- apply measures sensibly to allow existing operations to continue

All ports in Ireland have already taken measures to address these issues under their existing legislative and operational commitments.

Ports have a number of legacy issues to address, some from upstream, some from historical land use, and some from historical practices that were less stringent, or the impacts less understood, than today. At present it is the ports responsibility to clean up these legacy issues, though it is hoped that the Environmental Liability Directive may help to identify the responsibilities for these issues.

## **General Comments**

Ireland has 12 months to input into the River Basin Management Plans and raise the issues outlined in the workshop for each area.

Under Article 4.7 of the WFD there is the opportunity or scope for exemptions to the objectives to be set out. How this will be implemented is not yet finalised.

As yet the EPA has not confirmed whether the alternatives (location, technology, competing resources) will be assessed at a national or local basis.

The procedure for assessment of overriding public interest must be decided. In Scotland and England this has been determined as by Ministerial direction only.

Ports should contact their respective River Basin Districts (RBDs) and formally raise issues and concerns so that they can be included in the draft River Basin Management Plans (RBMP)

## **Questions and responses from the discussion sessions**

Can new ports be built? If exceptions are raised in the consultation phase, would they be able to be included or appended to the plan?

There are exemptions (covered in Talk 9) that allow the construction of new infrastructure, but they can be covered in the current plan where they are already planned to be built before the next RBMP in 2015. New developments can be proposed and built mid plan where the case is upheld as an exception.

If exceptions are raised or new development plans outlined in the consultation phase, would they be able to be included or appended to the plan?

The RBMP format has been laid out to ensure consistency at a national level. The plan will be a short summary document supported by electronic data which will present the specific water body pressures, monitoring, objectives and measures. Specific information should be able to be added to the electronic data.

What will happen if new developments need to be built mid-plan?

There will be flexibility through the lifetime of each river basin management plan. Any exceptions will be assessed through the process laid out in the talks.

However, adoption of exceptions or changes to the plan must be given the same consultation opportunities as the RBMP, under the WFD.

Will exceptions have an audit trail to ensure a level playing field?

All RBMP will be submitted to Europe for review.

There is a specific reporting format, to ensure that items such as HMWB and exceptions are assessed equally.

Exceptions will be included in the draft plan and may be assessed during the consultation phase. All Local Authorities will adopt the draft and final plans, including exemptions and future developments included in the RBMP.

There is concern over who will regulate and co-ordinate proposals, will they be addressed at a national level or a local level.

At what scale will the sustainability of proposals be assessed (national or local)?

The River Basin management plans will address these issues once the 2007 changes to ministerial responsibilities in the marine areas have been resolved (see Talk 8).

If decision making is on a national or local basis, how will this effect ports competing against European neighbours? Even short sea ports have close international competition.

The guidance documents have been drafted at a European level (both sectoral and Common Implementation Strategy) to increase the chances of a level playing field. It may be that there is a need to educate the local regulator on the availability and ensure use of this guidance. Organisations such as ESPO were involved in drafting the guidance and ensuring ports concerns were voiced.

Sheet piling vs piling, what are the ecological differences referred to in the talks?

The water body quality is ecology driven as well as chemical. A sloped wall is ecologically better than vertical walling as there is some surface area in the upper shore habitats rather than complete coastal squeeze. This is a specific example that may not be relevant in many areas in Ireland, the scale size and percentage of the water-body affected must be taken into account, and in highly protected coastal areas this can provide some mitigation or design mitigation.

Are port dredging operations able to fit with RBMP timescales?

All ports cycles are different dependant on location, conditions and effects of traffic etc. At present most ports work on a 5 year maintenance dredging plan. This is purely administrative and was thought to be a reasonable length ports could plan ahead. This could be proposed as a 6 year plan (where OSPAR regulations allow) to fit in the RBMP, however, most ports are currently part way through existing plans. There is also a 1 year plan use for dredge tasks, or by those ports and harbours that need to dredge only occasionally, or to deal with a specific problem. Flexibility within the RBMPs and regulations are needed to allow for these operations that ensure Ports safe operation.

How will disproportionate costs be assessed?

DEFRA in the UK have completed a project of collaborative research that has laid out criteria for the assessment of disproportionate costs. As yet there is no equivalent study or guidance for Ireland.

## **Conclusions**

### **The next step?**

The next step for ports is to interact with their respective River Basin District representatives through increased contact with the RBD and involvement in the consultation process, encouraging all ports to get involved in discussion.

Ports should consider the information raised at the workshop, and in particular review the WFD Risk register presented by Dublin Port.

Ports should raise concerns they have with their relevant River Basin District, after reviewing this information and their local Significant Water Management Issues booklet and make formal written submission to their respective RBD's and these submissions will be considered and included in RBMP appraisals.