

**A Review of the  
Number and Boundaries of River Basin Districts  
and  
Administrative Areas  
for  
WFD Implementation**

**Report to the Environmental Protection Agency**

**prepared by**

**Seán Ó Breasail (Consultant Engineer)**

**and**

**Paul Mills (Compass Informatics Ltd)**

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## Introduction

Since 2003 implementation of the Water Framework Directive has been undertaken in Ireland under the leadership of the Department of the Environment, Community and Local Government. Under current legislation specific roles and responsibilities were assigned to various agencies of the state and local authorities. The primary responsibility for delivering the River Basin Management Plans, the central means of complying with the WFD, was assigned to local authorities and each RBD had a designated lead local authority. The first plans were adopted by the local authorities and approved by the Minister for the Environment in 2010.

In the initial period prior to the adoption of the first plans strong teams were present in the individual RBDs, comprising Local Authority staff with support from external consultants. Across the EU and in Ireland the WFD is to be implemented in accordance with a specified timetable. This implementation model helped Ireland to fulfil the early stage requirements of the WFD. It was envisaged that the lead local authority role would continue, to coordinate implementation by public and local authorities to deliver the programme of measures. In the subsequent period, however, concerns have emerged regarding the effectiveness and efficiency of the current model to adequately meet future requirements.

It is now recognised by the many parties involved that changes are needed to aspects of WFD governance to better underpin the implementation of the measures in the adopted plans and the preparation and adoption of future plans. At various tiers of governance revised roles are under consideration. As part of this overall process the Environmental Protection Agency and DECLG has sought a review of the number and boundaries of the River Basin Districts and administrative areas. This report addresses this specific issue and makes recommendations for the revision of the current arrangement in the context of both opportunities that are available and constraints which have become apparent.

The primary action in the preparation of this report has been a widespread consultation and exchange of views with the different actors in WFD governance and implementation to date (Appendix 1). Several meetings were convened with groups of participants from particular tiers of governance to encourage the development of consensual perspectives. In some instances simple bi-lateral meetings were held. The opinions expressed in the report are those of the authors.

This study is being carried out at a time of anticipated changes in local government and public services in Ireland. The most significant are the advent of Irish Water and the proposed reforms of local government, as set down in *Putting People First – Action Programme for Effective Local Government*, published by the Minister for the Environment, Community and Local Government in October 2012.

This project is being undertaken for the following reasons:

- ◆ As it is almost 10 years since the publication of S.I. No. 722/2003, it is appropriate to review the experiences and outcomes of the first river basin management cycle from an administrative perspective.
- ◆ An evaluation of whether the implementation of the proposed new governance arrangements would be more effective with new RBD and/or new administrative area boundaries is required.

- ◆ Additional staff will be required by both the EPA and local authorities to implement the new governance arrangements effectively; an evaluation of whether the number of RBDs and the number of administrative areas would affect the numbers of additional staff is required.

Specifically the scope of the project sets out to address key questions:

1. Should the current arrangement with 7 RBDs remain or is there some better arrangement / configuration (keeping in mind the requirements of the Directive)? Proposals and reasons, including advantages / disadvantages, for any proposed reconfiguration of RBD areas should be given.
2. If it was decided to change the number / configuration of RBDs, should local authority areas be aligned with RBDs or would some other arrangement, involving a separation of RBD areas and local authority administrative areas, be better (give reasons – advantages / disadvantages).
3. If it is agreed that a separation of administrative and RBD areas is the preferred approach, what would be the best configuration of local authority administrative areas? Give reasons and advantages. This question should have regard to local authority plans for shared service arrangements.

The primary conclusion of the report is that there are compelling reasons to recommend a fundamental change to the RBD structure for the WFD in Ireland. This is predicated on known shortcomings in the current set-up and the need to achieve a far greater degree of effectiveness in WFD implementation. The recommended approach seeks to achieve this goal in the context of the limited resources available in the current economic climate and the opportunities now available to deliver the WFD more efficiently.

## Background and context

### Current arrangement of RBD administration

Following adoption of the Water Framework Directive the Member States defined their River Basin Districts. The map below (figure 1) shows the RBDs in the Republic of Ireland.

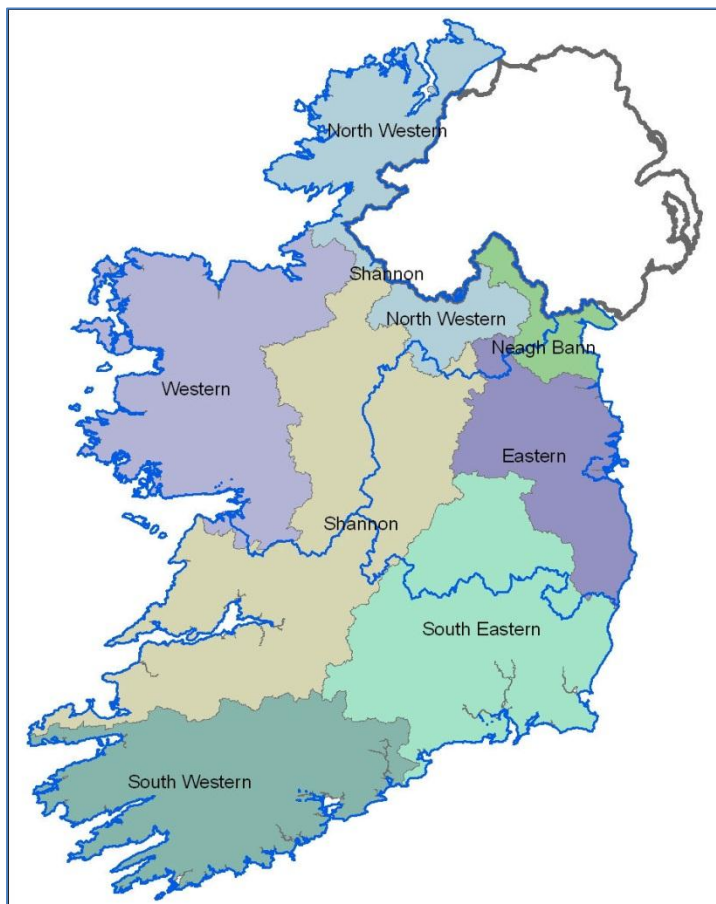


Figure 1 River Basin Districts of the Republic of Ireland

There are eight River Basin Districts on the island of Ireland. Four are entirely in the Republic, one is entirely in Northern Ireland and three straddle the border, although only a very small area of the Shannon RBD is in Northern Ireland. It should be noted that the areas of River Basin Districts in Ireland are significantly smaller than the norm elsewhere in Europe. Even if the whole island had been defined as a single RBD it would still have been smaller than many European mainland RBDs. Therefore, it does not appear to be productive to compare the administrative arrangements in Ireland with the European mainland.

The nearest equivalent in terms of geography is Britain. The UK Authorities divided England and Wales into eleven RBDs, of which two span the administrative boundary between England and Wales, and two span the border between Scotland and England. In Scotland, one district (the Scotland river basin district) covers the majority of the country. The second district (the Solway Tweed river basin district) covers the waters of the Solway and the Tweed and is jointly managed by Scottish Environmental Protection Agency and the UK Environment Agency.

In 2003 DEHLG designated seven local authorities to co-ordinate the implementation of the WFD, as follows: ERBD – Dublin City Council; SERBD – Carlow County Council; SWRBD – Cork County Council; Shannon international RBD – Limerick County Council; WRBD – Galway County Council; NWRBD – Donegal County Council; and NBRBD – Monaghan County Council. DEHLG supported the establishment of six RBD offices; Donegal County Council undertook the NBRBD in addition to the NWRBD. Only two of the RBDs, Shannon and South Eastern, can be seen as properly hydrological – the rest are collections of catchments, arranged to provide a convenient geography.

This report asks if the RBD boundaries and the administrative boundaries should be separated and if so what would be the optimal new arrangement.

### Perceived Deficiencies

Deficiencies are apparent in the current model of governance of the WFD at the different tiers. These are expressed in various documents and in the opinions of individuals obtained during the consultation. Whereas several of these matters may not be, *sensu stricto*, directly related to the number and boundaries of the River Basin Districts they can provide context to the boundary review.

The Commission (DG Environment) Report “River Basin Management Plan Assessments” has stated, with reference of Ireland, that implementation will be difficult or challenging to coordinate with “no single body having ultimate responsibility”. It has also highlighted concerns across the EU in general regarding effective water governance for the WFD – citing fragmented institutional structures, poor intra and inter-institutional relationships and capacity which undermine the ability of authorities to perform the detailed analyses to implement the WFD. In the opinion of the authors several of these concerns are consistent with those made apparent during the consultation phase.

In a similar vein the published River Basin Management Plans state:

“The current administrative systems are fragmented along administrative lines and do not facilitate analysis, identification and implementation of the most cost-effective solutions to manage water quality at river basin level. An RBD can cover the areas of responsibility of a large number of bodies e.g. 18 local authorities in the case of the Shannon RBD. Furthermore, the implementation of many of the measures necessary to achieve the objectives of the plans is the responsibility of national rather than local authorities.”

Equally the Report of the Local Government Efficiency Review Group, published in 2010, noted that:

“Delivery of the River Basin Plans will be challenging as responsibility for implementation of the plans is assigned across too many organisations and no single body has ultimate responsibility.”

In response the DECLG, in a discussion document<sup>1</sup> prepared by the Water Quality Unit, addressed the problems of the current governance arrangements for the Water Framework Directive. The document noted the overlapping roles of local authorities and government bodies, the fragmentation of responsibility and, consequently, that there was no clear lead. It noted the infringement case being taken by the European Commission, one aspect of which concerns the inability of the local authorities to implement the programme of measures that form part of the river basin management plans. The programme includes the so called ‘basic’ measures but notes that it is not clear that local authorities have all of the statutory powers necessary to fulfil the requirements of the basic measures. The document says that with regard to implementation no one player has

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<sup>1</sup> DECLG [Water Governance in Ireland – Future delivery arrangements](#)

the statutory responsibility or authority to drive implementation, to monitor progress or to undertake enforcement activities.

The EPA has experienced difficulties with the current arrangements. It says that implementation of the programme of measures in the plans is not effective. The reporting from the RBD offices has been inconsistent. It has found a lack of awareness of the WFD amongst some local authority staff. It perceives that the causes for these problems are perceived to be lack of capacity in the RBDs and local authorities, the fact that many local authorities have multiple RBDs within their borders and the over reliance on consultants in the past.

The RBD Coordinators identified a number of deficiencies in the existing river basin management planning and implementation structure, the most important of which can be encompassed within the statement “absence of a single responsible entity”. They also said that engagement by local authorities with the RBMP process was patchy and inconsistent, that there was little public participation apart from what was legally required and that there was uncertainty of funding over the past three years which mitigated against the effectiveness of RBD offices.

Some local authorities did not continue to assign full-time coordinators to the RBD offices. GIS support was intermittent nor was external GIS support sanctioned. However, the ERBD, through strong local leadership, continued to function effectively. It had two full-time staff, administrative support and drew on external consultants. It obtained support from participating local authorities and from Dublin City Council.

Local authorities and others commented that there was an over-reliance on consultants in the preparation and delivery of the plans. This gave rise to a number of problems. Firstly, local authorities did not take “ownership” of the process or of the outcome. It was perceived that someone else was doing the work and that it was not necessary to get involved. Secondly, the technical nature of much of the work carried out by the consultants was put to the forefront in presentations to steering groups, Advisory Councils and public participation events. While the quality of this work was excellent and it was necessary to carry it out in order to provide a scientific basis for the plans, it was difficult to communicate and the overall message of the WFD was obscured. Thirdly, the reliance on consultants meant that local authorities did not build up the necessary capacity to implement the plans.

River Basin District Advisory Councils were established as fora for direct dialogue and interaction between interested parties on river basin management plans and other matters relevant to the protection and use of the aquatic environment and water resources and to advise and make recommendations on these matters to the relevant public authorities. The membership was made up of County, City and Town Councillors and representative of stakeholder interests. The general consensus is that these bodies were not successful and they were not re-established following the local elections in 2009, although there is a legal requirement to do so. Some form of democratic and stakeholder input into water management is desirable. It is likely that the EU Commission would not look favourably on the abolition of the Advisory Councils unless alternative fora are put in their place.

Therefore, we can summarise the deficiencies in the current arrangements as follows:

- There are too many RBD administrative areas, given the resources required to co-ordinate each one effectively.
- There was excessive reliance on consultants in the preparation of the river basin plans.

- There was an absence of a single responsible entity, resulting in a lack of direction and decision making.
- Engagement between the co-ordinating authorities on the one hand and the constituent local authorities and other statutory and non-governmental organisations on the other hand took place but did not produce consistent, effective results.
- Public participation was not effective.
- The River Basin District Advisory Councils were not successful, particularly from the perspective of the non Councillor participants.

Some of the above problems were less manifest in the ERBD. It has continued to implement the WFD through strong local leadership, funding from participating local authorities and support staff and other resources from Dublin City Council.

The Office of Public Works has adopted the RBD boundaries for its Catchment Flood Risk Assessment and Management studies (CFRAMs). This work is being carried out at present. Inland Fisheries Ireland has also adopted the RBD model for its catchment management activities.

### Perceived Opportunities

This review of the number and boundaries of River Basin Districts and administrative areas must be considered in the context of proposed and ongoing initiatives in national administration and local government. Several relevant initiatives are apparent which can contribute to the establishment of a more suitable arrangement of RBDs and their administration.

#### *DECLG - Water Governance in Ireland*

The Department recommends a strengthened and better defined three tier structure for the implementing of the WFD as follows:

##### Tier 1: National management and oversight

- Led by DECLG
- Policy, regulation and resources
- Sign off of river basin management plans

##### Tier 2: National technical implementation and reporting

- Led by EPA
- Monitoring, assessment and reporting
- Evaluation and implementation of measures
- River basin management plans
- Monitoring of enforcement tasks and environmental outcomes

##### Tier 3: Regional implementation, via water networks

- Led by lead Coordinating Authority
- Local authority monitoring, licensing and enforcement actions
- Implementation of programmes of measures by relevant public bodies, tracking and reporting in consultation with EPA



At Tier 1 a national level steering group will be established to provide policy coherence, oversight and direction. Its remit will include resources and advice on regulation. Membership will include the relevant Government departments, lead local authorities, Irish Water, CCMA and EPA. This measure should address the absence of a single responsible entity and the lack of decision making and direction experienced during the first phase of RBD planning.

There are two core tasks to be carried out at Tier 2, i.e. the preparation of the river basin management plans and the overseeing of the implementation of the plans. The EPA has examined the proposals with respect to its future role. The key change is to evolve EPA's role from its current technical brief (monitoring and reporting tasks under WFD Articles 8 and 15) to a proactive, strategic and engagement role with RBD and Local Authority staff. In addition to the resolution of internal financial and resource constraints EPA has expressed concern about the effectiveness and efficiency of the current governance model to enable a more secure realisation of these objectives. EPA is also concerned that under the present arrangements seven separate RBM Plans need to be developed. This creates a considerable overhead in IT related data exchange and management tasks as well as in general administration and liaison.

#### *Irish Water*

The advent of Irish Water will require the establishment of new relationships in the management of our waters. It will take over many functions currently carried out by local authorities. Those that are relevant to river basin management are abstractions from surface water and groundwaters and discharges of wastewater. The EPA will regulate these functions. While Irish Water will initially work through service level agreements with local authorities it will gradually establish its own workforce and systems. It will be organised on an as yet to be decided regional basis. It is envisaged that the proposed regional assemblies, see *Putting People First*, will provide an appropriate mechanism for consultation and engagement between Irish Water and the local government system on strategic matters.

#### *DECLG – reform of Local government “Putting People First”*

Proposals for major reform of local government have been published by the Minister for the Environment in a document called *Putting People First*. It outlines Government policy for reform and development right across the local government system. It proposes, inter alia, significant changes in the regional level of local government. Any changes to the administrative arrangements for WFD implementation shall take it into account.

#### *Shared services*

Shared services are formal arrangements between local authorities or between local authorities and other public bodies underpinned by service level agreements between the parties. The local government sector has a long and successful history of shared services. Perhaps the most well known example is the Local Government Computer Services Board which has operated as a shared service for local authorities since 1975. A good example of a shared service in the water sector is the regional laboratories.

Many local authorities do not have the capacity (i.e. skills, experience and manpower) to carry out all their duties with their own staff resources. In the past there has been extensive reliance on private consultants to fill the gaps. This is an expensive way to address the problem. It is also only a short-term solution as the skills and experience are not built up in the local authorities to carry out similar tasks in future. The County and City Managers' Association has embarked on a programme of shared service whereby local authorities will carry out some duties on behalf of others.

There is widespread but not yet universal acceptance by County Managers of the concept of shared services as the optimal way for local authorities to deliver many services. Service level agreements can only work in the longer term if they are agreements between equals. The Croke Park Agreement has given added impetus to the development of more shared services as a means of providing better services to the public and improving efficiency in delivery.

### *Networks*

Opportunities are afforded by Networks to build capacity in scientific understanding and best practice. The availability of more focussed guidance and practical methods (such as toolkits for responding to specific, often sectoral, issues including the application of many of the Basic Measures under existing legislation) could radically enhance the likelihood of effective implementation of the WFD at Tier 3. An example of a successful network is the Agricultural Investigations Working Group. Networks are informal and are set up for a specific purpose. They may be on-going or exist only for the duration of a task.

### *Public participation and democratic input*

Opportunities arise to provide a 'democratic dimension' and improved public participation in the establishment of new arrangements for the WFD. The democratic dimension can be established at regional assembly level, using a model similar to the Advisory Councils or Strategic Policy Committees. It is opportune to address the raising of public awareness of water quality issues in the context of water charges and this may be an opportunity for Irish Water to cooperate with EPA and local authorities. Public participation is best achieved at local level and the establishment of Tier 3 offices with appropriately qualified staff shall facilitate it.

## **Consultation**

The issues and context outlined in the sections on 'Perceived Deficiencies' and 'Perceived Opportunities' above were widely known by the parties involved prior to the consultation process. In general these matters were considered to be relevant and the opportunities arising were viewed in a positive light rather than creating a sense of controversy.

Extensive consultation was carried out with representatives of the County and City Managers Association, the Department of the Environment, Community and Local Government, the Coordinating Authorities, the EPA, SWAN, the OPW and others (Appendix 1).

There was general consensus that the proposed three tier arrangement for the future implementation of the WFD was welcome. This report is concerned with the third tier and, to a lesser extent, the second tier. However, it is important to make some comments, arising from the consultation, on the proposals with respect to the first tier. It is anticipated that the first tier will involve parties such as the Department of Agriculture, the Department of the Marine and the Marine Institute to a greater extent than heretofore. This should result in better and quicker decisions.

With regard to the second tier, it was accepted that the additional tasks given to the EPA would result in greater efficiency, more consistent implementation, and significant savings, particularly with respect to the preparation of the second River Basin Plans. However, it is most likely that the EPA would not be able to realise this potential without the commitment of increased staff and resources.

Since the start of the River Basin Planning process ten years ago the EPA and the RBD offices / Coordinating Authorities have developed strong and fruitful working relationships. There is mutual respect and there is recognition of problems that need to be addressed together. It is important that this relationship would be extended to all local authorities and that the RBD coordination offices would have the capacity to fulfil their role. It was generally accepted that any new administrative arrangements should aim to achieve this.

The most significant forum for co-operation between the EPA and local authorities during the first phase of river basin planning was the National Technical Co-ordination Group. This network also involved DECLG and other agencies. It met about ten times per annum and worked well. In the latter years of the preparation of the plans tasks were assigned to each of the RBD project teams and were overseen by working groups representing organisations which had statutory responsibilities relevant to the tasks. The outcomes were reported back to the NTCG where they were examined, amended and agreed. This model was perceived to have worked well in preparing the first plans. The re-establishment of the Network concept, to address the current and anticipated challenges in WFD implementation, would be considered a welcome and necessary development.

Some of those who were consulted were concerned that the future delivery arrangements for the WFD proposed by DECLG would have significant implications for public participation. Two points in the proposals were highlighted by them:- firstly, that the RBD Advisory Councils will not be re-established and secondly, it will not be a requirement that the River Basin Plans be adopted in their entirety by county and city councils. They recommended that public participation be strengthened in other respects to compensate for or counteract these changes.

There was agreement that shared services offer local authorities the opportunity to deliver their services more efficiently and that the use of networks is perceived to be a valuable way of implementing the plans.

The Office of Public Works and Inland Fisheries Ireland welcomed the proposed strengthened role for the EPA. Both bodies were active participants in the RBMP process. IFI was frustrated with poor liaison with local authorities but recognises that they have resource difficulties. OPW has established good relationships with local authorities on their flood risk assessment and management studies. The guidelines issued jointly by DECLG and OPW, The Planning System and Flood Risk Management, have assisted local authorities in addressing flooding issues in development plans and local area plans.

There were a number of points on which there was general agreement as to any rearrangement of the roles and responsibilities of the local authorities, as follows:

- There was no preference expressed to retain the River Basin Districts as currently set up.
- The new administrative areas should not cross county boundaries.
- The staff numbers and skills in the new administrative areas should be such that they would have sufficient critical mass and continuity to deliver support to the local authorities within their areas.
- There should be fewer than seven administrative areas but there should be more than one.
- The new arrangements should avail of shared services and networks to implement the River Basin Plans more effectively.

## Options

The three tier structure proposed by DECLG would make the EPA responsible for the “RBD” specific functions, whereas the coordinating (or lead) local authorities would be responsible for coordination of the implementation of measures by local authorities. It is clear that this coordination role does not need to match the RBD boundaries and thus, the RBD boundaries and the administrative boundaries need not coincide.

A number of options for new administrative arrangements were examined. Consideration was given to making changes at Tier 3 only, leaving the RBD boundaries intact and requiring the preparation of seven River Basin Plans, as previously. In this scenario the administrative bodies at Tier 3 would be groups of counties, coordinated by a lead authority. The EPA would liaise with it and it would co-ordinate the activities of the counties.

As noted above the Irish RBDs, except for the Shannon and the South Eastern, are groups of small catchments discharging to the sea. They are entities of convenience rather than of necessity to ensure hydrological continuity. Therefore a rearrangement of the RBDs is considered a valid option. One such option was a single RBD for the entire country. However, there would be difficulties with this option because of the cross border waters and the mode of administration in such cases set out in the WFD. A more feasible alternative in the opinion of the authors is to group all the cross border waters into one RBD and made a second RBD of the remainder of the country.

Arising from the consultations and constraints the five options which were considered are as follows:

- Seven RBDs, one administrative area with or without sub-offices
- Seven RBDs with three administrative areas, as set out in *Putting People First – Action Programme for Effective Local Government*. (Connacht / Ulster; South - the province of Munster and counties Carlow, Kilkenny and Wexford; and East / Midland - the counties of Leinster other than those in South.
- Seven RBDs with four administrative areas, i.e. as above but with a Border administrative area of Donegal, Leitrim, Cavan, Monaghan and Louth.
- One RBD with three administrative areas, as set out in *Putting People First*
- Two RBDs (one for cross border waters and the other for the remainder of the country) with three administrative areas, as set out in *Putting People First*

The option of retaining the current system has not been considered further because it was accepted in general that it had not worked.

Good liaison between the EPA and local authorities on the one hand and OPW and IFI (and other national bodies) is very important. Both OPW and IFI have indicated that they can work directly with local authorities at local level while liaising with EPA nationally

### Pros and cons of the options

Tables 1 and 2 show the positive and negative aspects of the five options. To achieve the optimal arrangement it is necessary to balance efficiency with effectiveness.

Table 1 Positive features of the five Boundary and Administration options

	7 RBDS, 1 administrative area with or without sub-offices	7 RBDS with 3 administrative areas, as set out in <i>Putting People First – Action Programme for Effective Local Government</i> .	7 RBDS with 4 administrative areas, i.e. as above but with Border region (Donegal, Leitrim, Cavan, Monaghan and Louth).	1 RBD with 3 administrative areas, as set out in <i>Putting People First</i>	2 RBDS (one for cross border waters and the other for the remainder of the country) with three administrative areas, as set out in <i>Putting People First</i>
Option Number	1	2	3	4	5
Positive Features					
Existing structures are well established.					
Administrative areas are based on catchments.					
More efficient	x			x	x
One-to-one relationship with EPA, DECLG	x			x	x
Does not breach catchment boundaries.	x			x	x
Could build capacity at regional level.	x			x	x
Populations and areas of the regions can be reasonably comparable.	x	x			x
Would allow for critical mass of staff levels and skills for continuity and delivery of services at Tier 3.		x	x	x	x
Would tie in with proposals for regions in <i>Putting People First</i> .		x		x	x
Link to regions and regional assemblies would allow for political and stakeholder participation, similar to role played by Advisory Councils.		x		x	x
Planning role of regional authorities would support integration of RBMPs into County and City Development Plans.		x		x	x
Consultation and engagement with Irish Water will be at regional level.		x		x	x
More efficient than existing RBDS but less so than three areas option.			x		
Would take account of differences in populations between areas.					
Liaison with OPW for CFRAM studies on catchment basis easier					
Liaison with OPW for CFRAM studies on all Ireland basis.	x			x	x
Liaison with IFI easier	x			x	x

Table 2 Negative features of the five Boundary and Administration options

	7 RBDs, 1 administrative area with or without sub-offices	7 RBDs with 3 administrative areas, as set out in <i>Putting People First – Action Programme for Effective Local Government</i> .	7 RBDs with 4 administrative areas, i.e. as above but with Border region (Donegal, Leitrim, Cavan, Monaghan and Louth).	1 RBD with 3 administrative areas, as set out in <i>Putting People First</i>	2 RBDs (one for cross border waters and the other for the remainder of the country) with three administrative areas, as set out in <i>Putting People First</i>
Option Number	1	2	3	4	5
<b>Negative</b>					
Has failed to engage many local authorities and other statutory and non-governmental bodies.					
Breaches county boundaries					
Would not have critical mass of staff or skills for continuity and delivery of services at Tier 3.			x		
Perception / actual pawn of EPA	x			x	x
Counties have areas in multiple RBDs. In many cases the percentage of their areas in some RBDs is very small, but they still must engage with them.					
Breaches catchment boundaries		x	x		
Liaison with OPW for CFRAM studies more difficult.		x	x		
Areas from five RBDs in each region.		x			
Border area would be unwieldy; little in common between Louth and Donegal re water management.			x		
Units are not comparable in terms of land areas.					
Problems dealing with cross border waters				x	
Cross border waters separated from their RBDs.				x	x
Liaison with IFI more difficult		x	x		

## Recommendations

After consideration of all matters the recommended arrangement for the number and boundaries for the River Basin Districts is two:-

- A restricted area International RBD to encompass the cross border catchments. This shall include the water management units of the Neagh / Bann RBD, the North Western RBD and the Shannon RBD which flow into or out of Northern Ireland only.
- A national RBD to encompass the waters wholly within the Republic of Ireland.

This will require the preparation of only two river basin management plans by the EPA.

The recommended arrangement on the number and boundaries of administrative areas is three, based on the regions in Putting People First. Administration of the limited area IRBD can be performed as an adjunct activity of one of these three Areas.

## Achieving Goals

Given the broad consensus that more effective implementation is now required, the overarching objective behind this recommendation to radically modify the structure of RBDs and their administration is to achieve a greater **effectiveness** in achieving the long term goals of the WFD.

Through actions already undertaken (including Catchment Characterisation, development of Monitoring Programmes, development of the first stage River Basin Management Plans) significant progress has been made. The current requirement is now to put the optimal structures in place to meet the apparent challenges of the future stages in WFD implementation. Much of this can be summarised as a need for capacity building and more effective administration – it is sensible to recognise that a critical scale in the staffing and resources of the Tier 3 administration offices will be required.

In this regard it is pertinent to refer to a recent assessment by the EU of the implementation of the WFD in Ireland<sup>2</sup> in which a summary of perceived strengths and weaknesses is provided. Regarding Administrative Arrangements the report states: “Responsibility for implementation is split between a large number of local and national authorities, which has made the process more challenging to coordinate. Discussions are underway to change the administrative arrangements, establishing a three tier structure of Government Departments, the EPA and regional networks”.

Addressing drawbacks the report inter alia identifies the following as ‘Major Gaps’:

- The level of ambition is low – only 18% more rivers are expected to meet objectives in 2015 than in 2009, and large numbers of exemptions are applied.
- Assessment methods for classification of ecological status are not fully developed for all biological and physico-chemical quality elements (QEs) in all water categories. Only interim status has been reported.

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<sup>2</sup> Commission Staff Working Document - Member State Ireland (Accompanying the document REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the Implementation of the Water Framework Directive (2000/60/EC) River Basin Management Plans -14/11/2012.

- Not all of the required quality elements (QEs) are included in the monitoring programme for lakes and coastal waters. Coastal and estuarine monitoring programmes have not been fully implemented.

It is understood<sup>3</sup> that the EU has developed key criteria for their evaluation of the effectiveness of WFD implementation, as part of a ‘fitness check’:

1. **Relevance** of the EU Water Policy, i.e. the extent that water policies and their objectives address the challenge of sustainable management of water resources.
2. **Coherence**, i.e. the degree of integration of WFD with the other instruments
3. **Effectiveness**, i.e. a comparison of achievements with stated objectives.
4. **Efficiency**, i.e. the extent to which MSs have responded to the requirements of the water policy in terms of administrative co-operation and policy coordination.

Under the expanded role proposed for EPA in Tier 2, the observations on shortcomings to date and the rigorous criteria that are to be applied in future ‘fitness checks’ it is apparent that the Tier 3 offices will need to achieve and maintain a high level of relevant technical competences to fulfil their role in overall WFD implementation.

In the context of efficiency this is achieved, inter alia, by reducing the number of units, i.e. the number of RBDs and the number of administrative areas. The EPA will be responsible for the preparation of the river basin management plans; thus the fewer the number of RBDs, the fewer the number of plans the less work will be required. This will apply not just to the printing and distribution but also to the consultation. With regard to the administrative areas at Tier 3 level, their number cannot be reduced so that they are too thinly spread across the country. This would make them less effective in dealing with local authorities and other bodies at local level.

In the context of effectiveness there is a need for a greater translation of the objectives of national programmes and indeed the further elucidation of complex technical and scientific matters into practical guidance that can be applied on the ground – at the waterbody and Water Management Units levels – to improve the capability in the planning, assessment and inspection and enforcement functions.

### **Tier 3 governance model for the national RBD (Putting People First regions)**

Three offices should be established to coordinate the implementation of the river basin plan and programme of measures. Each office shall coordinate the actions within one of the regions described in Putting People First. They are Connacht – Ulster encompassing the counties of Galway, Mayo, Roscommon, Sligo, Leitrim, Donegal, Cavan and Monaghan; South encompassing the counties of Cork, Kerry, Waterford, Limerick, Tipperary, Clare, Carlow, Kilkenny and Wexford; and East – Midland encompassing the counties of Dublin, Louth, Meath, Westmeath, Longford, Offaly, Laois, Wicklow and Kildare.

The role of lead coordinating authority should be a shared service. Ergo the CCMA could seek bids from the participating local authorities in each of the three regions for the running of the service on behalf of their colleague authorities in the region.

The staff competency of each office should be examined and in the opinion of the authors could include the following positions: coordinator, GIS officer, catchment science officer, planning officer, public participation officer and administrative support.

The office should be given a title which will describe its function and which would not confuse it with the RBD office, e.g. WFD office.



The geographical extent of the Putting People First regions is shown in figure2. Of the current RBDs the Shannon and South Eastern are the most radically affected.

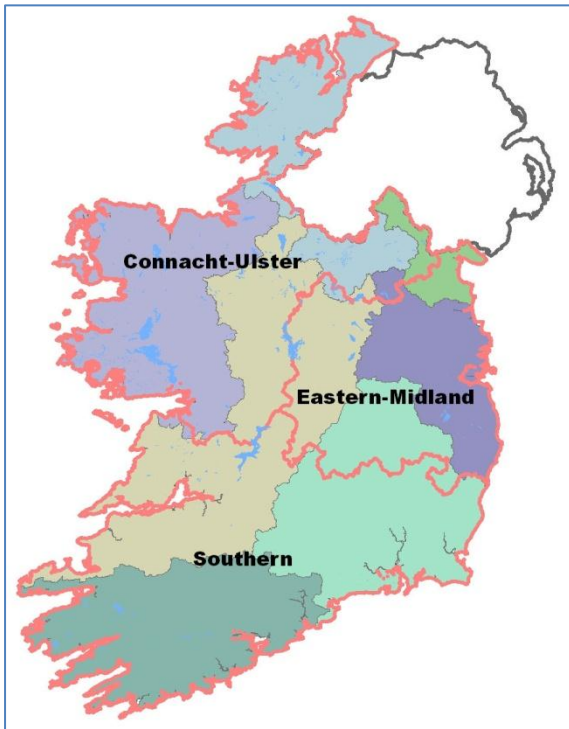


Figure 2. Overlay of the Putting People First regions on the River basin Districts

The overlay of the Putting People First regions on the Water Management Units (WMU) is shown in figure 3. On this map each WMU is assigned to a Region on the basis of the majority of its area. In this scenario it is apparent that the majority of the WMUs fall within one of the three regions.

However, there are instances where WMUs are more radically divided between Regions – notable examples are the loss of the headwaters of Barrow Main and Erkina WMUs in the north of the current South Eastern RBD and the Blackwater North WMU in the current Eastern RBD. Management of such WMUs should be undertaken by collaboration and agreement between the relevant administration offices.

A review would also be required on the apportioning of the groundwater bodies between the three proposed administration offices.

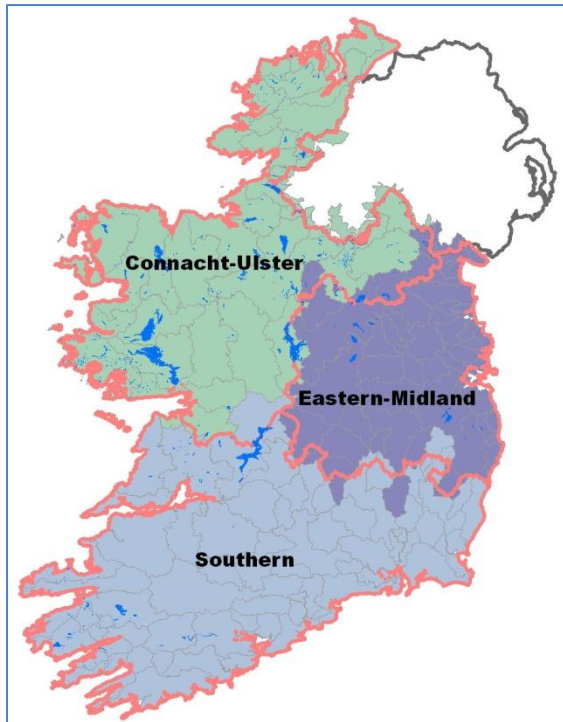


Figure 3. Overlay of the Putting People First regions on the Water Management Units

### **Tier 3 governance model for the iRBD**

An office should be established to coordinate the implementation of the international river basin plan and programme of measures. Administration of this limited area IRBD could be performed as an adjunct activity of one of these three Areas or the role of lead coordinating authority could be a shared service following a bid process amongst the border counties. The office should be staffed by a coordinator, perhaps on a part-time basis. Additional funding should be provided to the lead authority to provide GIS, catchment science and public participation functions. Support should also be given for cross border liaison. It is understood that organisations from Tier 1 and Tier 2 would continue to actively participate in the international dimension of the IRBD.

The current Water Management Units within the proposed IRBD are shown in figure 4. Those with their headwaters within the Republic of Ireland are shown in green. Those receiving waters from Northern Ireland are shown in yellow.

It may be feasible to retain a small headwater area of the Upper Shannon WMU in the iRBD and move the majority into the national RBD. It should be noted that there are no River or Lake waterbodies in the Upper Shannon WMU that fall in Northern Ireland – rather just a small area of headwater land – albeit with known karstic features. In a similar vein only 1 short river system in the Crana WMU is cross border. It may be feasible to retain the majority of the Crana WMU within the national RBD.

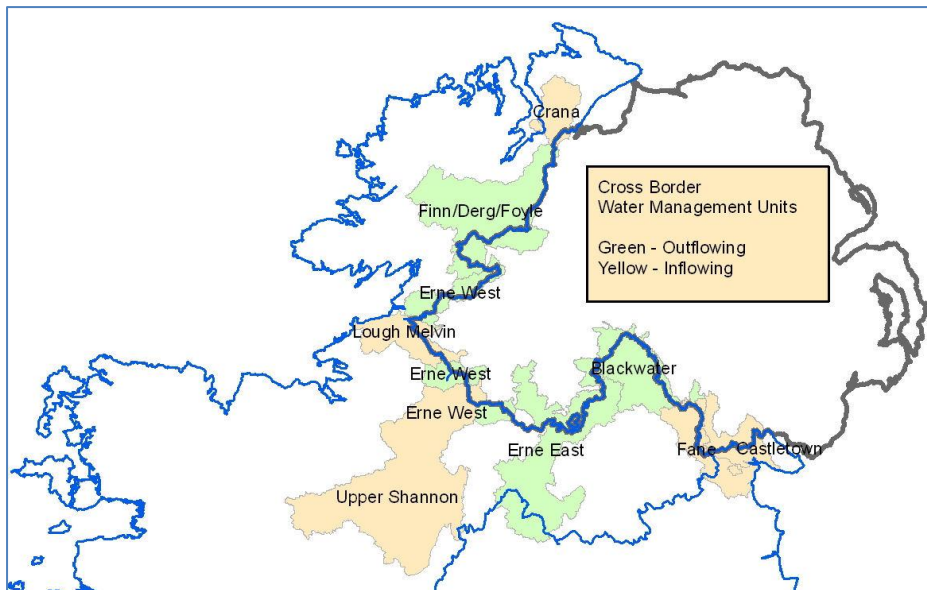


Figure 4. Current Water Management Units in the proposed iRBD.

### Potential Advantages

The Putting People First regional model offers significant benefits for the implementation of the WFD. There will be a one-to-one relationship with the Regional Planning Guidelines officer. The role of the RPG officer is to prepare Regional Planning Guidelines. The RPGs are adopted by the Regional Authorities and they have oversight of their implementation in the statutory development plan process at local authority level. This is the most important function of the current Regional Authorities and it will, similarly, be the most important function of the Regional Assemblies when they replace the Regional Authorities. As the RBD plans are also land use plans there is a clear synergy in having the WFD Coordination office operating within the same geographical boundaries as the regions.

It has been noted above that the RBD Advisory Councils have not been re-established. The absence of a representative body with political and stakeholder representation would be a major deficit in the implementation of the WFD in Ireland. There is the opportunity to set up a body with elected members and representatives of stakeholder interests linked to the Regional Assemblies. This body would have a much wider geographical remit than the RBD Advisory Councils. This would reduce the “localism” which was a factor in the poor performance of the Advisory Councils.

In Putting People First the Minister for the Environment stated as follows: “ - - the role of regional authorities in relation to strategic planning will have an important bearing on investment planning by Irish Water. The DECLG is developing an implementation strategy that will address the key implementation issues for the management of this important reform programme. The means by which there can be regional and local democratic input in this regard will be considered. It is envisaged that the regional assemblies will provide an appropriate mechanism for consultation and engagement between Irish Water and the local government system on strategic matters.” It will be important that consultation and engagement on strategies for Irish Water take place within the context of the WFD. This can be best achieved by having the WFD office operate within the same boundaries as the regional assemblies.

It should be noted that the boundaries for the regional waste plans are under review at present and it is probable that they will be changed to align with the proposed regional assembly boundaries.

The number of staff required for the three regional WFD offices would be four each plus one for the cross border WFD office. The overall number is 13 plus local administrative support, which would be less than providing two for each of the seven RBDs.

The reduction of the number of RBDs from seven to two will mean that only two River Basin Management Plans will have to be prepared. This will result in savings in the printing and distribution of the plans. There will be some savings also in IT and mapping. It will simplify the consultation with the public, stakeholder interests and public bodies. Overall, it will be a more efficient and cost effective operation.

The International River Basin Management Plan will be prepared in consultation with the Northern Ireland Environment Agency. There will be one plan, whereas in the past there were two, the Neagh Bann and the North Western plans, and the waters addressed will be only those which are shared. In the case of the NBRMP and the NWRMP many of their waters were entirely in the Republic. Therefore, the process of preparing, consulting and adopting the iRBMP should be significantly simplified.

The proposed governance at Tier 2 level is similar to the arrangement in Scotland in two respects. Firstly, there will be two RBDs for the country with one having the shared waters with Northern Ireland and the other waters entirely in the Republic. Secondly, the plans will be prepared by the Environment Agency.

### **Potential Deficiencies**

While there are significant advantages to using the PPF regional model for the administration of the WFD there are also disadvantages. The most significant is the size of the regions and the impact this may have on interaction with the local authorities. It should be emphasised that the role of the WFD coordinator (and his / her office) is, primarily, to coordinate the implementation of the WFD. This will not require a permanent presence on the ground in each of the local authorities. However, there will be a need for regular support and it may be necessary in the case of one or two of the regions to have a sub-office staffed by a public participation / catchment officer which can be located in a local authority office. If the WFD office is centrally located in the region this may not be necessary.

The boundaries of the PPF regions do not coincide with the hydrological boundaries of the catchments in the country. Therefore, there will be a requirement for the coordinators to liaise with their colleagues and with the EPA in the preparation of the plans and in the implementation of the measures. It may be possible to amend the boundaries of some of the water management units to reduce the areas of conflict. This matter shall be addressed by the EPA.

### **Public Participation**

The proposed realignment of responsibilities and boundaries offers opportunities to address the weaknesses in public participation which were identified during the first phase of implementation of the WFD in Ireland. Several years ago the RBD coordinators recommended a national public awareness campaign which would have preceded the publication of the draft RBMPs. It was not possible for DEHLG to fund such a campaign at the time because of commitments to other campaigns. The EPA will be responsible in future for addressing the issue at national level. Irish Water would be a beneficiary from the raising of awareness of water quality issues and may support

a campaign. It is recommended that the EPA, DECLG and Irish Water initiate a national awareness campaign.

There is also a need for improved awareness raising and public participation at local level. The WFD office shall be responsible for this and shall cooperate with the environment awareness officers of the local authorities.

### **Anticipated Resources and Capacity Building**

In response to the proposed expansion of its role EPA<sup>3</sup> has made a submission to DECLG on additional staff needs. It states, inter alia, that consideration be given to “new EPA structures, particularly to enable an effective, streamlined input and a focus on catchment science and management”. In the context of this project on RBD arrangements the role of EPA to provide leadership on catchment science and guidance, to be developed in collaboration with the WFD offices, on the more effective implementation of the WFD goals is considered essential.

The guidelines for Planning Authorities developed by DECLG and OPW on “The Planning System and Flood Risk Management” serve as an example of practical guidance which could enhance effectiveness. Other examples are the guidance and training developed for agricultural inspections and the Small Streams Risk Score method. The EPA made significant contributions to both of these.

A draft document on resource requirements in the current Tier 3 offices has also been prepared by the RBD Co-ordinators.<sup>4</sup> This emphasises the need for a larger staff and enhanced capacity in the administration offices.

### **Summary of Main Recommendations**

The recommended arrangement for the number and boundaries for the River Basin Districts is two and this will require the preparation of only two river basin management plans by the EPA :-

- A restricted area International RBD to encompass the cross border catchments. This shall include the water management units of the Neagh / Bann RBD, the North Western RBD and the Shannon RBD which flow into or out of Northern Ireland only.
- A national RBD to encompass the waters wholly within the Republic of Ireland.

The recommended arrangement on the number and boundaries of administrative areas is three, based on the regions in Putting People First. Administration of the limited area IRBD could be performed as an adjunct activity of one of these three Areas.

The role of lead coordinating authority should be a shared service. Ergo the CCMA could seek bids from the participating local authorities in each of the three regions for the running of the service on behalf of their colleague authorities in the region.

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<sup>3</sup> “Submission for Staff to Enable the Additional Responsibilities in the area of Water Governance, to be undertaken by EPA”, EPA, July 2012

<sup>4</sup> “Submission for Staff Resources Based on DECLG draft paper Water Governance in Ireland – Future Delivery Arrangements”, RBD Coordinators, October 2012

The staff competency of each office should be examined and in the opinion of the authors could include the following positions: coordinator, GIS officer, catchment science officer, planning officer, public participation officer and administrative support.

Revision of some Water Management Units (WMU) should be considered in the cross border catchments with a view to minimising the area and waterbodies within the iRBD.

Management of WMUs that are divided by the boundaries of the three 'Putting People First' regions should be undertaken by collaboration and agreement between the relevant administration offices. It may be pertinent to revise the boundaries of the current WMUs in some instances. In a similar vein management issues of groundwater bodies affected by the boundaries of the administrative areas should be considered.

The overarching objective behind these recommendations is to achieve a greater **effectiveness** in achieving the long term goals of the WFD, underpinned by enhanced leadership from EPA and enhanced capacity in the Tier 3 administration offices.

## Appendices

### Appendix 1 Consultees

Consultee	Organisation
Donal Casey	North Western River Basin District and Donegal County Council
Eadaoin Healy	North Western River Basin District and Donegal County Council
Ray Spain	Coordinator, South Eastern River Basin District
Ray Earle	Coordinator, Eastern River Basin District
Fergal O'Sullivan	South Western River Basin District and Cork County Council
Máire Ní Chionna	Coordinator, Western River Basin District
Tony McNally	Manager of the Freshwater Pearl Mussel project and former Coordinator of NWRBD
Gerry Doherty	Coordinator, Shannon International River Basin District
Anne Goggin	Limerick County Council and proposed Coordinator Shannon International River Basin District
Sinéad O'Brien	Coordinator, Sustainable Water Network
Tom Barry	County Manager, Carlow County Council
Jim Cullen	Director of Services, Galway County Council
Tom Leahy	Executive Manager, Dublin City Council
Ray O'Dwyer	Public Sector Reform Oversight Working Group
John Forde	Director, South Western Regional Authority
Bryan Riney	Regional Planning Officer, South Western Regional Authority
Padraic Fogarty	Irish Water Programme
Colin Byrne	Department of the Environment Community and Local Government
Damian Allen	Department of the Environment Community and Local Government
Denis Conlon	Department of the Environment Community and Local Government
Mark Adamson	Office of Public Works
John Martin	Office of Public Works
Dr. Fiona Kelly	Inland Fisheries Ireland
Michael Joyce	Regional Waste Co-ordinator, Connacht
John O'Rourke	Senior Engineer, Roscommon County Council
John Connelly	Senior Executive Engineer, Offaly County Council
Micheál Ó Cinnéide	Director, Environmental Protection Agency
Andy Fanning	Environmental Protection Agency
Tom Stafford	Environmental Protection Agency
Donal Daly	Environmental Protection Agency