

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

An Advisory Council to the Department of the Environment

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Via email

10th August 2010

Michelle Hull
Planning and Environmental Policy Group
Department of the Environment (NI)
Calvert House
23 Castle Place
Belfast
BT1 1FY

Dear Michelle,

Consultation on the DRAFT WATER FRAMEWORK DIRECTIVE (Priority Substances and Classification)

Thank you for the opportunity to comment on the proposed new Regulations.

1. *Do you agree with the Department's approach to the incorporation of the UK-wide agreed classification schemes within the regulations?*

CNCC agrees with the approach to the incorporation of the classification schemes which have been developed by TAG with input from Northern Ireland. However we believe that confidence in the application of the classification depends entirely on the sampling regimes used to determine the status of water bodies. We are not convinced that the current procedures are an adequate reflection of true water quality, and the system needs to be more rigorous in terms of timing and frequency of sampling, the number and location of sampling stations and the sampling of the sediments and biota as well as just water.

2. *Do you agree with the Department's approach to the transposition of the Priority Substances Directive? If not, can you provide justification for an alternative approach?*

CNCC agrees with the approach taken by the Department. We welcome the proposal to carry forward standards from the 1998 Regulations that do not appear in the PSD (see page 13, page 20, Regulation 4, and page 22). We also welcome the commitment to the duty to establish an inventory of emissions, discharges and losses of all Priority Substances, including concentrations in sediments and biota where appropriate.

3. *Do you agree with the Department's assessment of possible options and recommendation for the transposition of the Priority Substances Directive as detailed within the partial regulatory impact assessment?*

CNCC is surprised that only these three options were considered, with no further option to phase in the commitment by 2021, rather than considering only 2015 and 2027. If 2015 is deemed to be a difficult and expensive target 2021 would seem to us the logical next step given the six year reporting cycle of the Water Framework Directive. We consider that the statement at the bottom of page 55 is absurd – ‘although the benefits under Option 3 may be delayed compared to Option 2, there is likely to be a long lag in any event between the timing of the measure and the realisation of benefits’. Since there is a 12 year difference in the target dates there will inevitably be a delay, and given the long lag to realisation of the benefits we would consider it important to aim for an early target rather than putting it off to 2027.

4. *Can you provide evidence to support any alternative view or provide further data in order to gain an estimate of potential costs and/or benefits for implementation of the Priority Substances Directive?*

CNCC is not able to provide any further data.

CNCC is surprised that in Annex 2 List of Consultees there is no mention of the Department’s Statutory Advisory Body on nature conservation (ie Council for Nature Conservation and the Countryside) while a range of environmental NGOs (FoE, RSPB and WWF) are included. We would welcome some explanation for this omission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Casement', with a horizontal line underneath the name.

**PATRICK CASEMENT
CHAIRMAN**