



## Water Governance in Ireland

# Towards the Third-Cycle River Basin Management Plan, 2022-2027

Report on Proceedings of  
Key Stakeholder Workshops  
held as part of the EPA-IPA  
water governance research  
programme, May 2021





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Management Plan, 2022-2027**

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# Key messages from stakeholder workshops



- • There is a lack of ownership of the River Basin Management Plan. The Department of Housing, Local Government and Heritage needs to have better oversight of strategic planning, implementation and monitoring of the Plan and also to manage communications and information sharing. A programme management office/executive secretariat might be helpful in this regard.
- • All committees and structures within the governance structure need to refresh their understanding of their role and deliver more fully on their responsibilities. In particular, issues of policy coherence, whereby the policies of government bodies may be contrary to water quality goals, must be addressed in a consistent and organised manner.
- • More effective communication methods and channels need to be developed across the governance structures.
- • Communication with the Water Forum in particular needs to be improved. The Water Policy Advisory Committee-Water Forum relationship prescribed in the Second-Cycle River Basin Management Plan (2018-2027) needs to be developed and formalised. A memorandum of understanding (MOU) would be an important starting point.
- • A review of all regulations relating to water is needed. Good regulation is grounded in consistent and coherent government policy in respect of water. There is a high level of support for robust and consistent enforcement of regulations and also for penalties and sanctions. The enforcement of regulations needs to be properly resourced.
- • Local authorities need to indicate in a more structured way how they are going to support the implementation of River Basin Management Plan objectives. But the resource constraints facing local authorities are recognised.
- • Regional Operational Committees, local catchment groups and rivers trusts need to be able to feed into the governance structures in a more formalised way.



## Introduction

The Institute of Public Administration (IPA) is currently engaged in a two-year research programme commissioned by the Environmental Protection Agency (EPA) to review Ireland's water governance arrangements with a view to:

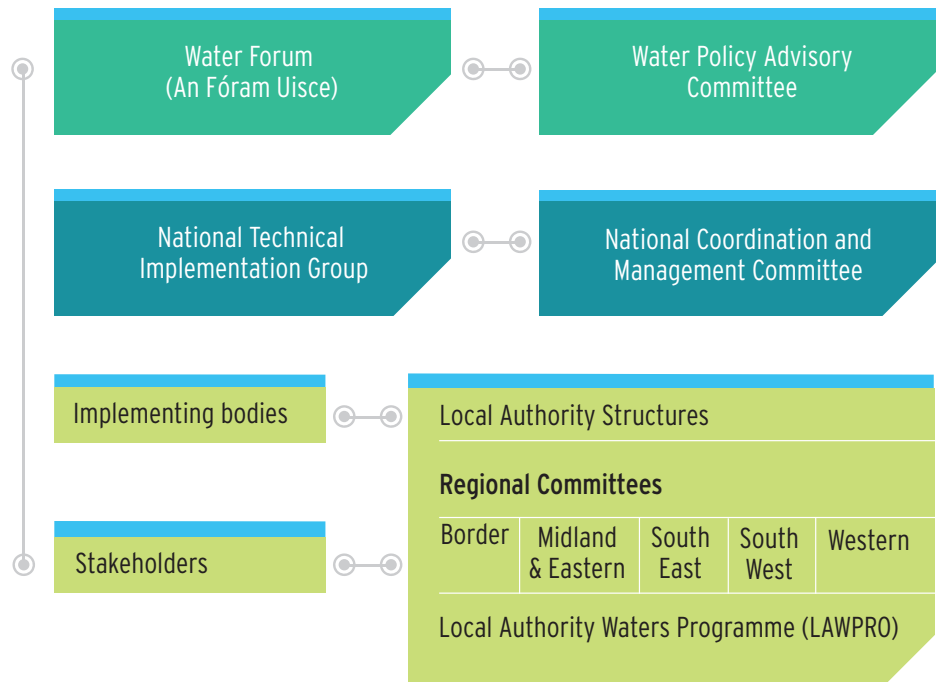
- 1) Informing the preparation of the Third-Cycle River Basin Management Plan (RBMP), 2022-2027, and
- 2) Sharing lessons learned from water governance with other challenging policy areas.

Ireland is required to produce a River Basin Management Plan under the European Union's Water Framework Directive (WFD). These Plans set out the actions countries will take to improve water quality and achieve 'good' ecological status in water bodies (rivers, lakes, estuaries and coastal waters) by 2027, which is the WFD goal. Water quality in Ireland has deteriorated over the past two decades. The River Basin Management Plan (RBMP) for Ireland 2018-2021 provides a more coordinated framework for improving the quality of our waters.

During 2020, a number of substantive papers were developed by the research team. These were published in spring 2021. The research acknowledges the significant progress made under the Second-Cycle RBMP, but also makes a series of recommendations to support those involved, both in consolidating aspects of governance where there has been good progress and in addressing areas of limited progress.



**Figure 1: Water governance structures in Ireland under the Second-Cycle River Basin Management Plan, 2018-2021**



### Workshop rationale

The Department of Housing, Local Government and Heritage (DHLGH) has responsibility for water policy. The Department is committed to a collaborative approach to the development of the Third-Cycle RBMP, which will come into effect in 2022, and is keen to discuss with government partners and other stakeholders findings and recommendations emerging from the EPA-IPA research programme. The objective of the workshops was to confirm with participants where improvements in governance arrangements are required and to identify ways forward. Owing to the Covid-19 public health restrictions, the workshops were held online.

### Workshop participants

Two workshops were held. The first, on 13 May 2021, encompassed government partners. All members of the Water Policy Advisory Committee (WPAC), the National Coordination and Management Committee

(NCMC) and the National Technical Implementation Group (NTIG), and chairpersons of the Regional Operational Committees, were invited to attend. Over the course of the morning, more than 50 people participated. Participants were senior managers from across the governance structures with extensive knowledge and experience of water quality issues.

The second workshop, on 20 May 2021, included a wide range of stakeholders as represented by the members of the Water Forum. The Water Forum was established in 2018 as a statutory body to facilitate engagement with stakeholders in respect of water quality issues. It is explicitly tasked with collaborating with WPAC and advising the Minister for Housing, Local Government and Heritage ('the Minister') on water quality issues. All members of the Water Forum and of the Forum secretariat were invited. In total 20 people participated, encompassing members of the Forum executive and other participants.



### Workshop agenda


A note was circulated to participants in advance of the workshops. This explained the rationale for the workshops, emphasising that the objective was to be forward looking, confirming with participants where improvements in governance arrangements were required and identifying ways forward.

Links to the reports published to date as part of the EPA-IPA water governance research programme were provided in advance to enable participants to review the research findings and evidence for the recommendations being made. In addition, each workshop commenced with a presentation on the research programme, explaining the methodology and highlighting the findings and conclusions supporting the recommendations.

It was recognised that due to time constraints, not all recommendations emerging from the research programme could be discussed. Five recommendations that the research team and research programme steering group regarded as of greatest relevance to the participants in each of the workshops were chosen. These are set out below. Only one recommendation, the first, differed between the workshops.

- **Roles and responsibilities** - There is a need for the committees at all three tiers of governance to shift the balance from sharing of information and provision of updates to more robustly fulfilling their obligations in respect of providing high-level policy direction, monitoring implementation of the Plan, and project management. How might this best be done? (Workshop 1)
- **Relationship between WPAC and the Water Forum** - The linkages between WPAC and the Water Forum should be further developed. How might this best be done? (Workshop 2)
- **Monitoring and evaluation** - More robust monitoring and evaluation of the implementation of the RBMP measures is needed across water governance. How might this be achieved?
- **Regulatory mix** - It is generally accepted that there is a need for a regulatory mix, from awareness and education through to norms and enforcement. At present, is the balance right, in terms of both regulation and ensuring compliance?



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- **Building capacity and sharing learning** - Attention needs to be given across the system to further building capacity. How can the knowledge and experience gained by LAWPRO and the Agricultural Sustainability Support and Advice Programme (ASSAP) be spread across local authorities and within Teagasc?
  - **Local-level initiatives and catchment groups** - How can local-level initiatives (rivers trusts, partnerships, etc.) be more fully recognised and supported within the water governance framework?

Workshop 1 used an open forum approach. A facilitator from the research team consulted with participants in respect of each of the five recommendations for consideration. Participants were invited to ask questions, make comments or express concerns. Given the seniority of those involved, an open forum was considered acceptable. The workshop was recorded to facilitate subsequent analysis of the discussions.

The second workshop with stakeholders encompassed break-out groups of four to five people. Each group was facilitated by a member of the research team. At the outset, break-out groups identified a rapporteur who reported back to the plenary session in respect of the key conclusions from their group. There was an opportunity for questions and answers or any final contributions at the end of the workshop. Both the plenary and break-out sessions were recorded for research purposes.

### **The report**

This report is a summary of the workshop discussions, highlighting key messages and conclusions. It draws on the range of inputs of participants based on their individual experiences. Direct quotes, taken from the audio transcript, are included in places to better illustrate the point being made. As with all the outputs of the EPA-IPA research programme, the objective of the paper is to support learning and change within the water governance structures and in particular to inform the development of the Third-Cycle RBMP. In terms of structure, the report will focus initially on recommendations discussed at the first workshop with government bodies, and then on the second workshop with water stakeholders. The conclusion will help tie together the key messages from both workshops.



WORKSHOP

1

## Government partners

At the outset of the open forum, it was again emphasised that the conclusion of the first year of the research programme is that the governance structures are a very positive development and have facilitated cross-government collaboration in respect of the goal of water quality. The aim of the workshop was to confirm where improvements are required and to identify ways forward, in order to inform the Department's thinking in respect of the Third-Cycle RBMP.





### **Recommendation 1:**

#### **Roles and responsibilities**

Contributors on this theme were quite critical of the governance structures in respect of strategic planning and oversight. There was strong agreement with the conclusion of the research team that there is a lack of ownership for the RBMP. While welcoming the collaborative approach to water governance, it was suggested that an unfortunate negative outcome of this has been that ownership has become too diffuse - *'Sometimes when everyone is responsible, nobody is responsible'*. Similarly, *'a sense of urgency about 2027 doesn't seem to be there. Part of the reason for that is that accountability is so spread across different agencies that it doesn't appear to have an urgency for a lot of agencies.'*

Related to this point is the lack of planning to support the achievement of the RBMP target outcomes, with one participant noting, *'I cannot see a clear work programme towards achieving the outcomes. The most important thing is to achieve the RBMP outcomes.'* This results in challenges right down through the governance structures, with the same participant referring to the lack of a coordinated planning approach and poor links between activities and objectives hampering the work of local authorities - *'there is no direct relationship between the results of inspections and overall outcomes and objectives'*.

Overlap between some personnel and the functions of WPAC and the NCMC, highlighted by the research programme findings, were also discussed. It was suggested that it may not be necessary to have two national committees. The research team highlighted the distinct role identified in the Second-Cycle RBMP for the NCMC in overseeing the overall work programme. However, some participants opposed the idea of the NCMC being thought of as project managers for water governance, noting that the senior local authority managers, who are members of the committee, would not have time for this level of input. It was also suggested that the NCMC might not have enough 'power or

clout' to project manage the implementation of the Plan. However, the 'gap in terms of managing implementation' remains a vulnerability. In this regard, the advantages of distinct roles for WPAC and NCMC was recognised, with WPAC tasked with addressing policy issues while NCMC would focus on monitoring implementation of the Plan, with its senior local authority members inputting strongly on this based on their knowledge of what was happening within their sector.

Regional Operational Committees (ROCs) were recognised as a really important development in the governance structure; however, lack of wider awareness in respect of their activities is noted in the research programme findings. One participant who chairs a ROC commented on their experiences in this regard. While noting that they are extremely well supported by LAWPRO, the participant added that they *'don't follow any particular track or path'* and neither do they *'feed into the national structures in any way'*, except to the extent that there is overlap or close working relationships with members of the regional management committees whose chairs are also members of NCMC. This participant also noted that approximately 60 people attend their ROC meetings, and so it is perhaps difficult to envisage any role for them beyond the sharing of information and LAWPRO updates.

**Key insights:**

- Clear ownership of the Third-Cycle RBMP by the DHLGH is imperative.
- A rigorous focus on the outcomes identified in the RBMP is required, with clear planning and monitoring of how these will be achieved.
- WPAC and NCMC to continue but with a clearer delineation of roles.
- ROCs should publish minutes and link to the governance structures (via the NCMC) more formally.





**Recommendation 2:  
Monitoring and evaluation**

In introducing this recommendation, it was noted that while the EPA carries out excellent monitoring of water quality, this is not carried out from the perspective of the RBMP objectives. There was criticism in the research to date of what was deemed to be inadequate monitoring of progress in respect of the RBMP objectives, in particular limited data at catchment level, though it was acknowledged that in part this is caused by a time-lag issue. LAWPRO is engaged on an ongoing basis in reviewing water quality in the catchments selected as Priority Areas for Action in the Second-Cycle RBMP, but as the Plan was only commenced in 2018 and the Covid-19 pandemic impacted the work of LAWPRO throughout 2020, data is only now starting to become available. However, it was considered to be highly desirable in the Third-Cycle RBMP that there would be better tracking of the implementation of the Plan, with *'a better line of sight from activities to outcomes'* and better accountability.

'a better line of sight from activities to outcomes'

One participant, referring to the RBMP, suggested that *'the Plan doesn't speak enough to local authorities and that as a result there are gaps in terms of implementation "on the ground"'*.

While local authorities do have annual environmental (RMCEI)<sup>1</sup> inspection plans, which are submitted to the EPA for review, it was noted that something further was needed in relation to water planning in local authorities. For example, county water plans have been mooted in the past and certainly regional plans, setting out the local authority response to the RBMP, would be desirable.

<sup>1</sup> Recommended minimum criteria for environmental inspection.

The issue of local authority resources was raised as highly pertinent: both knowledge of water issues and the considerable pressure in terms of the staff resources that local authorities can assign to water. It was noted that the CCMA water sub-committee is in the process of preparing a business plan in respect of the ongoing role of local authorities in relation to water quality, and it is anticipated that this will bring a lot of clarity to the role of local authorities and LAWPRO. However, it was suggested that this will take 18 months to complete, which seems quite long given that the Third-Cycle RBMP will be published by then.

**Key insights:**

- DHLGH should have overall responsibility for strategic planning, implementation, monitoring and communications in relation to the Third-Cycle RBMP. A programme management office/executive secretariat might be helpful in this regard.
- Local authorities need to more rigorously indicate how they are going to support the implementation of RBMP objectives. This might be through county water plans, but the resource constraints facing local authorities are recognised.

**Recommendation 3:****Regulatory mix**

The research findings note the considerable merit, grounded in experience, of a regulatory approach encompassing both education/awareness and sanction/enforcement. The views of participants were sought on this theme.



Overall it would appear that there is a swing back towards the importance of more robust enforcement of regulations by way of sanction, with one participant commenting that *'we definitely haven't got it right, the lack of water literacy is a huge issue, nitrates legislation goes back to the 1990s'*. While the valuable role played by farm advisors in educating farmers in respect of water issues was noted, there was also clarity that *'physical measures need to be regulatory and enforceable'* and calls for more consistency in the enforcement of regulations, while another participant referred to the need to be *'careful in relation to what's voluntary and collaboratory'*. Related to this it was noted that care needs to be taken in relation to results-based payment schemes, which need to be compulsory and maintained in the long term. Finally, the role of evidence in respect of regulation was noted as particularly pertinent: in other words, the importance of research and data in respect of what approach encourages compliance in different situations.

The importance of a consistent regulatory and enforcement approach in respect of national bodies was also mentioned, with one participant commenting that *'there is a real risk of perceived unfairness if it just focuses on individuals'* rather than, for example, breaches of regulation caused by sewage discharge. Lastly, the number of agencies in the regulatory space was raised, and the difficulty of achieving a coherent approach when so many bodies are involved.



**Key insights:**

- Consistent enforcement of regulation and, where necessary, appropriate sanction is essential to achieving water quality goals.
- Further research and evidence are needed in respect of what sort of regulatory approach works best in different situations.

**Recommendation 4:****Building capacity and sharing learning**

One of the strengths of the Second-Cycle RBMP is the level of innovation incorporated into water governance. This is evident both directly, through for example the establishment of LAWPRO (the local authority shared service) and the Water Forum (the stakeholder body), and indirectly, for example by the establishment of the ASSAP. The challenge has been to scale up the good practice and experimentation at local level and to share the learning.

Several participants emphasised the importance of the governance structures going beyond information sharing. One committee member noted that *'we spend so much time getting everyone up to speed'*, while another asked *'is bureaucracy getting in the way of action on the ground?'*. Related to this, it was suggested that *'communication is also very dependent on personal relationships'*. Having an 'executive secretariat'/project management office within the DHLGH would be beneficial in this regard. It was suggested that such an entity would have responsibility for ensuring that there was common knowledge and would *'then ask the committees to add value to the space and spend time and energy addressing the actual issues'*.

Related to this is the suggestion that ahead of the next Plan, *'all implementing bodies need to reflect on their own role and where they fit within the WFD'*. The frustration experienced by stakeholders involved in water quality was also highlighted as an issue. A key consideration in this is that there is no overarching management of any given catchment; rather each government body addresses its own areas of responsibility. However, the situation could be improved with better reporting and visibility of work being carried out and progress being made.







#### Key insights:

- It is important that committees move beyond information sharing to substantively address their remit as set out in the RBMP.
- All implementing bodies need to reflect on their own role ahead of the Third-Cycle RBMP and how they share information in respect of their activities to deliver on the Plan's outcomes.

#### Recommendation 5:

##### Local-level initiatives and catchment groups

As identified through the research programme, local catchment groups are '*struggling to get a firm foothold*'.<sup>2</sup> These groups have a vital role to play in supporting innovation and engagement at local level, which is essential to the goal of achieving better water quality.

The need for local catchment groups to be further supported was acknowledged by participants. However, there were no clear ideas in respect of how they might better link into the governance structures, though it was noted that they do have good connections with local authorities. A note of caution was also struck, with one participant emphasising the importance of a 'best practice' approach and, given the high level of voluntary activity associated with local catchment groups, the importance of ensuring that '*what is set up is sustainable*'. However, equally important is that any resources dedicated to support local catchment groups need to be 'ring fenced' and 'recession proofed'.



#### Key insights:

- A way needs to be found to ensure that local catchment groups can feed directly into the governance structures.
- Resources and funding to support local catchment groups need to be guaranteed.

<sup>2</sup> O Cinnéide, M., O'Riordan, J. and Boyle, R. (2021). *Case Studies on Local Catchment Groups in Ireland, 2018-2020*. Institute of Public Administration, Dublin.





WORKSHOP

2

## Stakeholders as represented by the Water Forum

On 21 May 2021, the research team facilitated a workshop with members of the Water Forum. The workshop was opened by Dr Eimear Cotter, Director of the Office of Evidence and Assessment at the EPA. This was followed by a contribution by Dr Tom Collins, Chairperson of the Water Forum. Following an overview of the research programme and the recommendations emerging, participants were divided into four break-out groups to review the recommendations. Each group selected a rapporteur who fed back their conclusions to the plenary group.



## Recommendation 1:

### Relationship between WPAC and the Water Forum

Across the four groups it was evident that the relationship between the Water Forum and WPAC envisaged in the Second-Cycle RBMP, whereby the Water Forum would advise WPAC and also jointly advise the Minister, has not been established. All rapporteurs highlighted a lack of knowledge of WPAC and its members or any communication in respect of their discussions. As one participant commented, *'there is very little understanding of WPAC within the group and little interaction and this needs to improve'*. Similarly, it was commented, *'we don't know what impact WPAC is having. It seems to be around alignment across departments and regulatory functions; however, their role needs to be defined and clarified for the third cycle.'* While not directly relevant to the recommendation under discussion, it was similarly noted that the Water Forum has very little knowledge or awareness of the role or activities of the middle tier of committees, NCMC and NTIG.

Some members of the Water Forum were in favour of a member of either the Forum or the executive also being a member of WPAC in order to ensure better information sharing, but others disagreed, noting that they would be better able to oversee the work of WPAC, and consequently to advise the Minister, if there was no overlap in membership. However, there was universal agreement in respect of other suggestions such as the value of an MOU with WPAC, access to minutes, and regular updates and joint meetings.

The most important issue for many Water Forum members is being able to contribute to policy debates: at present they believe that they have very limited opportunity to do this. They believe that the advisory role prescribed for them in the Second-Cycle RBMP should afford increased possibilities to input on key policy issues, but that this has not been developed to date. In addition, they believe their standing as a statutory organisation with multi-stakeholder participation should afford a higher level of recognition and response for their submissions.



#### Key insights:

The relationship between the Water Forum and WPAC needs to be formalised through an MOU, which will clearly set out the roles, expectations and deliverables of each.

**Recommendations 2:****Monitoring and evaluation**

Members of the Water Forum recognised the very valuable work that the EPA does in the area of water monitoring, but drew attention to the fact that much of the EPA's reporting is oriented towards WFD objectives rather than the RBMP. As one rapporteur commented, *'There is a lot of confidence in the EPA but they're reporting to the EU ... There needs to be more monitoring and evaluation of measures and interim reporting to build confidence that measures are working.'* These sentiments were supported by other groups who called for more monitoring and evaluation of measures and more updates in respect of individual catchments. As one group concluded, *'we need to capture information that's useable at a local level'*. The thrust of these comments was supported by another group who concluded that *'the data collection that is going on is a good first step, but ultimately we want to see action based on the data'*. It was further suggested that a review of implementation of the Second-Cycle RBMP should be independently carried out.

Transparency in respect of data and ease of access to data were related issues highlighted by groups. It was suggested that better use could be made of the *Catchments.ie* website as a means of sharing progress reports and timelines. Lastly, the capacity issues faced by local authorities in respect of collecting and sharing water quality data were noted, and the importance of this information being made available was highlighted by one group.

**Key insights:**

- The need for more monitoring and evaluation of progress in respect of the expected outcomes identified in the Second-Cycle RBMP, in particular measures being implemented in individual catchments and better public access to this information.



### **Recommendations 3:**

#### **Regulation and enforcement**

Many participants were strongly of the view that there needs to be better enforcement of regulations across all sectors. However, the more pertinent issue raised in the discussions related to the fact that in certain areas regulations were not seen as being fit for purpose. As one group reported, *'there needs to be an assessment of regulations themselves ... the nitrates regulations need looking at again'*. This issue of regulation was also seen as being very much linked to policy coherence, an area on which some members of the Forum believe there has been very little progress. As one rapporteur concluded, *'we are seeing quite fragmented policy at present and we need joined-up thinking and departmental coherence to ensure we get policies right before we head to enforcement'*.

Lack of consistency in government policy in areas related to water was seen to impact on consistency and fairness in the area of regulation, which participants regarded as essential. This thinking is evident in the conclusions of one group, who commented that *'there is a salient lack of policy coherence and this can be unfair on individuals because it's the policy that drives the situation'*. Similarly, another group concluded *'there needs to be more coherence and equality - [We] can't be asking one group to do all the heavy lifting when others aren't doing anything at all'*. In this regard, it was noted that some industry and rural participants regarded some regulations as too restrictive, for example the thresholds around abstraction. In addition, the lack of a consistent approach, and penalties for farmers who flout water regulations, was noted. It was also claimed that government bodies don't always face sanctions for breaches of regulation. This was a source of frustration for participants. Related to this, the issue of resources was raised, with one group calling for *'a proper analysis of the resources needed to implement regulations before anything else'*.

Lastly, while a role for education and public awareness was definitely recognised, the dominant conclusion of the Water Forum members was that there is a need to *'ramp up towards enforcement in the next cycle'*.



#### Key insights:

- Policy coherence is fundamental; you cannot have effective regulation without it.
- All water-related regulation needs to be reassessed to see if it is fit for purpose.
- Regulations need to be effectively and consistently enforced and appropriately resourced.

#### Recommendations 4:

##### Building capacity and sharing learning

The work of both LAWPRO and ASSAP was generally commented on favourably by workshop participants, though the need for concrete evidence that their actions and approach are making a difference to water quality was highlighted. It was noted that there is a challenge for both LAWPRO and ASSAP in sharing their learning with their 'parent' organisations (local authorities and Teagasc). An example was cited where the advice given to a farmer by a Teagasc adviser was completely at odds with the advice given to him by an ASSAP colleague.

Overall it was concluded that there needs to be more effective communication between agencies and across the governance structures, including with the Water Forum. In addition, participants wish to see better visibility of data showing how and why certain measures are working, and better sharing of learning and knowledge. Lastly, members of the Water Forum regard it as very important to develop further linkages with other environmental challenges, in particular climate change and biodiversity.





#### Key insights:

- The need to build capacity in respect of water within local authorities and the farm advisory service.
- The need for better communication between agencies and across the governance structures to understand positions more fully and to ensure better sharing of learning and knowledge.

#### Recommendations 5:

##### Local-level initiatives and catchment groups

The workshop participants strongly concurred with the findings of the O'Cinnéide report,<sup>3</sup> published as part of the research programme, that there are inadequate supports for local-level initiatives. The stringent governance requirements for volunteer-led groups were also alluded to. While recognising that 'no one size fits all', the dominant conclusion was that *'the big, big issue here is the resourcing of these groups ... they need financial support to be sustainable going forward'*. The high level of demand for support was also shown by the fact that LAWPRO's Community Water Fund was significantly oversubscribed. Lastly, it was suggested that this is an area where further research is required, for example learning from more advanced Irish catchment groups and from the UK rivers trusts model, but also learning from other water initiatives such as group water schemes.



#### Key insights:

- There is too much dependence on volunteers in this area, and resources for local-level initiatives need to be increased.
- Further learning and research are needed in this area.

<sup>3</sup> O Cinnéide, M., O'Riordan, J. and Boyle, R. (2021). *Case Studies on Local Catchment Groups in Ireland, 2018-2020*. Institute of Public Administration, Dublin.

### **Conclusions**

Notwithstanding the difficulties presented by the Covid-19 pandemic and the need to hold these workshops virtually, the IPA research team believe that the workshops have immense value in validating the findings and recommendations emerging from the research programme. There is also considerable clarity now in respect of the changes to the governance arrangements required in the Third-Cycle RBMP.

An important conclusion of the research programme is that significant progress has been made in respect of water governance under the current RBMP. The three-tier structure is appropriate and all relevant government bodies and stakeholders are involved. However, further work of consolidation is needed in order to deliver on the outcomes in the Second-Cycle RBMP and ultimately to achieve the WFD goals.











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