



Irish Wildlife Trust
Sigmund Business Centre
8 Cabra Road,
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Environmental Protection Agency

May 13th 2022

Re: Review of Ireland's Heavily Modified Water Body Designations for the Third Cycle River Basin Management Plan

To whom it may concern:

The Irish Wildlife Trust (IWT) wishes to make a submission on Review of Ireland's Heavily Modified Water Body Designations for the Third Cycle River Basin Management Plan (hereafter referred to as 'the Review').

Having reviewed the documents provided for this consultation the IWT feels that insufficient evidence has been provided to support the reassignment of water bodies as 'heavily modified'. It seems that water bodies have been clustered under various headings and assessed *en masse*. This is not an appropriate approach when each water body should have been assessed individually. For instance, all hydroelectric dams were assessed as providing important sources of renewable energy. However, according to the Sustainable Energy Authority of Ireland (SEAI), in 2020 all hydropower generated a mere 1.8% of our electricity. When this is broken down, the contribution of some of our hydropower installations may be shown to be negligible. However, no such data is presented. Similarly, no individual assessment has been made on the feasibility of dismantling dams to restore river systems.

In urban areas it is highly likely that some water courses cannot be restored without excessive socio-economic impact however in many cases, we believe, restoration could be undertaken to the great benefit of the locality. However, no case-by-case assessment is presented.

For arterial drainage it is unquestionable that many of these river systems could be restored to a more natural status. However, there is a sweeping assertion that there is no alternative to the current programme of arterial drainage undertaken by the Office of Public Works (OPW) as it must comply with the Arterial Drainage Act (ADA). The alternative that has not been explored is the repeal, or reform, of the ADA.

It is suggested that restoring the natural, lateral flow of rivers onto what is now farmland, would result in unacceptable socio-economic impacts to the landowners concerned. However, no basis for this assertion is provided and no alternatives are explored. For instance, payments for ecosystem services, whereby farmers and landowners are paid for the provision of public goods, such as the temporary storage of floodwaters, is an alternative that must be examined before these water bodies are designated as 'highly modified'.

The Review is not accompanied by Appropriate Assessment (AA) Screening or Strategic Environmental Assessment (SEA). The IWT believes that the reassignment process will not be legally compliant in the absence of these analyses. In addition, we have concerns that where there is an objective of 'favourable conservation status' for qualifying interests in Special Areas of Conservation, e.g. along the River Boyne system in Co. Meath, this is not compatible with the designation of 'highly modified'.

Similarly, the EU Biodiversity Strategy, as well as the draft River Basin Management Plan, have targets to greatly expand the lengths of free-flowing rivers. Again however, the blanket designation of so many water bodies as 'highly modified' is in contradiction to this aim.

Overall, the view of the IWT is that this designation process is premature at a time when there is a clear and urgent need to restore river ecosystems. This must start with the **repeal or reform of the ADA** and a review of the **roles and functions of the OPW**.

In the first instance we need legislation that is fit for the climate-altered era. In other words, it is no longer tenable to have an ADA that prioritises the protection of farmland over the restoration of biodiversity or even over the protection of homes and infrastructure. As it stands, the **ADA promotes flooding** of homes and towns downstream of work areas. There is a need for much greater **accountability and transparency** when it comes to the OPW and its operations. We need to

be assured that OPW operations are **compliant with environmental law** because we do not believe it is currently. And there is a need to dovetail river restoration with payments under the Common Agricultural Policy, forestry grants (i.e. the forthcoming Forest Strategy) and any future peatland restoration/carbon farming initiative.

In summary, there should be no reappraisal of water bodies as 'highly modified' until these important structural and policy reforms are implemented. At that time a much more thorough, case by case analysis must be presented for any reassignment, and this must be accompanied by AA and SEA.