Irish Wildlife Trust
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Irish Wildlife Trust submission for the Public Consultation on the Designation of Heavily Modified Water Bodies for Ireland's third cycle River Basin Management Plan

To whom it concerns,

Thank you for the opportunity to make a submission on the Designation of Heavily Modified Water Bodies for Ireland's third cycle River Basin Management Plan. We are very concerned that nearly 10% of our waterbodies are proposed to be designated as 'Heavily Modified Water Bodies' without the basis for this being explained or supporting evidence provided. This will allow damaging dredging and river clearance to continue despite their serious ecological impacts without alternatives being explored.

The proposed designation of 466 water bodies as heavily modified should not take place until appropriate analysis is conducted and clear supporting evidence can be provided. No decision should be taken until there has been effective public engagement as part of the consultation on the next Water Action Plan.

Ecosystem based approach required

The 466 candidate Highly Modified Water Bodies (HMWB) included 433 rivers, 20 lakes and 13 estuarine and coastal waters. The consultation document explains Good Ecological Potential (GEP), which is what the HMWB would have to try to achieve. '*Setting GEP as the objective for a HMWB takes into the account the fact that the water body is hydromorphologically modified in order to serve a beneficial use. The water body will still need to meet all of the other water quality standards that are not deemed to be affected by*

the hydromorphological modification as well as achieving the best possible standard for parameters that are affected by the modification. For example, a dammed river HMWB may be reaching the targets required for good status in invertebrates, and the nutrient levels may be below the relevant thresholds, but the fish community may be negatively affected by the dam and cannot achieve good status. In that scenario, the targets for GEP would remain the same as the targets for GES for invertebrates and nutrients, but an achievable target for fish as a result of the specified use would be set.' This explanation shows that an ecosystem based approach to management and restoration is not being taken into account. Looking at the entire ecosystem as a whole and how each part of it interacts and influences the others is vital to achieve overall health.

Lack of appropriate analyses and supporting evidence provided

The consultation document provided a flowchart in the designation process however there was little detail provided for each of the steps within it. The documents provided in the consultation lacked significant detail and it was hard to find detail on assessments and methods. There were little specific details on a case by case basis of the water bodies which does not allow for sufficient transparency in the process. More detailed analysis with evidence and modelling showing what restoration measures are needed and what impact they would have is needed. There were many statements given within the documents stating that restoration measures would cause adverse effects and no evidence was provided for this.

Lack of policy alignment with Nature Restoration Regulation

The Arterial Drainage Act is an archaic piece of legislation and there have been calls for its update for many years as it does not coincide with the situation we face today in regards to land use and climate change and it does not align with the objectives of environmental legislation. The consultation should have conducted an assessment of the flood relief that is being experienced from specific water bodies and analysed this while taking into account environmental objectives from the Nature Restoration Regulation and the Climate Act.

Designating 466 water bodies as 'heavily modified water bodies' (HMWB) and therefore exempting them from hitting environmental targets for good status by 2027 will negatively impact the country's ability to reach legally binding targets across a range of other legislation. There is not only the Water Framework Directive to take into account, the EU Nature Restoration Regulation (NRR) is now in force and Member States have until September 2026 to submit their National Restoration Plans (NRPs). Article 4 of the NRR focuses on the restoration of terrestrial, freshwater and coastal ecosystems. Member States must put in measures to restore 30% of degraded habitats by 2030, increasing to 60% and

90% in 2040 and 2050 respectively. Member States must also ensure *'an increase of the area in good condition for habitat types listed in Annex I* (of NRR) *until at least 90 % is in good condition and until the favourable reference area for each habitat type in each biogeographic region of the Member State concerned is reached.'* Exempting 10% of Ireland's water bodies from achieving environmental targets under the WFD will make it difficult for the Favourable Reference Area of these habitats to be reached. Member States must not only restore degraded habitats but they must help to reestablish them where they have been historically lost. Allowing these HMWB to degrade goes against the legal requirements of the NRL.

Freshwater ecosystems are intrinsically linked to other ecosystems and so deliberately allowing 10% of these freshwater areas to degrade will have a negative impact on other habitats and species. The UN Sustainable Development Goals, in particular goals 14.2, 15.1, 15.2 and 15.3, refer to the need to ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services.

Contrary to the EU Biodiversity Strategy for 2030

It is mandatory under The EU Biodiversity Strategy for 2030 that greater efforts are to be made to restore freshwater ecosystems and the natural functions of rivers. '*The restoration of freshwater ecosystems should include efforts to restore the natural connectivity of rivers as well as their riparian areas and floodplains, including through the removal of artificial barriers, in order to support reaching of favourable conservation status for rivers, lakes and alluvial habitats and species living in those habitats protected by Directives 92/43/EEC and 2009/147/EC, and the achievement of one of the key objectives of the EU Biodiversity Strategy for 2030, namely, the restoration of at least 25 000 km of free-flowing rivers, as compared to 2020 when the EU Biodiversity Strategy for 2030 was adopted*.' Restoration efforts need to be coordinated and complimentary with the aim of creating a healthy environment on land and sea. Actions to exempt certain areas show a lack of ambition to reach these targets.

Conclusion

The designation process needs to be improved with greater detail on methods and analysis conducted on each specific waterbody included. This needs to be underpinned by scientific data with an analysis on the trade offs. All of this detail needs to be provided to the public for the public participation aspect to be appropriate.